

Universal Periodic Review
(25th session, April-May 2016)
Contribution of UNESCO to Compilation of UN information
(to Part I. A. and to Part III - F, J, K, and P)

Hungary

I. BACKGROUND AND FRAMEWORK

Scope of international obligations: Human rights treaties which fall within the competence of UNESCO and international instruments adopted by UNESCO

I.1. Table:

<i>Title</i>	<i>Date of ratification, accession or succession</i>	<i>Declarations /reservations</i>	<i>Recognition of specific competences of treaty bodies</i>	<i>Reference to the rights within UNESCO's fields of competence</i>
Convention against Discrimination in Education (1960)	State party to this Convention	<i>Reservations to this Convention shall not be permitted</i>		Right to education
Convention on Technical and Vocational Education. (1989)	Not state party to this Convention			Right to education
Convention concerning the Protection of the World Cultural and Natural Heritage (1972)	15/07/1985, acceptance	N/A	N/A	Right to take part in cultural life
Convention for the Safeguarding of the Intangible Cultural Heritage (2003)	17/03/2006, ratification	N/A	N/A	Right to take part in cultural life
Convention on the Protection and Promotion of the	09/05/2008, ratification	N/A	N/A	Right to take part in cultural life

Diversity of Cultural Expressions (2005)				
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II. INPUT TO PART III. IMPLEMENTATION OF INTERNATIONAL HUMAN RIGHTS OBLIGATIONS, TAKING INTO ACCOUNT APPLICABLE INTERNATIONAL HUMANITARIAN LAW TO ITEMS F, J, K, AND P

Right to education

1. NORMATIVE FRAMEWORK

1.1. Constitutional Framework

NB: The Constitution of Hungary of 1949 was replaced in 2011 by a new Fundamental law (mentioned below)

2. The **Fundamental Law of Hungary of 2011**¹ enshrines the right to education in its **Article XI** which provides that:
 - “(1) Every Hungarian citizen shall have the right to education.
 - (2) Hungary shall ensure this right by extending and generalising public education, providing free and compulsory primary education, free and generally available secondary education, and higher education available to every person according to his or her abilities, and by providing statutory financial support to beneficiaries of education”.
3. **Article X (1)** grants that “Hungary shall ensure the freedom of scientific research and artistic creation, the freedom of learning for the acquisition of the highest possible level of knowledge, and the freedom of teaching within the framework determined by law.”
4. **Article XVI (3)** states that “Parents shall be obliged to look after their children. This obligation shall include the provision of schooling for their children.”
5. With regard to ethnic minorities, **Article XXIX** states that “(1) [...] Nationalities living in Hungary shall have the right to use their native languages and to the individual and collective use of names in their own languages, to promote their own cultures, and to be educated in their native languages [...]”

¹ <http://www.unesco.org/education/edurights/media/docs/bb584bfa07d2bbefda095860bef4a004e3624729.pdf>
<http://www.mfa.gov.hu/NR/rdonlyres/8204FB28-BF22-481A-9426-D2761D10EC7C/0/FUNDAMENTALLAWOFHUNGARYmostrecentversion01102013.pdf>, Accessed on 10/04/2015

6. Regarding the principle of non-discrimination, **Article XV** states:
- “(1) Every person shall be equal before the law. Every human being shall have legal capacity. (2) Hungary shall ensure fundamental rights to every person without any discrimination on the grounds of race, colour, sex, disability, language, religion, political or other views, national or social origin, financial, birth or other circumstances whatsoever.
 - (3) Women and men shall have equal rights.
 - (4) Hungary shall adopt special measures to promote the implementation of legal equality.
 - (5) Hungary shall adopt special measures to protect children, women, the elderly and persons living with disabilities.”
7. **Article X (3)** also provides that “[...] All institutions of higher education shall be autonomous in terms of the contents and methodology of research and teaching, and their organisations and financial management shall be regulated by a special Act”.

1.2. Legislative Framework

8. “**The Public Education Act No. 79 of 1993 [and last amended in 2006]**² and subsequent amendments established a uniform framework for the education system. Asserting the principle of the freedom of education, the Act eliminated the State monopoly on schools and attempted to dissolve the former rigid structure of the school system. The Act guarantees the right of every natural and legal person to establish and maintain schools. However, the burden and tasks of maintenance are primarily the responsibility of local governments, and their limited material resources are compensated by the state budget. This subsidy extends to churches and other entities maintaining schools and thus sharing the tasks of the state.
9. The Act stipulates that compulsory education lasts ten years as was the earlier practice (the 1996 amendment extended the end of compulsory schooling to the age of 18), but has linked its completion to a final exam. It has made the eight-year primary education school the basis of the school system, from which pupils may move to a secondary school offering eight-, six- or four-year programmes after the completion of the fourth, sixth, or eighth year. After the completion of the tenth year, a student may move from any of the institutions offering general education to vocational training institutions. The Act also introduced a two-tier system of national and local regulation of educational content. The mandatory application of centrally-defined programmes has been abandoned, and the teaching and learning process is organized in accordance to regulations issued at the local level. The 1995 amendment of the

² <http://www.unesco.org/education/edurights/media/docs/c0d134c642af51adbb9a5d929a8a65d5c7c510c8.pdf>, Accessed on 10/04/2015

Education Act limited the hidden possibilities of state intervention and further strengthened the professional autonomy of the educational institutions and the role of the local governments. This amendment also made the approval of the National Core Curriculum (a set of competence standards providing guidelines for curriculum development) the task of the government along with the development or accreditation of framework curricula; schools then develop their local curriculum in accordance with the National Core Curriculum. What used to be a rigid and uniform structure may thus be gradually replaced by a more differentiated one, postulating a greater degree of autonomy and professional independence for schools and teachers. The Amendment also made in-service training of teachers compulsory and their career development subject to the results of this training.

10. **The Act No. 76 on Vocational Education and Training of 1993** regulates the provision of VET both within and outside the formal education system. This Act defines: the training providers of VET; content requirements of the National Register of Qualifications which lists all state-recognized vocational qualifications at each available level; the administrative structure of VET with the tasks of each of the concerned ministries, public authorities, agencies and consultative bodies; content and examination requirements of the vocational qualifications and the general rules concerning the vocational examination; special regulations concerning the provision of school-based VET; and the financing of VET. Pursuant to the 2009 amendment of the Public Education Act, since 2010 VET can also begin in grade 9 of the vocational school offering three-year programmes to primary school graduates. The government adopted a decision in January 2011 supporting the referencing of the National Qualifications Framework (whose levels are defined in terms of knowledge, skills, attitudes, autonomy and responsibility) to the European Qualifications Framework, and its introduction in 2013. [...]
11. The **Adult Training Act of 2001** establishes general rules for all adult training providers (educational institutions, legal or natural persons, etc.) regarding the modalities of organizing and financing any adult training programme. It provides for a mandatory accreditation of all adult education and training programmes or training provider institutions by a representative body, the National Adult Education Accreditation Board. [...]
12. The **Act No. 80 on Higher Education of 1993** [and amended in 2001]³ expanded the autonomy of the higher education institutions. National independent bodies were set up with the view of strengthening the autonomy of higher education, in particular the Scientific Council of Higher Education dealing with issues related to development and finance; and the National Accreditation Committee ensuring quality control. After the entry of Hungary into

³ <http://www.unesco.org/education/edurights/media/docs/c0d134c642af51adbb9a5d929a8a65d5c7c510c8.pdf>, Accessed on 10/04/2015

the European Union (May 2004), and within the framework of the Bologna process, the higher education system is regulated by the Act No. 139 on Higher Education of 2005. The amended Act No. 204 on Higher Education has been endorsed by the National Assembly in December 2011.”⁴

13. Regarding the educational activities of national minorities the Act provides in “**Section 146**:

- (1) Where a higher education institution may provide national or ethnic minority teacher training as stated in its founding charter, such training shall be organised for applicants who meet the entry requirements.
- (2) Applicants belonging to the minority concerned shall be accorded priority in respect of admission to national or ethnic minority teacher training. Affiliation to any minority shall be deemed confirmed if the secondary school-leaving examination has been taken in the minority language.
- (3) The language of the minority concerned shall be taught throughout the whole length of the programme in national or ethnic minority teacher training.
- (4) National and ethnic minority teacher training shall be considered as a programme with a small headcount in terms of funding.
- (5) Where the Hungarian Accreditation Committee delivers an expert opinion on national or ethnic minority teacher training, it shall seek the cooperation of the expert delegated by the national minority government concerned.”⁵

14. “Other important laws must be mentioned, such as: the **Law on Self- Government of 1990**, which conferred wide-ranging autonomy to local authorities and transferred to them the ownership of schools; the **Law on Public Employees of 1992**, which classified teachers as public employees paid in accordance with a fixed salary scale and introduced more rigorous employment regulations; the **1991 Act on the Return to Churches of their Properties nationalized after the Second World War**; and the **1993 Act on the Rights of National and Ethnic Minorities**.”⁶

15. Hungary has recently adopted instruments, including for instance the following⁷:

⁴ World Data on Education, 7th Edition, 2010/11, pp. 2-4, accessible at:

http://www.ibe.unesco.org/fileadmin/user_upload/Publications/WDE/2010/pdf-versions/Hungary.pdf, Accessed on 10/04/2015

⁵ Hungary Report submitted for the Eighth Consultation on the implementation of the Convention and Recommendation against Discrimination in Education (2006-2011), 2012, p. 8

⁶ World Data on Education, 7th Edition, 2010/11, p. 4, accessible at:

http://www.ibe.unesco.org/fileadmin/user_upload/Publications/WDE/2010/pdf-versions/Hungary.pdf, Accessed on 10/04/2015

⁷ Eurydice, Hungary, Legislation, <https://webgate.ec.europa.eu/fpfis/mwikis/eurydice/index.php/Hungary:Legislation>, Accessed on 10/04/15

16. School Education:

- Act CCXXXII of 2013 on Textbook provision for school education
- Act CLXXXVIII of 2012 on the takeover of municipality-maintained schools by the state
- Act CXC of 2011 on Public Education
- Government decree 363/2012. (XII. 17.) on the Core Programme for Kindergartens (effective from 1 September 2013)
- Government Decree 331/2012. (XI. 28.) on qualifications portfolio for the school year 2013/2014, on vocational education courses eligible to scholarships in 2013/14 and on the amendment of certain government decrees on vocational education and training
- Government Decree 229/2012. (VIII. 28.) on the implementation of the Act on Public education
- Government Decree 110/2012. (VI. 4.) on the issuing, introduction and implementation of the National Core Curriculum (effective from 1 September 2013)
- Government Decree 362/2011. (XII. 30.) on certificates used in education

17. Vocational Education and Training:

- Act CLXXXVII of 2011 on Vocational Education
- Act CLV of 2011 on the contribution to VET and on the support for the development of training
- Government Decree 331/2012. (XI. 28.) on qualifications portfolio for the school year 2013/2014, on vocational education courses eligible to scholarships in 2013/14 and on the amendment of certain government decrees on vocational education and training
- Government Decree 230/2012. (VIII. 28.) on tertiary vocational education and on the practical training required for higher education
- Government Decree 217/2012. (VIII. 9.) on the competences required for state-accredited vocational qualifications
- Government Decree 150/2012. (VII. 6.) on the National Qualifications Register and on the procedure of amending the National Qualifications register

18. Higher Education:

- Act CCIV of 2011 on Higher Education
- Government decree 423/2012 (XII. 29.) on the admission to higher education institutions
- Government decree 387/2012 (XII. 19.) on doctoral schools, the doctoral degree award procedure and habilitation
- Government decree 283/2012 (X. 4.) on initial teacher education, specialisation and the register of degree courses in teaching
- Government decree 248/2012 (VIII. 31.) on measures required for the implementation of Act CCIV of 2011 on Higher Education
- Government decree 19/2012 (II. 22.) on quality assurance and quality development in higher education

- Government Decree 1/2012 (I. 20.) on the Student Loan
- Government decree 362/2011 (XII. 30.) on identification documents used in education

Administrative procedures

19. “The **Equal Treatment Authority** has authorisation to act against any discriminatory act irrespective of the ground of discrimination (including race and social status) or the field concerned (including education).
20. Pursuant to **Article 80 [of the Public Education Act - PEA]**, notaries at the local or county level are in charge of controlling the legality of operations in private schools. Parallel to suspending the transfer of normative budgetary support, pursuant to complaints by parents or NGOs, notaries can challenge an illegal action, decision or omission in court. In case the private school continues in its failure to comply with the law, notaries have the power to revoke the permission and strike the school out of the registry.
21. In case teaching violates public order, public health, public morals, is directed against the fundamental rights of others or if the school lacks the conditions necessary for its operation, the competent notary may order it to terminate such a situation. Should the school fail to comply, the notary has the power to suspend its activities and challenge its action in court. The procedure following such a suspension is as described above.
22. **Articles 83 and 84 of the Public Education Act** provide for an administrative complaint mechanism against unlawful decisions of a school (to the maintainer) or the maintainer (to the notary or in case of local government run schools to the Office of Public Administration). Decisions that discriminate are null and void. Judicial review is available against such decisions, but in the latter case can only be brought by the Office. It shall be noted that sanctions available under Article 80 of the Public Education Act against unlawful acts of private schools seem far more effective than those available against public schools. Ultimately, public schools cannot be closed down, nor can State funding be withheld from them.
23. The National Public Education Evaluation and Examination Centre (OKÉV) can also investigate discrimination in schools and impose fines for petty offence or as a result of its administrative review pursuant to Article 95/A(5) PEA.”⁸

1.3. Policy Framework

⁸ Hungary Report submitted for the Seventh Consultation on the implementation of the Convention and Recommendation against Discrimination in Education (2000-2005), 2007, p. 24

i) General information

24. “The government adopted the Early School Leaving Strategy (Mid-term Strategy Against School Leaving Without Qualification⁹) in November 2014. It is a comprehensive strategy based on cross-sectoral cooperation and integrated interventions on the levels of individual pupils, institutions and the education system. The Strategy will mainly be implemented through the measures of the Human Resources Operational Programme and the Economic Innovation Operational Programme. It includes preventive measures (e.g. expansion of high quality ECEC, flexible educational pathways, initial education and continuous professional development of teachers), intervention measures (e.g. early warning system, whole school approach, focus on disadvantaged locations, extracurricular activities, all-day school, improving cooperation with parents) and compensation measures (e.g. developing the offer of and access to “second chance” programmes, Youth Guarantee programmes).
25. In accordance with the Strategy, early childhood education becomes compulsory from age three (instead of age five) in 2015 as a preventive measure to reduce early school leaving. In addition, the School Education Act was amended in January 2015 to include the definition of pupils at risk of dropping out and to establish and operate an early warning and pedagogical support system. The detailed regulations are to be issued in a government decree.”¹⁰
26. “The School Education Strategy¹¹, adopted in November 2014, has been developed for the period of 2014-2020, with fields of intervention such as inclusive education, the teaching of heterogeneous groups of pupils, reducing the rate of early school leavers and supporting the school success of vulnerable groups.
27. Hungary first adopted the National Social Inclusion Strategy in December 2011. The implementation of the strategy is based on three-year action plans. The action plan for 2012-2014 included measures in the fields of child welfare, education, employment, healthcare, housing, stakeholder involvement and anti-discrimination. Monitoring reports about its implementation were prepared in 2012, 2013 and 2014. An updated Strategy was adopted in November 2014: its structure, objectives and intervention areas have not changed but its priorities have been slightly modified. Its action plan for 2015-17 is currently being prepared.

⁹ Available at:

<http://www.kormany.hu/download/5/fe/20000/V%C3%A9gzets%C3%A9g%20n%C3%A9lk%C3%BCli%20iskolaelhagy%C3%A1s%20.pdf#!DocumentBrowse>, Hungarian version, Accessed on 10/04/2015

¹⁰ Eurydice, Hungary, Ongoing Reforms and Policy Developments,

https://webgate.ec.europa.eu/fpfis/mwikis/eurydice/index.php/Hungary:Ongoing_Reforms_and_Policy_Developments, Accessed on 10/04/2015

¹¹ Available at: <http://www.kormany.hu/download/6/fe/20000/K%C3%B6znevel%C3%A9s-fejleszt%C3%A9s.pdf#!DocumentBrowse>, Hungarian version, Accessed on 10/04/2015

28. Measures aiming at improving basic competences and tackling disadvantages include:
- inspectorate (external evaluation of teachers, school heads and schools) and subject assistance and consultancy (professional support for teachers) introduced in 2014
 - teacher promotion system with teacher qualification procedures phased in from 2013
 - obligation of each school to prepare a development plan on the basis of pupil-level and school-level data derived from the National Assessment of Basic Competences. School heads are to prepare the development plans after consulting the teaching staff and submit it to their maintainer until June 2015.
 - state maintenance of schools: taking over the maintenance of schools (but not kindergartens) from municipalities in order to break the link between the performance of schools and the wealth of municipalities maintaining them. They are now managed directly by a ministerial agency (Klebensberg Institution Management Centre)
 - new scholarship targeting future teachers, increasing the duration of training elements in initial teacher education, the introduction of an aptitude test as part of admission to initial teacher education, introduction of an induction period for new teachers¹²
29. “The Public Education Act introduced the concept of the bridge programmes. From 1st September 2013 the Public Education Bridge Programmes provide assistance for pupils completed their primary studies but failed to gain admission to a secondary school (Bridge I), and for those beyond 16 performing poorly in primary education and therefore failing to complete it (Bridge II). In this year’s programme 2,700-3,000 persons are provided with special education. Bridge programmes help them stay in or return to the world of education or training. (38)”¹³

ii) Inclusive Education

30. “At this year’s first meeting of the Inter-ministerial Committee for Social Inclusion and Roma Affairs (TFCTB), the measures of Hungary’s National Social Inclusion Strategy planned for 2015-2017 were on the agenda.”¹⁴ “The various working groups of the Committee continue to carry out their work in the fields of territorial development, employment and education policy, as well as in those of social policy and health care during the periods between the

¹² Eurydice, Hungary, Ongoing Reforms and Policy Developments, https://webgate.ec.europa.eu/fpfis/mwikis/eurydice/index.php/Hungary:Ongoing_Reforms_and_Policy_Developments, Accessed on 10/04/2015

¹³ Government of Hungary, National Reform Programme 2014 of Hungary, April 2014, p. 23, http://ec.europa.eu/europe2020/pdf/csr2014/nrp2014_hungary_en.pdf, Accessed on 10/04/2015

¹⁴ Website of the Hungarian Government, Ministry of Human Capacities, First meeting of the Inter-ministerial Committee for Social Inclusion and Roma Affairs this year, January 2015, <http://www.kormany.hu/en/ministry-of-human-resources/news/first-meeting-of-the-inter-ministerial-committee-for-social-inclusion-and-roma-affairs-this-year>, Accessed on 10/04/2015

meetings of the Committee as well, so as to ensure proper preparation of the action plan by incorporating recommendations of the different working groups and by clarifying open issues. The inter-ministerial forum and the working groups will follow up the action plan until its approval and following that, throughout the implementation phase”¹⁵

31. “A comprehensive set of measures financed domestically and by the EU is designed to promote the successful advancement of disadvantaged children and children with multiple disadvantages – including Roma – in school and to serve inclusive education, thereby improving the chances of the continuation of their studies and reducing the danger of early dropout. The attainment of this goal is served by the following measures, targeted programmes.
32. The Pedagogical System for Integration plays an important role in 2014, which is a pedagogical programme with methodological focus, promoting the successful advancement of disadvantaged children and children with multiple disadvantages; and balancing differences of opportunities. The public education institutions (kindergartens, elementary schools, secondary schools) in the programme are entitled to subsidies to implement programmes aiming for skills development, integration preparation and kindergarten development. Three main pillars of the pedagogical programme are the methodological renewal, the introduction of financial incentives, and the legislative anti-discriminatory elements. (36/c)
33. The objectives of the sub-programmes of Útravaló Scholarship Programme creating opportunities are to promote the access of disadvantaged students to secondary education, success in secondary education studies, and acquirement of vocational qualification. (36/d)
34. The Arany János Talent Fostering Programme, Arany János Dormitory Programme and Arany János Dormitory Vocational School Programme, which include more than 4,000 secondary and secondary vocational school students, continue in the academic year 2013/2014. They promote secondary school advancement of disadvantaged students and students with multiple disadvantages in a comprehensive way – on the field of pedagogy, culture and healthcare. The aim of the programmes is to promote special groups proceeding to institutes of higher education, or entering the labour market successfully. (36/e)
35. In the framework of “Tanoda” programmes the activities are aimed at supporting the inclusion of pupils living in material deprivation or in adverse social conditions, while in the “second chance” type programmes youths with multiple disadvantages beyond mandatory

¹⁵ Website of the Hungarian Government, Ministry of Human Capacities, First meeting of the Inter-ministerial Committee for Social Inclusion and Roma Affairs this year, January 2015, <http://www.kormany.hu/en/ministry-of-human-resources/news/first-meeting-of-the-inter-ministerial-committee-for-social-inclusion-and-roma-affairs-this-year>, Accessed on 10/04/2015

school age who missed secondary school studies, dropped out or left school, including Roma youths, are led back to secondary school. These programmes are financed by the EU, the ESF. (36/f)”¹⁶

iii) Curriculum

36. “In order to decrease dropouts in higher education, projects launched in the field of the development of foreign language skills will continue, completed with a “Diplomamentő Program” (“Degree-saving Programme”) in 2014. This programme provides state-supported language courses for people who have not obtained their degree yet and are not enrolled student any more but graduated without a language exam, which is stipulated by act as a requirement. (42/b)”¹⁷

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

- Law enforcement and legal measures - the public denial of Holocaust is a criminal offence punishable with up to 3 years of imprisonment;
- Holocaust education - the National Curriculum and frame curricula contain information on the Holocaust, students both in primary and in secondary schools learn about it and since last January about the common Jewish-Hungarian history that spans over a thousand years and which gave rise to many great achievements. The Holocaust Memorial Day (16 April) was included among the secondary school memorial days;
- Support for Jewish cultural renaissance in Hungary;
- Holocaust remembrance- as a continuation of commemorations organised under Raoul Wallenberg Year 2013 and Holocaust Memorial Year 2014, both initiated by the Government, Hungary will take over the Presidency of the International Holocaust Remembrance Alliance (IHRA) in 2015.”¹⁸

iv) Financing of education

38. “[...] The Government promotes equal opportunity for disadvantaged students with several scholarships in higher education. Bursa Hungarica scholarship can be provided for higher

¹⁶ Government of Hungary, National Reform Programme 2014 of Hungary, April 2014, pp. 22-23, http://ec.europa.eu/europe2020/pdf/csr2014/nrp2014_hungary_en.pdf, Accessed on 10/04/2015

¹⁷ Government of Hungary, National Reform Programme 2014 of Hungary, April 2014, p. 24, http://ec.europa.eu/europe2020/pdf/csr2014/nrp2014_hungary_en.pdf, Accessed on 10/04/2015

¹⁸ Government of Hungary, Universal Periodic Review mid-term implementation report, May 2014, pp. 16-17, http://www.upr-info.org/sites/default/files/document/hungary/session_11_-_may_2011/2014_hungary_mid-term_report.pdf, Accessed on 10/04/2015

education students exclusively upon social basis (without taking performance into consideration), it is a so-called social benefit. The scholarship grant support and self-financing support programme "Út a diplomához" ("Road to a degree") contributes to the higher education studies for disadvantaged students and students with multiple disadvantages, including especially the Roma. (41)"¹⁹

v) Other (as appropriate)

39. "The early childhood project aims at the complex support of the optimal development of the age group between 0 and 7, with the support of the start of healthy life and successful start of school for every – but especially those with special support demand – child between the ages of 0 and 7, keeping track of the child's development by helping develop their skills, revealing the risk factors of development, and in basic healthcare filtering the children showing deviations in development. (36/b)"²⁰
40. "260. The municipality local government shall provide kindergarten and primary school education – as of 1 January 2012, the latter obligation has been transferred to the State. The State provides secondary school, vocational school and student hostel education for children receiving prolonged medical treatment in a healthcare facility, and the education and care of disabled children who may not be educated along with the other children."²¹
41. "The new Lifelong Learning Strategy²² for the period of 2014-2020 contains the following general objectives:
- to increase participation in and improve access to lifelong learning
 - to reinforce the principles of lifelong learning in the education and training systems as well as in adult learning
 - to ensure the visibility and acknowledgement of the value and results of learning"²³
42. "After the UPR session of Hungary in 2011 the Government made a proposal to the Hungarian Judicial Academy of the National Office for Judiciary in order to include in its

¹⁹ Government of Hungary, National Reform Programme 2014 of Hungary, April 2014, p. 24, http://ec.europa.eu/europe2020/pdf/csr2014/nrp2014_hungary_en.pdf, Accessed on 10/04/2015

²⁰ Government of Hungary, National Reform Programme 2014 of Hungary, April 2014, p. 22, http://ec.europa.eu/europe2020/pdf/csr2014/nrp2014_hungary_en.pdf, Accessed on 10/04/2015

²¹ State reports submitted to the Committee on the Rights of the Child, 2013, p. 46, http://tbinternet.ohchr.org/_layouts/TreatyBodyExternal/countries.aspx?CountryCode=HUN&Lang=EN, Accessed on 10/04/2015

²² Available at: <http://www.kormany.hu/download/7/fe/20000/Eg%C3%A9sz%20%C3%A9leten%20%C3%A1t%20tart%C3%B3%20tanul%C3%A1s.pdf#!DocumentBrowse>, Hungarian version, Accessed on 10/04/2015

²³ Eurydice, Hungary, Ongoing Reforms and Policy Developments, https://webgate.ec.europa.eu/fpfis/mwikis/eurydice/index.php/Hungary:Ongoing_Reforms_and_Policy_Developments, Accessed on 10/04/2015

training programmes the issue of racially motivated crimes. According to the Act on the status and revenue of Judges, since 1 January 2014 a judge is obliged to participate in free and regular courses organised by the Hungarian Judicial Academy including those on hate crimes.

43. The eligibility tests performed during the selection procedure of law enforcement education institutions include the examination of personal skills (i.e. tolerance) needed for the profession and the curricula contains communication studies in multicultural environment. Communication and conflict management trainings led by psychologists and hate crimes specialists are being organized regularly for the police personnel in particular in regions with ethnic minorities aimed at improving the preparation level of the police force, promoting better knowledge and understanding people living in multicultural environment, strengthening the prevention of crime and mutual assistance. Further trainings are held for the police for detecting hate crimes and for the judiciary with regards to court proceedings in relation to hate crimes.”²⁴

2. COOPERATION

44. Hungary is **party** to the 1960 UNESCO Convention against Discrimination in Education since 16/01/1964.
45. Hungary **reported** to UNESCO on the measures taken for the implementation of the 1960 UNESCO Convention against Discrimination in Education within the framework of the:
- **Sixth Consultation** of Member States (covering the period 1994-1999),
 - **Seventh Consultation** of Member States (covering the period 2000-2005),
 - **Eighth Consultation** of Member States (covering the period 2006-2011).
46. Hungary did **not report** to UNESCO on the measures taken for the implementation of the 1974 UNESCO Recommendation concerning Education for International Understanding, Co-operation and Peace and Education relating to Human Rights and Fundamental Freedoms within the framework of the **Fourth Consultation** of Member States (covering the period 2005-2008). However, it **reported** within the framework of the **Fifth Consultation** of Member States (covering the period 2009-2012).
47. Hungary did **not report** to UNESCO on the measures taken for the implementation of the 1976 UNESCO Recommendation on the Development of Adult Education within the

²⁴ Government of Hungary, Universal Periodic Review mid-term implementation report, May 2014, p. 16, http://www.upr-info.org/sites/default/files/document/hungary/session_11_-_may_2011/2014_hungary_mid-term_report.pdf, Accessed on 10/04/2015

framework of the **First Consultation** of Member States (1993). However, it **reported** within the framework of the **Second Consultation** of Member States (2011).

48. Hungary is **not party** to the 1989 UNESCO Convention on Technical and Vocational Education.

Freedom of opinion and expression

1. CONSTITUTIONAL AND LEGISLATIVE FRAMEWORK

49. Article IX of the Hungarian Fundamental Law guarantees freedom of expression, whereas it is restricted in case of violating the human dignity of others, the Hungarian nation or any national, ethnic, racial or religious community.²⁵

50. In 2010, new media legislation has been passed with the Act on Media Services and Mass Communications²⁶ and the Act on the Freedom of the Press and the Fundamental Rules of Media Content.²⁷

51. The Hungarian Criminal Code criminalizes denial of Nazi and communist crimes as well as incitement against a decree of authority by a term of imprisonment not exceeding three years. Blasphemy of National Symbols is punishable by imprisonment not exceeding one year.²⁸

52. Hungarian legislation provides for right of access to administrative documents and the right of citizens to obtain information.

2. MEDIA SELF-REGULATION

53. The Media Council is supposed to act as a self-regulatory body, though its members are elected by a two-thirds majority by the Parliament, and its chair is also the chair of the state

²⁵ See the Hungarian Fundamental Law on the website of the Hungarian government:

<http://www.kormany.hu/download/e/02/00000/The%20New%20Fundamental%20Law%20of%20Hungary.pdf>.

²⁶ See the Act on Media Services and Mass Communication in the Website of the Hungarian Media Council:

http://hunmedialaw.org/dokumentum/153/Mttv_110803_EN_final.pdf.

²⁷ See the Act on the Freedom of the press and the Fundamental Rules of Media Content on the website of the Hungarian Media Council: http://hunmedialaw.org/dokumentum/152/Smtv_110803_EN_final.pdf.

²⁸ See the Hungarian Penal Code on the website legislationonline :

<http://www.legislationline.org/documents/section/criminal-codes/>.

regulatory authority, the National Media and Infocommunications Authority (NMHH).²⁹ According to the law, both entities are supposed to be independent from the government and from each other.³⁰ The Media Council is also tasked to defend the freedom of the press.³¹ The same law underpinning these institutions also established the Institute of Media Studies that should provide the Council with research.³²

54. Article 194 of the Act on Media Services and Mass Communications calls for the establishment of an Ethical Code of Conduct for Media practitioners.³³
55. There are several press unions, such as The Hungarian Press Union (Sajtószakszervezet),³⁴ The Hungarian International Press Association (HIPA)³⁵ and The Association of Hungarian Journalists (Magyar Ujsagirok Orszagos Szovetsege, MUOSZ). The latter has passed a Code of Conduct that is binding for all its adherents.³⁶

3. SAFETY OF JOURNALISTS

56. UNESCO recorded no killing of journalists in Hungary so far. Journalists operate in a safe environment.

III. RECOMMENDATIONS

Right to education

57. **Recommendations made within the framework of the first cycle of the Working Group on the Universal Periodic Review, considered on (please check the date on the following web site: <http://www.ohchr.org/EN/HRBodies/UPR/Pages/Documentation.aspx>)**

58. 94. The recommendations formulated during the interactive dialogue and listed below have been examined by Hungary and enjoy the support of Hungary:
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²⁹ See their website: <http://english.nmhh.hu/>.

³⁰ See the Act on Media Services and Mass Communications, Part IV, Chapter I.

³¹ See the Act on Media Services and Mass Communications, Part IV, Chapter II.

³² See the Act on Media Services and Mass Communications, Part IV, Chapter II, Article 138.

³³ See the Act on Media Services and Mass Communications, Part IV, Chapter II, Article 194.

³⁴ See its website: <http://www.sajtoszakszervezet.hu/>.

³⁵ See its website: <http://www.hipa-hungary.com/>.

³⁶ See its website: <https://muosz.hu/>.

- i. 94.10. 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 (United States of America);
- ii. 94.42. 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 (Republic of Moldova);
- iii. 94.50. Introduce national measures to reduce school segregation and actively promote participation in society through education among the Roma community (Norway);
- iv. 94.57. Prevent violence against Roma women and girls, including their harassment at school, and fill the gaps in Roma women's formal education (Islamic Republic of Iran);
- v. 94.76. 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 (Russian Federation);
- vi. 94.78. 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 (Uzbekistan);
- vii. 94.79. 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 (Uruguay);
- viii. 94.82. Introduce professional training, capacity-building and cooperation for law enforcement and judicial authorities to identify and address racially motivated crimes (Norway);
- ix. 94.84. Ensure adequate training for the police and judiciary to promptly and effectively deal with hate crimes (Austria);
- x. 94.85. Ensure training for police officers, prosecutors and judges in order to ensure that they can recognize, investigate and prosecute hate crimes (Canada);

- xi. 94.93. Take all necessary measures to promote equality in education in favour of all members of minority groups, especially Roma children (Greece);
- xii. 94.94. Take measures to guarantee the right to equal education for Roma children (Finland);
- xiii. 94.95. Commit to improving school results of Roma pupils by 2015 (Canada);
- xiv. 94.96. 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 (Finland);
- xv. 94.97. 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 (Uruguay);
- xvi. 94.104. Ensure urgently, through stable and systematic funding, continued functioning of the two bilingual Slovenian-Hungarian schools in Gornji Senik/Felsőszölnök and Stevanovic/Apátistvánfalva (Slovenia);
- xvii. 94.106. 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 (Thailand);
- xviii. 94.108. 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 (Spain);
- xix. 94.109. 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 (Canada);

59. Analysis:

Hungary adopted a number of strategies in order to strengthen inclusive, accessible and adaptable education: “National Social Inclusion Strategy” (2011); “Early School leaving Strategy” (2014); “The School Education Strategy” (2014); the School Education Act (amended in 2015). Hungary adopted measures in order to criminalize and prevent racially motivated crimes as well as taking steps to promote tolerance among children (Act C of 2012), nonetheless, and to the extent of available information, human rights educational programmes have not yet been expanded. Hungary prohibits the use of corporal punishment in all settings; however, the prohibition does

not seem to be implemented in schools. Hungary issued a “zero tolerance policy” towards anti-Semitism and anti-Roma attitudes and is also putting in place inclusive programs toward the Roma population such as the “National Social Inclusion Strategy planned for 2015-2017”. Although Hungary supported the related recommendation, the issue of reducing stereotypes toward women in society throughout education does not appear to have been dealt with yet (according to available information).

60. Specific Recommendations:

1. Hungary should be encouraged to further submit state reports for the periodic consultations of UNESCO’s education related standard-setting instruments (it is to be noted with satisfaction that Hungary submits regularly periodic reports regarding the Convention against discrimination in education)
2. Hungary should be encouraged to take further measures to educate the public about equality and non-discrimination and to expand its programmes regarding human rights education in schools.
3. Hungary should be encouraged to continue providing special education through adaptable programmes for children with disabilities and disadvantaged groups
4. Hungary should be encouraged to further develop inclusive educational programmes for the Roma population and actively promote their integration in the society
5. Hungary should be encouraged to continue its efforts in preventing discrimination against girls and women in education as well as condemning such discriminations in all settings

Culture rights

61. As a State Party to the Convention concerning the Protection of the World Cultural and Natural Heritage (1972), the Convention for the Safeguarding of the Intangible Cultural Heritage (2003)³⁷, and the Convention on the Protection and Promotion of the Diversity of Cultural Expressions (2005)³⁸, Hungary is encouraged to fully implement the relevant provisions that promote access to and participation in cultural heritage and creative expressions and, as such, are conducive to implementing the right to take part in cultural life as defined in article 27 of the Universal Declaration of Human Rights and article 15 of the

³⁷Periodic report available at: C:\Users\k_dagg\Documents\Hungary report 2003 Convention.pdf.

³⁸Periodic report available at: file:///C:/Users/k_dagg/Downloads/Hungary_Report_OwnFormat_EN_2012.pdf.

International Covenant on Economic, Social and Cultural Rights. In doing so, Hungary is encouraged to give due consideration to the participation of communities, practitioners, cultural actors and NGOs from the civil society as well as vulnerable groups (minorities, indigenous peoples, migrants, refugees, young peoples and peoples with disabilities), and to ensure that equal opportunities are given to women and girls to address gender disparities.

Freedom of opinion and expression

62. Hungary is recommended to decriminalize defamation and place it within a civil code that is in accordance with international standards.³⁹
63. Hungary should facilitate further development of a structurally independent self-regulatory mechanism for its media.
64. Chapter 34 of the Penal Code on Criminal Offenses could be revised in line with the 2011 General Comment 34 by the UN Human Rights Committee.⁴⁰

Freedom of scientific research and the right to benefit from scientific progress and its applications

65. Hungary, in the framework of the 2015-2017 consultations related to the revision and monitoring of the Recommendation on the Status of Scientific Researchers is encouraged to report to UNESCO on any legislative or other steps undertaken by it with the aim to implement this international standard-setting instrument, adopted by UNESCO in 1974.

³⁹ See for example, General Comments No 34. of the International Covenant on Civil and Political Rights (ICCPR), 2006 Recommendation of the 87th Session Human Rights Committee, the recommendations of the UN Special Rapporteurs on the Right to Freedom of Opinion and Expression, and Resolution 1577 (2007) of the Parliamentary Assembly of the Council of Europe.

⁴⁰ <http://www2.ohchr.org/english/bodies/hrc/docs/gc34.pdf>