



General Assembly

Distr.: General
17 August 2021

Original: English

Human Rights Council
Working Group on the Universal Periodic Review
Thirty-ninth session
1–12 November 2021

National report submitted in accordance with paragraph 5 of the annex to Human Rights Council resolution 16/21*

Hungary

* The present document is being issued without formal editing.



I. Methodology and consultation process

1. The 3rd National Report of Hungary to the Universal Periodic Review (UPR) Working Group of the Human Rights Council (HRC) was compiled on the basis of the General Guidelines adopted by the HRC and was coordinated by the Ministry of Foreign Affairs and Trade and approved by the Government. It contains the latest information on the implementation of the recommendations based on the detailed information provided by the line ministries and relevant national authorities until 1 July 2021, as well as complementary information received from the inter-ministerial Human Rights Working Group, including its thematic sub-working groups with the participation of more than 50 NGOs. The Human Rights Working Group was established by the Government as a result of the 2011 UPR of Hungary in order to monitor the implementation of UPR recommendations (See Annex 2, point 1).

II. New normative and institutional framework since the previous UPR

Normative framework

2. Since 2016, the Fundamental Law has been amended on three occasions, including by the introduction of new provisions on exercising the right to freedom of expression and assembly and the right of the child to a self-identity and to a healthy environment. New Civil Procedure Act, Criminal Procedure Act, Code of Administrative Court Procedure, Code of General Administrative Procedure were adopted in the period concerned.

Institutional framework

3. In 2019, the functioning of the Hungarian Constitutional Court was strengthened by the clarification of the provisions on the exercise of the right to lodge a constitutional complaint, recognition of the *de facto* judicial activity of the members of the Constitutional Court as judicial practice, easing the administration at a time of special legal order.

4. As of 1 January 2021, the Equal Treatment Authority (EBH) is integrated into the Office of the Commissioner for Fundamental Rights, thus offering a higher level of protection for the right and principle of equal treatment, due to the fact that cases of violations of equal treatment are now heard by an institution that is primarily concerned with the protection of fundamental rights. (See Annex 2, point 2)

5. An overview of the new normative and institutional framework since the previous review as well as of legislative and policy measures regarding family and child support, victim protection, domestic violence, education can be found in the Annex 2 (point 3).

III. Scope of international obligations, cooperation with human rights mechanisms

6. Hungary is fully committed to ensuring the implementation of its international obligations through its national legal system. The Fundamental Law stipulates that national law is in conformity with, and shall accept the generally recognised rules of international law. Other sources of international law shall become part of the Hungarian legal system by promulgation into domestic legal regulations. The promulgated international treaties imposing human rights obligations are part of the national law and directly applicable by the courts. Each law or regulation is examined before adoption or modification to ensure its conformity with international commitments of Hungary.¹ Furthermore, the Hungarian Constitutional Court has an autonomous competence to examine whether legal regulations are in compliance with the provisions of an international treaty and to rule on the consequences of non-compliance (e.g. annulment of the conflicting domestic law.).

Hungary is State Party to the majority of international and European human rights conventions and most of their protocols.

7. Hungary has been supporting the work of the HRC since its establishment and was its member between 2009 and 2012 as well as between 2017 and 2019 and also served as Vice-President of the Council in 2012. Hungary is also committed to cooperate with the Office of the High Commissioner for Human Rights and attaches great importance to its independence and effectiveness. Hungary has a standing invitation to special procedures since March 2001. It also provides voluntary financial contributions as well as written inputs to the activities of the OHCHR on a regular basis.

8. Hungary hosts regional representations and Global Shared Services Centres of a number of UN specialized agencies and international humanitarian organizations active in the promotion and protection of human rights, such as UNHCR, ILO, FAO, UNICEF, WHO, IFRC. By providing locations and facilities to these organizations Hungary contributes significantly to their cost-efficient thus more effective functioning.

IV. Voluntary commitments, pledges

9. Hungary pledges to:

- pursue an active role in the Human Rights Council, in particular by promoting minority rights, the rights of persons with disabilities, family and children's rights, freedom of religion and belief;
- cooperate with instruments and mechanisms of the Human Rights Council, in particular by upholding its standing invitation to the special procedures.

V. Protection and promotion of human rights - implementation of the 2016 UPR recommendations

10. During its second UPR in May 2016, Hungary received 221 recommendations, out of which it accepted (fully or partially) 201 and noted 20.

11. Having regard to the strict word limit, the current report is concise and clustered into 15 topics. For the ease of reference, please find the number of the relevant 2016 recommendation in brackets throughout the text.

12. The full list of the clustered recommendations can be found in the Annex 2 (point 4).

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

13. In line with its pledge, Hungary has examined the possibility of ratifying the proposed ILO labour standard. Currently, ILO Convention No. 189. is not among the conventions proposed for ratification by the National ILO Council, however it does not mean that Hungary refuses its ratification. (128.2)

14. Hungary is party to the Convention relating to the Status of Stateless Persons, the Convention to Fight Discrimination in Education, as well as the Geneva Convention of 1951 and Protocol of 1967 relating to the Status of Refugees. (128.5)

15. The Rome Statute of the International Criminal Court was signed and ratified by Hungary. As a constitutional requirement, Hungary is fully committed to ensure the conformity of the national legal system with its international commitments, therefore the provisions of the Criminal Code on crimes against humanity and war crimes have been amended in order to be in line with the Statute. The draft bill on the promulgation of the Statute in national law has been submitted to the Parliament by the Government (128.5, 128.20, 128.29)

16. Hungary decided not to ratify the Istanbul Convention. The Hungarian National Assembly expressly confirmed that it does not support the ratification of the Istanbul

Convention because of its concept of so-called gender and gender-based approach to asylum.² In our view, it is not the ratification of a treaty, but the tangible results of Government actions that make prevention and combating violence against women and domestic violence a reality. (128.6, 128.8, 128.134)

17. Hungary submitted its periodical reports to the Human Rights Committee, the Committee of the Rights of Persons with Disabilities (CRPD), the Committee on the Elimination of Racial Discrimination (CERD), the Committee on the Elimination of All Forms of Discrimination against Women (CEDAW) and the Committee on the Rights of the Child (CRC). The Government strives, within its capacities, to eradicate any further backlog as well as to implement the recommendations of the UN Treaty Bodies and Special Procedures. (128.41, 128.42, 128.43, 128.44, 128.45)

B. Human rights infrastructure including national human rights institutions

Human rights instruments

18. The independent judiciary, the Constitutional Court and the Commissioner for Fundamental Rights play a crucial role in safeguarding human rights and the rule of law. The Hungarian constitutional system ensures the respect for human rights even under special legal order. Paragraph (2) of Article 54 of the Fundamental Law ensures that under a special legal order, the application of the Fundamental Law may not be suspended and the operation of the Constitutional Court may not be restricted. The functioning of the Constitutional Court has been continuous during the state of danger declared due to the COVID-19 pandemic and the Court provided an independent and adequate constitutional review of legal provisions (as under normal conditions); special procedural rules facilitated its activities. (128.21, 128.26, 128.27, 128.28)

19. During the period considered, Hungary adopted, with engagement of the civil society, several sectoral human rights action plans, such as the National Social Inclusion Strategy or the National Disability Programme. These strategies set out more targeted objectives and indicators than a general national human rights action plan may provide. (128.23)

20. The National Preventive Mechanism operates within the Office of the Commissioner for Fundamental Rights. The budget of the Office increased between 2013 and 2021 by a total of 87.5% from 1,138.2 million HUF to 2,134.2 million HUF mainly in order to allow the Office to perform the above task.

21. As of 1 January 2021, the Equal Treatment Authority (EBH) is integrated into the Office of the Commissioner for Fundamental Rights. The new model, which is in line with relevant provisions of European Union law, offers a higher level of protection for the right and principle of equal treatment as equal treatment cases are now examined by an institution surrounded by stronger constitutional guarantees. The Office of the Commissioner for Fundamental Rights took over the tasks of the EBH with full powers and received adequate resources to carry out these new tasks. (128.32, 128.55)

22. Independent monitoring of the implementation of the rights of the child is ensured by the Commissioner for Fundamental Rights. The Commissioner (ombudsperson) shall pay special attention, especially by conducting proceedings *ex officio*, to the protection of the rights of children. During the period concerned, numerous investigations as well as several projects launched by the Commissioner demonstrate that the ombudsperson regularly puts issues related to ensuring and protecting children's rights into the focus of his attention. In urgent cases indicated by the Commissioner, the legislator reacts with utmost diligence.

23. In order to protect families and children, the Family Law Working Group was established, which – with the involvement of the Human Rights Working Group – keeps contact with more than 60 civil society organisations. The tasks of the Working Group are to identify intervention points that require legislation, enforcement, organization of the

work of authorities and other measures, and to examine what measures need to be taken by the Government in the field of protection of families, children and women. (128.35)

Equal rights and non-discrimination

24. The Fundamental Law guarantees the fundamental rights to everyone without discrimination based on any ground such as race, colour, sex, disability, language, religion, political or any other opinion, ethnic or social origin, wealth, birth or any other circumstance whatsoever. As the primary source of law in the Hungarian legal system, the provisions of the Fundamental Law are to be applied and respected in all areas of life and branches of law. The Equal Treatment Act stipulates that all persons on the territory of Hungary must be treated with the same respect. The Equal Treatment Act as a general law on anti-discrimination renders already existing rules comprehensive. It is in line with relevant international norms and contains consistent, comprehensive and detailed anti-discrimination provisions. In addition to the general provisions the law provides for the enforcement of equal treatment in specific areas and prohibits both direct and indirect discrimination. (128.39, 128.48, 128.49, 128.52)

Independence of the judiciary

25. The independence of the judiciary is guaranteed by the Fundamental Law and the relevant sectoral legislation. Judges are only subordinated to law and may not be instructed as regards their judicial activity. Judges may not be members of political parties or engage in political activities. The organisation of the judiciary is also independent, headed by the President of the National Office for the Judiciary (NOJ), who is a judge, and whose independence from the executive is guaranteed by the Fundamental Law. The President shares competences with the National Judicial Council (NJC) whose members may only be judges. Even the Venice Commission acknowledged in 2019 that a number of pivotal elements of the Hungarian judicial system and powers of the NOJ's President had been transferred to the NJC. The rules of assessing applications for a judicial position guarantee that whenever a candidate is appointed or promoted, elected bodies of judges have a decisive role. It means that it is either a local judicial council determining the ranking of applicants or the NJC giving prior consent to the appointment of the 2nd or 3rd ranked candidate. The increase of an average 32% in the salary of judges in 2020 is followed by a salary growth of more than 12% in 2021 and 13% in 2022, ensuring the independence of judges.

26. The NJC shall define its own budget before the year to which it pertains, and shall consequently make an agreement thereon with the President of the NOJ. The budget of the NJC constitutes a separate chapter within the budget of NOJ.

27. Concerning the functioning of the Constitutional Court, neither the organisation, nor the competences of the Constitutional Court can be changed without the legitimate aim in a democratic state. The fifteen members of the Court are elected by the Parliament with qualified majority for a term of twelve years, re-election is excluded. The independence of Constitutional Court judges is safeguarded by a number of measures: immunity is ensured as in case of ordinary court judges; members of the Constitutional Court may not be members of political parties or engage in political activities either. (128.150, 128.152)

Electoral system

28. The legal framework for parliamentary elections established the constituency boundaries at the parliamentary elections in a way that ensures the highest possible level of proportionality. The provisions concerning political advertising in the electoral campaign comply with international standards, as well as the requirements of the Hungarian Constitutional Court. At the same time, they ensure that the efficiency of the campaign does not depend on the financial sources the parties have at their disposal and contributes this way to the democratic process. Public campaign funding and expenditure ceilings are aimed at securing equal opportunities for all candidates. Independent review through the State Audit Office as well as extensive transparency requirements apply for campaign costs.

29. Election commissions are independent bodies serving voters, subject only to the law, and their primary task shall be determining the election results, ensuring the fairness and legality of elections, ensuring impartiality and, if necessary, restoring the legal order of elections. The seven members and three alternate members of the National Election Commission shall be elected by Parliament for a term of nine years on the proposal of the President of the Republic.

30. The OSCE/ODIHR mission found that at the parliamentary elections in 2018 fundamental rights and freedoms were respected, the electoral legal framework formed an adequate basis for democratic elections and the election administration fulfilled its mandate efficiently. (128.124)

C. Cooperation with civil society in the advancement of human rights

Public consultation

31. As far as formal and informal dialogue and public consultation between the Government and civil society are concerned, in line with the Public Participation Act, all draft bills, governmental decrees and ministerial decrees are published on the Government's webpage prior to their submission to Parliament. Public consultations are to be carried out within the framework of general (mandatory) or direct (optional) consultations. The minister responsible for drafting a law concerned shall consider the opinions received and prepare a general summary of them and – in the case of rejected opinions – a standardised explanation of the reasons for rejection, which have to be published on the webpage along with the list of those offering their opinions.

32. In the field of human rights, the Human Rights Working Group ensures the possibility for extensive consultations. The Government established the Human Rights Working Group with the main purpose of monitoring the implementation of human rights in Hungary, conducting consultations with civil society organisations, representative associations and other professional and constitutional bodies as well as promoting related professional communication. (See Annex 2, point 1)

33. The National Economic and Social Council is a consultative and counselling body, comprising the representatives of employers, employees, NGOs, representatives of scientific life and the arts, as well as representatives of established churches, that provides opinions on different topics and raises questions to government bodies. It works independently from the Parliament and the Government. (128.36, 128.40)

Access to public data

34. In line with international and European standards, the Info Act only allows labour costs to be charged in a public data request, if the fulfilment of a data request involves disproportionate use of human resources necessary to carry out the basic activities of the organisation performing public functions. The justification of cost-charging must be proven by the data controller. Only in exceptional cases can the fulfilment of data requests be conditional to the advance payment of related costs. In such cases, the requesting party shall be notified within fifteen days from the date of receipt of his or her request if there is any alternate solution available instead of making a copy of those documents. Restrictions are in line with applicable international norms, and are necessary and proportionate in a democratic society.

35. In the period concerned, there have not been such substantial changes in the relevant legal framework that would have made an extensive public consultation necessary. (128.37, 128.156)

Functioning of civil society organizations

36. Although, the legitimate aim of the restrictions on civil society organizations using foreign funding has been acknowledged by the European Court of Justice and the Venice Commission, the elaboration and adoption of the adjusted legal framework in line with the

EU Court's guidance and in close cooperation with the European Commission are underway. (128.38, 128.168)

37. As regards possible restriction of the rights of human rights defenders, it should be emphasized that the Fundamental Law guarantees the fundamental rights to everyone without discrimination based on any ground such as political or any other opinion. Any difference of treatment based on political or other opinion or belonging to an organisation whose aim is to protect certain interests or any other situation resulting in a less favourable treatment of these persons is to be considered direct discrimination and is prohibited by law. The Equal Treatment Act as well as the sectorial legislation provides for efficient legal remedies in case of discrimination. The case law of the Constitutional Court provides also extensive protection: through the new means of constitutional complaint not only against legal norms but also against judicial decisions. Therefore, any alleged violation of rights by state bodies can be challenged at independent courts and even at the Constitutional Court.

38. The Act on the right to assembly fully complies with international and European human rights standards. The law applies a regulatory solution and conceptual definition that fits well with proven foreign regulatory models in order to overcome the problems described above. The new Act facilitates freedom of assembly and attempts to exclude the possibilities of limiting the right to assembly with coherent and clear regulation and using clear definitions.

39. Regarding freedom of association, Hungary recognises the vital contribution of non-governmental organisations to the promotion of common values and goals (over 60 000 NGOs are operating in Hungary). They play an important role not only in the democratic control of the government and shaping public opinion but also in addressing certain social difficulties and fulfil other community policy needs. Civil society organizations are forms of expression of democracy and the self-induced organization of society and the relevant legal framework facilitates their proper functioning. Organizations under the right of freedom of association may pursue any activity that is in harmony with the Fundamental Law and that is not prohibited by law. Under the right of association, armed bodies may not be created, and activities for the pursuit of public functions conferred under the exclusive jurisdiction of public bodies by law may not be carried out. Hungarian legislation ensures the lawful operation of organizations under the right of freedom of association including political parties through the intervention possibilities of the independent public prosecution³ and judiciary. (128.161, 128.162, 128.163, 128.164, 128.165, 128.166, 128.167)

D. Family

40. Family is a fundamental unit of society and the basis of the survival of the nation. Therefore, its protection is a high priority for Hungary. The Fundamental Law protects the institution of marriage as the voluntary union of a man and a woman, and the basis of family ties are marriage and the relationship between parents and children. Since 2020, the Fundamental Law provides that the mother is a woman and the father is a man. This reflects the biological truth and, read in conjunction with other provisions of the Fundamental Law, puts forward values that wish to serve the benefit of future generations. (128.122)

41. Under the Civil Code, the legal age for marriage is 18 years. Minors above 16 years may only marry exceptionally, and only if they can present the prior consent of the Guardianship Authority. Before issuing this consent, the Guardianship Authority carries out a meticulous investigation (that is fully detailed in the Annex 2, point 3). A marriage of a minor without such prior consent is void. (128.123)

42. To support couples who intend to have children, Hungary provides for artificial insemination and reimburses the costs of maximum six in vitro fertilisation procedure and five artificial insemination (up until the mother is 45 years old). (128.172)

43. Against the backdrop of the protection of the family, Hungary intensely strives for equality between women and men by promoting women's participation in the labour market without being disadvantaged because of childbearing. This rationale, i.e. the well-

being of the family, is the basis of numerous measures of the Hungarian Government, see below: (128.22, 128.34, 128.43, 128.47, 128.57)

- Development of the nursery system: In 2017, Hungary carried out a large-scale reform of the nursery services by introducing a demand-driven system (see details in the Annex 2). If no local nurseries are available or they operate on full capacity, parents may receive a subsidy of HUF 40,000 (USD 140) per month to place their children in family/workplace nurseries or in non-local authority maintained nurseries/mini nurseries while they are working. Nursery capacities increased by 67% from 2010 to July 2021. This development helps to combat territorial inequalities, supports the social inclusion of disadvantaged children, helps the reconciliation of work and family life and supports the employment of women. (128.25, 128.34, 128.170.)
- Family tax allowance: Hungary operates a generous family tax allowance regime. The personal income tax may be reduced gradually per the number of the children raised by the taxpayer. Between 2016 and 2019, the amount of tax benefit for families with two children was doubled. This tax benefit can be divided between mothers and fathers (the beneficiaries are mostly women). (128.47, 128.170)
- Child care fee: From 2016, parents whose children are older than 6 months may be employed without losing their eligibility to child care allowance and child care fee. In addition, students of higher education who have children may receive 2 years of child care benefit since 2018. As of 2020, non-retired grandparents are also eligible to child care fee if both parents are (or the single parent is) employed. (128.47, 128.62)

44. In 2021, Hungary set up a complex ‘Family Housing Programme’ that supports the family to create their home. This programme includes direct financial support (such as non-refundable subsidies like the Family Housing Subsidy or the residential state loan), a favourable VAT-treatment (like special VAT-exemption for families with at least one child) and home renovation supports. The detailed description of the programme is in the Annex 2 (point 3). (128.47, 128.70)

45. The Hungarian family policy pays special attention to single parent families. As of 2017, these families are prioritised at the nursery admission, and in 2018, Hungary set up the Single Parent’s Centre where lawyers, family care workers, psychologists and other professionals help single parent families.

46. In 2019, a dedicated Family Protection Action Plan was introduced. Under this programme, married couples can apply to a ‘Baby expecting subsidy’, a very favourable loan for couples planning to have children within ten years. The Action Plan also includes a special non-refundable subsidy for the family having at least three children to buy a family car (see the details in the Annex 2, point 3). (128.47, 128.70)

47. Finally, the education for family life is embedded in the National Core Curriculum appearing in nearly all subjects. The subject of ethics taught in grades 1–8 addresses various aspects of equality between women and men and family life, and schools may introduce a separate subject (education for family life) in grades (1–12). (128.57, 128.59)

E. Women, equality between women and men

Women on the labour market, pay gap

48. The Hungarian Government promotes the employment of women raising children. Work and family should not be mutually exclusive, but complementary elements. The employment rate of women aged 20–64 was 67% in 2020 according to the Eurostat (compared to 54.6% in 2010). The greatest increase is observed in the subcategory of women raising small children (see details in the Annex 2). The Empowering Women in the Family and Society Action Plan 2021-2030, consulted with experts and NGOs, specifically elaborates on the better reconciliation of family life and work, empowering women in areas

where they are underrepresented, and creating equal economic, health and social protection for men and women. (128.25, 128.58, 128.66)

49. Hungary facilitates the return of mothers to the labour market via various measures (128.47, 128.62, 128.170, 128.72):

- as of 1 July 2021, the rate of infant care fee (benefit for mothers for 168 days after giving birth) increases from 70% to 100% of the mother's previous gross monthly salary;
- under the Job Protection Action Plan programme, employers who employ parents with small children may claim back part of their social contribution tax and the vocational training levy. The amount of this benefit was raised in 2019;
- from 1 January 2020, the rules on part-time employment were amended favourably for the employees (see detailed in the Annex 2);
- with the financial support of the 'Women in the Family and at the Workplace' program, 71 Family and Career Points were established by 2018. These centres provide trainings, coaching and mentoring programmes about personal development, entrepreneurial and self-employment skills of women. The majority of these centres are situated in more disadvantaged areas of Hungary;
- since 1 January 2020, women having four children are lifelong exempt from paying personal incomes taxes;
- since 2018, the so-called Birth Grant (a one-off lump-sum payment) is extended to Hungarian mothers living outside the borders of Hungary.

50. Pay gap in Hungary shows a clear decline, with the difference of the gross hourly wage between man and women being 14.2% in 2018 (compared to 17.6% in 2010 and to 15.3% EU-average in 2018). This decrease is explained by the significant wage increase in sectors where women are overrepresented (such as in health care, education or public administration, see details in the Annex 2). (128.62, 128.170) Further, the Hungarian business enterprise environment is suitable for women, as evidenced by the 'Women, Business and the Law 2019' report of the World Bank, with Hungary scoring 93.75 out of 100.

Participation of women in public and political life

51. For Hungary, it is paramount that women receive fair chances to participate in public life, including in legislation. Instead of so-called gender quotas (that ignore the qualifications and the suitability of the applicants), Hungary believes in providing equal opportunities. Currently, three female ministers are working in the Hungarian Government, one of them being the Minister for Families, who is responsible for family policy. Further, the Women's Public Leadership Training Program – launched in 2018 and supported by the National Talent Program – offers a free, practice-oriented training for women aged 18-36 who have the ambition to participate in public life. In addition to this, several clubs and associations help this aims, (see detailed in the Annex 2 (point 3)). (128.63, 128.64, 128.65)

52. Women who are working in the public administration are supported as per Governmental Administration Act (see the details in the Annex 2 (point 3)). (128.62)

Domestic violence

53. As a major development in the Hungarian service scheme for victims of domestic violence, several new institutions were established.

54. To prevent the escalation of an abusive situation, Hungary set up Crisis Management Ambulances in 2018 that operate on a regional level and provide legal, psychological and social services. The free, 24/7 hotline of the National Crisis Management and Information Telephone Service provides information and helps to find a safe shelter for the victim in an acute crisis situation. Crisis Centres provide accommodation and complex (legal, psychological and social) assistance to victims of domestic violence who had to leave their home (be it alone or with children), for up to 4 weeks. Secret Shelters are accommodating

victims of severe domestic violence who are in life danger. Currently, 8 shelters operate, granting accommodation for up to 6 months. The social reintegration of victims is assisted by Halfway Houses that provide long-term housing (up to 5 years) and legal and psychological assistance to the tenants. This institutional framework received vast financial support in the past years, detailed in the Annex 2 (point 3). Currently, beside the National Crisis Management and Information Telephone Service 20 Crisis Centres, 21 Halfway Houses, 8 Secret Shelters, 7 Crisis Management Ambulances and 2 Temporary Accommodations with extended capacity are operating. Between 2014–2017, five awareness raising campaigns were organised under the slogan “Notice it!”, and in 2018, under the slogan “Love does not hurt”. The child protection signal system is also involved in the detection of the early signs of domestic violence in a way of professional trainings and flyers. (128. 131, 128.132)

55. As outlined above, Hungary considers the elimination of violence against women as a priority, and has a variety of measures in force serving this purpose (that are in line with the overwhelming majority of the provisions of the Istanbul Convention). (128.6, 128.8, 128.134)

Women, peace and security

56. Hungary is currently preparing its National Action Plan based on UN Security Council resolution 1325.

F. Children and youth

Child protection and social support

57. Hungary strengthened the child protection system and integrated the signal system of the family assistance and the signal system of the child service. Therefore, as of 2016, a unified and stronger signal system serves the (preventive) child protection.

58. In 2018, Hungary launched a new system of social assistance, under which supporting professionals/experts (called as kindergarten or school assistance) are working in kindergartens, schools and dormitories, and who is working for prevention and help/promotion development programmes.

59. In 2019, Hungary introduced a new benefit for parents taking care of their children that are either seriously disabled, or permanently ill and reliant on care, regardless their age (the ‘Child home care fee’). The amount of the fee is currently HUF 147,315 per month, and it will gradually be raised to the level of the applicable minimum wage by 2022. Under the period in which one receives ‘Child home care fee’, the recipient/beneficiary is eligible to social and health care.

60. As of 2021, foster parents receive an increased monthly fee if they raise children with special/complex (or dual) needs. (128.178). Since 2019, the territorial child protection services may operate services (such as the Barnahus model) for the examination and therapy of neglected and abused children, especially those who have been sexually abused. (128.178)

61. In 2020 the so-called ‘general protection measure’ was introduced in order to protect children who are suspected victims of trafficking. The police may place these children in a designated home. (128.139)

62. As of January 1, 2016, it was introduced obligatory/bound/obligated for local governments to organize holiday catering/provide healthy food and enriching activities to all children in need. (128.170)

63. To support young people to start their life, a new tax allowance will be introduced in 2022 (see Annex 2, point 3).

Children in education

64. In order to ensure access to quality, inclusive education, and to improve school performance especially for vulnerable students' groups, systemic measures were introduced in line with the Mid-term Strategy against School Leaving without Qualification and Public Education Development Strategy. Particularly, access to quality early childhood education and care has been strengthened to improve educational outcomes; professional assistance is being provided for low performing schools on an ongoing basis; early warning and pedagogical support system to prevent drop-outs from schools. To reduce social inequalities, from 2017 students are entitled to free textbooks in all grades of primary school (grades 1–8) and in the first grade of secondary school (grade 9). In 2020, this was extended to all students in grades 1–12. In addition, from 2016, local governments have to organise catering during the holidays for disadvantaged and severely disadvantaged children. This is heavily supported from the central budget (approx. HUF 79.46 billion for institutional catering, and HUF 3.03 billion for catering during the holidays for disadvantaged children in 2020). (128.47, 128.170)

65. The National Core Curriculum and the framework curricula contain the topic of 'The rights of the child, democracy and citizenship' as a 'cross-cutting' subject. Its content appears in subjects of history, active citizenship and economic studies. (128.176)

66. In 2017, the National Minority Committee of the Hungarian Parliament set up a program to support financially (via scholarships and targeted supports) the education of minority teachers. Upon the initiative of at least 8 parents, the education or care of children belonging to minorities must be organised. The minority language and the folklore teaching follow the framework curriculum approved by the national minorities' local government, while the other subjects follow the general national curriculum. (127.87, 128.88, 128.89, 128.91)

G. Persons with disabilities

Policy measures

67. In 2015, the Hungarian Parliament adopted the National Disability Programme 2015-2025. Based on the evaluation of the past years, the new strategy sets out the main development directions of the disability policy within the envisaged 11 years in a new structure over a longer period than before. In 2020, a new Action Plan for the Implementation of the National Disability Programme was adopted for 2020–2022.

68. In 2020, the Sign Language Act was amended to allow for a state-recognized language examination in Hungarian sign language. The state also allowed sign language to be taught to deaf children by adults who are native language users who use sign language as their primary language and are included in the List of Sign Language Instructors, and the state covers/will bear the costs of interpretation when using the state health system.

69. As of 1 January 2021, detailed conditions for the provision of elementary rehabilitation benefit for visually impaired persons are laid down in legislation. (128.177, 128.178, 128.182)

Education

70. In 2016 and 2020, the special vocational educational system and trainings were revised. In 2017, the so-called development schools system (for learners with moderate intellectual disability) was reformed and a new practical curriculum was adopted. The rules for the mobile special educator and mobile conductor network were also updated. In 2020, the national core curriculum and the framework curricula were also revised. Moreover, in 2013 the entire specialized pedagogical service system, including special educational needs (SEN) diagnostic committee activities, has been reformed, while the diagnostic committee activities were revised in 2020. Currently, over 71% of children with disabilities participating in the public education system receive education in an inclusive methodological framework. The number of educational institutions involving the teaching

of learners with SEN is 4341 (which is 75% of the institutions overall). (128.177, 128.178, 128.181, 128.182)

Employment

71. Hungary increased the employment rate of persons with disabilities through social contribution tax relief, rehabilitation services and wage subsidies provided from the government and the EU funds. The measures introduced also increased labour market demand for the employment of people with disabilities, increasing the employment rate from 18% in 2011 to 44% by 2020.

72. As of 1 January 2018, employees with disabilities are entitled to five working days of additional paid leave per year. The definition of a disabled worker has also been clarified in the Labour Code and in other labour legislation concerned. As of 1 January 2021, in order to facilitate the employment of disabled people, the provisions on wage limit in addition to social benefits have been repealed. The purpose of the amendments is to prioritise the rehabilitation of disabled and disadvantaged people over keeping them in an inactive status in order to provide them more effective help with carrying a paid employment, which enables them to support themselves and their families. (128.177, 128.182)

Voting rights

73. Until 2011, the previous constitution automatically excluded persons from suffrage who have been under capacity-limiting or capacity-excluding guardianship.⁴ In contrast, As of 1 January 2012, the Fundamental Law has brought significant changes in the area of suffrage of persons under guardianship whose decision making is hampered as it vests the courts with the right to exclude the given person from suffrage upon an individual assessment of the concerned person's situation. In line with the provision of the Fundamental Law, Act on the electoral procedure stipulate that the court has to decide whether it excludes persons who have been put under capacity-limiting or capacity-excluding guardianship from suffrage or not. If the court does not exclude the adult person from suffrage, he/she has the right to vote and to be voted for, and to exercise these rights in person as well as to make legally valid statements in this context on his/her own.⁵ (128.179, 128.180)

Independent living

74. In 2011, the Deinstitutionalization Strategy 2011-2041 was adopted and governmental and EU funds have financed the projects necessary for the implementation of the Strategy. In accordance with the principles of the Strategy, supported housing was introduced in 2013. In 2019, nine times as many persons with disabilities used supported housing as in 2014, with the ratio being five times higher for psychiatric patients. Supported housing can be created not only through deinstitutionalisation, but also through the construction of new services.

75. As the Government pays particular attention to children with disabilities, the revised deinstitutionalisation concept also includes deinstitutionalisation for children living in child protection facilities. The latest amendment to the Child Protection Act also confirms the concept: in the case of foster children, supported living has been named among the forms of home provision services from 1 January 2020.

76. In order to support persons with disabilities to live independently, Hungary has launched different tenders in the recent years co-financed by EU funds. For example the "Developing ICT-based remote services for the daily lives of people with disabilities" tender aims to provide the best possible support to persons with disabilities in achieving independent living and self-determination through the development of new and existing ICT services. The "Developing and improving access to professional and public services for persons with disabilities" tender aims to improve public services responding to the needs of people with disabilities: improving access to public services, establishing a network of counselling, providing information, developing new services, improving the

currently available services and improving tasks in family and child welfare centres. (128.177, 128.178, 128.182)

H. Racism, issues affecting the Roma community, hate crimes

Roma integration

77. Hungary is committed to the social inclusion and integration of the Roma while preserving their own culture, traditions and communities. This approach prevails in all policies as a horizontal principle; nevertheless, the Government initiated and implemented targeted measures in certain areas such as child welfare, education, employment, health, regional development, discrimination, community participation and ethnic culture. The Government's commitment is reflected in the EU strategic framework of Roma integration policies, originally initiated by Hungary in 2011 (renewed in 2020), as well as in the national social inclusion strategy and its latest version, the Hungarian National Social Inclusion Strategy 2030. (128.50, 128.51, 128.67)

78. In order to promote tolerance, cultural diversity and understanding as well as to eliminate prejudice and discrimination, the Government provides significant resources for the promotion of Roma culture. The so-called "371 Stars" theatrical performance is organized every year in collaboration with NGOs on the Day of Roma Courage and Youth (16 May) as well as commemorating the Roma victims of the Holocaust on 2 August. The International Roma Day Gypsy Wheel - Roma Values Festival (8 April) is also an annual event with the aim of bringing the Roma minority and the majority population society closer together through cultural understanding, music and dance, folk traditions and roundtable discussions. Since 2013, the culture and history of Roma and Gypsies are included in the National Core Curriculum. (128.46, 128.110, 128.115)

79. Furthermore, to promote tolerance and cultural understanding of the Roma population, their participation in political life, and to eliminate discrimination against the Roma, Hungary launched the Comprehensive Program for the Elimination of Segregated Life Situations aiming at contributing to the social inclusion and integration of disadvantaged people living in segregated living conditions and in deep poverty by eliminating disadvantages in employment, education, health, community, housing and in access to services. Nearly 5,000 persons participate in the program. In addition, the Actively for Knowledge program facilitates employability of the low-educated adult population, including many Roma, through various trainings (competence development, primary school education, acquiring work experience). (128.86) Training and employment of Roma women and girls are supported through various programs. (See Annex 2, point 3.) Comprehensive settlement programs support the social inclusion and integration of disadvantaged people living in segregated living conditions and in deep poverty through employment, education, health, community, housing measures and by eliminating inequalities in access to services.

80. The budget also finances the preservation of Roma cultural identity. The goal of the so-called minority support is to preserve ethnic identity, nurture their mother tongue, historical traditions as well as intellectual and material memories, and to organize national or regional events significant in preserving cultural autonomy, and linguistic and cultural identity. In order to integrate the adult Roma population into the labour market and Roma children into the normal education system, the social land program is implemented annually supporting the self-sufficiency of disadvantaged families through small-scale vegetable production and animal husbandry. (128.54, 128.56, 128.61, 128.71, 128. 73, 128.92, 128.94, 128.95, 128.171)

81. Hungary takes all possible measures against discrimination and supports the promotion of equal opportunities and equal treatment of persons belonging to the Roma community. Strong action against discrimination is a key element of the new Hungarian National Social Inclusion Strategy 2030. The legal and institutional guarantees of non-discrimination have developed in recent years. The Equal Opportunity Act sets out the sanctions for cases breaching equal treatment, the persons concerned can turn to the Commissioner for Fundamental Rights. The Equal Treatment Act requires municipalities to

adopt a five-year Local Equal Opportunities Program (HEP), which is reviewed every two years. Equal opportunity mentors provide professional assistance to this work. The HEP forum provides an opportunity for cooperation between local leaders and public actors, promoting common thinking and social dialogue. (128.72, 128.78, 128.84)

Education

82. There are ongoing systemic measures in order to improve education outcomes, improve the access to quality, inclusive and mainstream education. Anti-segregation working groups have been established in all state school districts by 2018 October to monitor implementation of measures for inclusive education and desegregation. In 2018, a stronger guarantee was introduced by stipulating the obligatory supervision of the public educational equality action plans at least every 3 years. Schools concerned by the court judgement on segregation were involved in a desegregation project and desegregation action plans were prepared. Methodological assistance for supervision of equality action plans and implementation of desegregation action plans has been provided with special attention to comprehensive school development, to improve school performance and desegregation. Series of measures have been introduced to strengthen guarantees needed to avoid the misdiagnosis and misplacement of Roma children to special education. (See Annex 2, point 3). (128.76, 128.89, 128.91)

83. Based on the Vocational Education and Training Act (VET),⁶ Hungary ensures the conditions and guarantees of VET provision for everyone free of charge and accessible, specifying that vocational education and training has to meet the requirements of effectiveness, high quality, accessibility with equal opportunities for all as well as meeting the professional standards. It also supports the equal opportunities and accessibility to VET for pupils from disadvantaged background, including Roma pupils, as well as high quality VET provision. These programmes and projects are financed by national or EU funds.

84. Since 2018, Roma vocational colleges have been operating within the framework of higher education institutions with the aim of training Roma intellectuals and integrating the Roma into society. Roma vocational colleges, on the one hand, enable well-prepared Roma intellectual to take on a public role in the future, helping and supporting the social inclusion of Roma people. On the other hand, by obtaining a degree, disadvantaged students, including those of Roma origin, have a chance to find employment in the labour market. In 2021, Roma vocational colleges already have had 330 students so far. There are 8 so-called Christian Roma Vocational Colleges operating. In addition, there are 4 Roma Higher Education Colleges within higher education institutions. (128.67)

85. The National Higher Education Act ensures equal opportunities for disadvantaged students during the higher education admission procedure and during their higher education studies. Students receive benefits in accordance with their condition, personal abilities and disability. In addition, there is no racial or ethnic discrimination or segregation in the courses offered in Hungarian higher education institutions, as students participate in the courses, regardless of their racial, ethnic origin or sexual orientation. (128.70, 128.75, 128.81, 128.85, 128.86, 128.88, 128.91, 128.92, 128.173, 128.178)

Hate crimes

86. In accordance with the recommendation of the UN Commission on Human Rights, a protocol-based norm was issued in 2019 in order to provide uniform, effective and professional law enforcement responses to hate crimes. Police officers are regularly briefed on the correct conduct of police officers during measures, the importance of objectivity, the protocol to be followed, the prohibition of discrimination and the importance of prejudice-free policing. In order to eradicate racism, racial or religious discrimination, xenophobia and related intolerance and to provide an effective, professional and lawful law enforcement response, the criminal justice service relies on prejudice indicators in the detection and investigation of criminal offenses. Indicators may later become indirect evidence, and full disclosure of the evidence is a legal obligation. In 2019, trainings were conducted for the law enforcement and criminal personnel on the list and use of the prejudice indicator, and on the characteristics of hate crimes. Based on the cooperation between the Directorate General for Law Enforcement and the Directorate General for

Crime Investigation, the "Let's Do Against It Together", an information brochure with useful information and advice for victims of hate crime, was completed in November 2020. The publication was produced in 22,000 copies in February 2021. (128.108)

87. In 2020, the Victim Support Act was amended, establishing a victim support system based on direct contact to victims. Within the so-called opt-out system, assistance is offered directly to the victims who can receive personalized support tailored to their needs. The legislative changes entered into force on 1 January 2021. See details in the Annex 2, point 3. (128.90, 128.96, 128.97, 128.98, 128.99, 128.100, 128.101, 128.102, 128.103, 128.104, 128.105, 128.106, 128.107, 128.109, 128.110, 128.111, 128.112, 128.114, 128.115, 128.116)

88. Hungary declared a zero tolerance policy against anti-Semitism and is fully committed to guaranteeing the safety of the Jewish people in Hungary. Beyond a comprehensive legal framework aiming at providing protection for the Jewish community by several laws, the Hungarian Government has also endorsed the working definition of anti-Semitism by the International Holocaust Remembrance Alliance⁷ and implements it in its policies on Holocaust-remembrance, education and research as well as in the training of teachers, law enforcement bodies and legal practitioners. As regards education, Holocaust Memorial Day was introduced in the high school curriculum with the aim to widely disseminate and teach about that dark period of our history. Raising and educating a responsible person for the future are high on the agenda of educators in Hungary.

89. Hungary has been one of the safest countries for members of the Jewish communities in Europe, Jewish people were the least worried about becoming a victim of verbal insults, harassment or physical attack in the future because of being Jewish. It is important to highlight that there are practically no violent physical attacks against members of the Jewish community in Hungary. The number of anti-Semitic incidents has been showing a generally decreasing trend over the past 10 years in the European Union (2009–2019).⁸ (128.117)

I. Protection of minorities

Self-governments

90. According to National Minorities Act, self-governments can only be formed at municipalities and on a regional level if the relevant community's existence is substantiated by census data. In 2020, the amendment of the National Minorities Act aimed at strengthening the system of tools necessary for the exercise of national minorities' rights, and it continued to set as a priority the suppression of the eventual emergence of the so-called "ethno-business". The drafting process was based on the indications and requests of the Hungarian national minorities. (128.93)

Financial support

91. Direct central budgetary support is provided to Hungarian national minorities. Grants cover the following main areas: support for self-governments and their media; support for institutions maintained by self-governments; grants awarded through tenders and individual applications; support for local and regional self-governments; support for their institutions for renovation, investment, and own contribution at tenders; salary compensation for maintainers of the institutions; scholarships, awards. (128.94.)

Education

92. Based on the amendment of the National Minorities Act, the real estate of public educational institutions taken over by national minorities become compulsory. The amendment also provides a legal opportunity for the national minorities to maintain social institutions. Funds are provided from the central budget for the realizations of the cultural autonomy of communities. Over the last period, the takeover of public education institutions by national minorities was large-scale. The number of public education

institutions run by local and national self-governments increased from 77 (2016/2017) to 95 (2020/2021).

93. From 2017, national minorities can represent themselves in School District Councils, the Association of National Minorities' Local Governments can delegate a member to this School District Council, who represents the interests of national minorities. On the proposal of the Association, there are representatives of national minorities in 27 School District Councils.

94. Based on the initiative of the Hungarian National Minority Committee of the Hungarian Parliament, the national minority teacher program has been implemented since 2018. The goals of the program are to increase the number of young adults who choose the profession of a national minority teacher and to enhance the standards of the national minority teacher training, to make the national minority language training more efficient and to keep and to honour more the currently working national minority teachers. As part of this program, the quantity of the national minority allowance has progressively increased by four times and it was extended to all national minority teachers; the places of national minority teacher training received support, for the improvement of the training, furthermore, the scholarship for students of national minority teacher training was set up, whereby students undertake that they will work in a national minority pre-primary or primary school at least as long as their scholarship lasted. (128.87, 128.173., 128.174)

J. Migrants, refugees and asylum-seekers

95. Hungary upholds its obligations with regard to asylum-seekers in line with international, European and national law. (128.185, 128.189, 128.190, 128.194, 128.195, 128.197, 128.198, 128.203, 128.204, 128.205, 128.206, 128.208, 128.210, 128.213, 128.218)

96. Hungary continuously cooperates with international organizations, such as the United Nations, Hungarian Red Cross, the International Committee of the Red Cross and the International Organization for Migration. (128.214)

97. In accordance with its international obligation, the Fundamental Law, as well as the Equal Treatment Act, Hungary ensures adequate measures against all forms of racial discrimination, xenophobia and hate speech towards migrants and asylum-seekers. (128.69, 128.74, 128.80, 128.83, 128.96, 128.99, 128.100, 128.101, 128.105, 128. 113)

98. In 2020, the Hungarian Asylum Authority has waived the asylum legislation on transit zones and does not apply them currently. Following the decision, nearly 300 applicants were transferred from the transit zones to two open reception facilities. Since then, there has been no asylum seekers accommodated in the transit zones. (128.184, 128.188, 128.196, 128.199, 128.201, 128.207, 128.209)

99. Regarding the treatment of persons belonging to vulnerable groups, guidelines have been issued for the law-enforcement staff. Social workers at the Alien Policing Detention Centre in Nyírbátor provide social assistance to persons belonging to vulnerable groups, including women. (128.186)

100. Concerning detaining families and children, families having underage child are accommodated at a separate wing of the Alien Policing Detention Centre. The Detention Centres in Nyírbátor and Vámosszabadi are being reconstructed completely from Asylum Migration and Integration Fund aiming at complying with the recommendations of the Committee Against Torture. Unaccompanied minors are accommodated at children's home. The asylum authority has not ordered detention against families with children since 2017. (128.191, 128.212)

101. The consideration of the asylum authority to order asylum detention is based on continuous and careful assessment and in merit evaluation of relevant personal circumstances on a case by case basis. The aim is whether less onerous measures are effective enough to achieve the purpose of securing the availability of the asylum seeker during the asylum procedure. In 2020, in the case of Dublin transfer of a Syrian citizen, the

asylum authority, instead of ordering asylum detention, decided to use alternative less severe measure to reach the same objective. The decision based on the thorough analyzation of the person's circumstances, the authority designated the applicant's habitual residence as compulsory residence, with the obligation to report every two weeks to the authority. (128.217)

102. In the last two years, taking into consideration the declining number of asylum seekers, and the detentions' short period, it can be observed that detention was only ordered as a last resort, in case of necessity, for a reasonable time period. Beyond the 72 hours of detention ordered by the asylum authority, only the court was authorized to prolong this period. The average length of the implemented detentions stayed far below the maximum of 180 days, limited by the Act on Asylum. In 2019, 40 new detention orders were issued. This number dropped to 22, in 2020, which clearly indicates that detention was only ordered in the most necessary cases, in accordance with international regulations. The length of detention in average was 54 days in 2019, and 77 days in 2020, far below the legal maximum. Regarding asylum detention, no complaints have been lodged in the recent years due to inadequate detention conditions. The training of the guarded accommodation staff is continuous. (128.219) Possible cases of mistreatment by the police are examined by the competent prosecutor's office, which is in charge of legal supervising. (128.202) During alien policing procedures, detention must be terminated immediately if the conditions are no longer fulfilled. Judicial and prosecutorial control is ongoing during detention. (128.215)

103. The asylum authority continuously develops and improves the reception conditions for asylum seekers. Rooms and sanitary facilities have been renovated, the heating system was modernized with new radiators, solar collectors were recently installed. The equipment for leisure and recreational activities were also improved. (128.192, 128.193, 128.209, 128.211, 128.216)

K. Sexual orientation

104. The Fundamental Law, as well as the Hungarian Act on Equal Treatment explicitly forbids/prohibits discrimination based on sexual orientation. Act XXIX of 2009 provides for the registered partnership of same sex couples. The rights guaranteed for so-called LGBTI persons are around average in European comparison based on the data of ILGA Europe (placing 27th among 49 European countries).⁹ Concerning the definition of family enshrined in the Fundamental Law, the Constitutional Court stated that it does not follow from the Fundamental Law that the state should not provide an objective institutional protection to '*many other forms of permanent emotional and economic cohabitations within the sociological definition of family which has common objectives, based on mutual care and meeting the definition of family in the sociological, more dynamic sense of the word, irrespective of their title defined by law.*'¹⁰ (128. 118., 128.119., 128.120, 128.121, 128.122)

L. Human trafficking

105. In February 2020, the National Anti-Trafficking Strategy for 2020–2023 and its related Action Plan for 2020–2021 were adopted. The new strategy is based on the four pillars of the "4P" paradigm, namely prevention, protection, prosecution and partnership. During the drafting process, the proposals of the ministries, authorities and non-governmental organizations involved in victim assistance were taken into account. The strategy envisaged the allocation of 91 million HUF for implementation by 2020 and 518.5 million HUF by 2021; in addition, each organization and ministry implements measures from its own budget.

106. The Criminal Code of Hungary orders to be punished all forms of human trafficking laid down in the Protocol to Prevent, Suppress and Punish Trafficking in Persons Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime. In addition to the perpetrators who traffic in or enslave the victims for profit, due to an amendment package adopted for the enhanced protection of victims of human trafficking, as of 1 July 2020 consciously utilizing the services or other activities of

victims of human trafficking (the demand side) is criminalized as well. If the utilized services or activities include sexual intercourse or illicit use of human body, it is punishable more severely.

107. This law amendment package has also introduced a general prohibition on the offering of sexual services by a person who has not attained the age of 18 was introduced. Consequently, the minor who is in breach of the prohibition of offering sexual services is treated as a presumed victim of human trafficking, and pursuant to the Act on Minor Offences misdemeanour procedure cannot be commenced against him/her. As part of the same amendment package, another amendment to the Criminal Code prescribed severe penalty – even higher than for the qualified case of the use of services as described above – for the felony of providing consideration for sexual intercourse with a minor under 18 years of age.¹⁰⁸ In the field of victim support, there is a wide range of services available for persons fallen victim to human trafficking. The state shall provide the following services to the victims after assessing their needs: facilitating the enforcement of interests; instant monetary aid; certificate of victim status; witness care; sheltered accommodation. Two non-governmental organizations operate shelters for adult victims with annual state funding from the central budget. Half-way houses connected to each temporary accommodation also form part of the complex assistance – this service is designed to establish and strengthen independent living, once the victims get over the crisis situation. Besides special criminal law measures, e.g. restraining order (to be ordered during criminal proceedings), rules on persons requiring special treatment and witness protection further contribute to the adequate protection for victims.

109. As regards minors, five special children's homes were designated for the reception of (presumed) victims of human trafficking. One of the institutions, the central special children's home in Kalocsa provides care exclusively for boys. See more details in Annex 2, point 3. (128.142 128.144, 128.145, 128.146, 128.147, 128.149)

110. With a view to increasing the efficiency of law enforcement, senior supervisor officers for trafficking in human beings were appointed in all county police headquarters in 2019 to conduct or direct THB-related investigations. As of 1 January 2021, the anti-human trafficking group has become an independent unit within the framework of the National Bureau of Investigation, with its staff being expanded. Additionally, the Ministry of Interior organizes a series of awareness-raising trainings for police officers, prosecutors and judges from three counties of Hungary each time. (128.143, 128.148)

M. Media, freedom of information, freedom of expression

111. Critical remarks concerning the media law having relevance in legal terms (the rules on balanced information, the election (appointment) of the president of the media authority and the chairperson of the media council and the publication of political advertisements in media services) were addressed by legislative means. (128.155, 128.160)

112. The regulatory framework for media activities has been developed in consultation with the relevant international fora and adequately safeguards freedom of the media. The relevant legislation ensures a proper framework for the freedom of the media. It offers an all-around protection for journalist's independence by providing safeguards for editorial and journalistic freedom of expression. The Media Act developed a two-pillar set of tools to effectively prevent the emergence of dominant positions and safeguard the pluralism of the media market. On the one hand, market concentration of providers of linear media services may be limited within the framework of Media Act in order to maintain the diversity of the media market and to prevent the formation of information monopolies. The other pillar securing and maintaining media market pluralism are the additional obligations that the Media Act attaches to Significant Powers of Influence Businesses as a media service provider.

113. The National Media and Info-communications Authority (NMHH) is an autonomous regulatory agency subordinated solely to the law. The Media Council and its members are also subject only to the law and cannot be instructed in their activities. The independence of

NMHH as well as the foreseeability and predictability of the administrative procedures concerned is properly safeguarded. (128.157, 128.158, 128.159)

N. Detention conditions, ill-treatment

114. Hungary resolved the issues of overcrowding in prisons by a multi-directional plan by complementing the program prepared for reducing overcrowding in prisons as well as using the means of legislation by introducing effective legal remedies. The ongoing prison capacity development programme resulted in opening 2.500 new prison places in 2020, as well as a drop to 96 percent of the occupancy level which has an enormous significance in this respect. In 2016, an effective domestic remedy was introduced in respect of complaints concerning overcrowding in prisons with a retroactive effect. In the light of the experience concerning the application of this domestic remedy, the applicable rules were reviewed in 2020. The legislative amendments strengthened the rights of the victims of the crimes committed by the detainees obtaining compensation for overcrowding. (128.127)

115. Although the length of pre-trial detention has not been changed, the new Criminal Procedure Code includes several provisions that aim to ensure that the pre-trial detention is only ordered when it is indispensable, and it should only last for the time most necessary. The Code introduced the principles of necessity, proportionality and gradualism to the basic principles applicable during criminal procedure and the court can only order pre-trial detention if the aim to be achieved by pre-trial detention cannot be achieved by an alternative measure, such as a restraining order or criminal supervision. This rule signifies a change in the approach to pre-trial detention; it clearly expresses that the number of pre-trial detentions shall be reduced to the minimum in line with the European trends, and it should indeed be limited to the most necessary cases. (128.129)

O. Development

116. According to the published OECD DAC preliminary data, in 2020, Hungary's Official Development Assistance (ODA) amounted to 411.41 million dollars (126.71 billion Hungarian forints), the sum of which contributed to 550 international development projects in 110 countries. Hungary thereby managed to increase its ODA/GNI ratio from 0.09% in 2010 to nearly 0.26% in 2020, which highlights a total increase of 260%. With this impressive achievement, Hungary successfully reached and exceeded the 0.25% ODA/GNI target by 2025, as set out in its International Development Cooperation Strategy for the period 2020–2025 (IDC2025). Since the last UPR of Hungary in 2016, Hungary has increased its level of ODA by over 165%.

117. The substantial increase of the assistance – in line with the priorities of IDC2025 – is attributable to a wide range of international economic development and foreign investment programs, bilateral development projects and numerous medical donations implemented with a view to assisting our international partners in their efforts to tackle the effects of COVID-19 pandemic. (128.221)

Notes

¹ Act CXXX of 2010 on law-making stipulates that “when making laws, it shall be ensured that laws a) comply with the requirements of form and content arising from the Fundamental Law, b) fit into the unity of the legal system, c) comply with obligations arising from international law and the law of the European Union, and d) comply with the professional requirements of law-making.”

http://www.njt.hu/translated/doc/J2010T0130P_20200101_FIN.PDF

² Decree No. 30/2015. (VII. 7.) on national strategic objectives to promote effective action against intimate partner violence.

³ According to Article 29 of the Fundamental Law, in Hungary, the Prosecutor General and the Prosecution Service are independent entities.

⁴ Parallel to the introduction of the new Civil Code, the supported decision making was introduced as a legal institution by the Act CLV of 2013, which entered into force in 2014.

- ⁵ The new rules of limiting legal capacity in case of guardianship have been examined by the Hungarian Constitutional Court in its decision No. 11/2014. (IV. 4.) AB. The Constitutional Court concluded that the rules are in conformity with the supportive model suggested by the CRPD on the following grounds: a.) any person of legal age with legal capacity is entitled to make a prior legal statement with a view to partial or full limitation of his/her legal capacity in the future; b.) the interests of the person concerned are given top priority; c.) it is declared that guardianship with fully limited legal capacity may be ordered only in exceptional cases by the court.
- ⁶ Act LXXX of 2019 Vocational Education and Training.
- ⁷ Government Decision No. 1039/2019. (II. 18.) on promoting the use of the IHRA definition of antisemitism.
- ⁸ Fundamental Rights Agency of the European Union (FRA)
https://fra.europa.eu/sites/default/files/fra_uploads/fra-2018-experiences-and-perceptions-of-antisemitism-survey_en.pdf
https://fra.europa.eu/sites/default/files/fra_uploads/fra-2020-antisemitism-overview-2009-2019_en.pdf p. 51–52.
- ⁹ <https://www.rainbow-europe.org/#8637/0/0>
- ¹⁰ Decision No. 4 of 1990 (III.4.) of the Constitutional Court.
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