



Human Rights Council
Working Group on the Universal Periodic Review
Thirty-ninth session
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Summary of Stakeholders' submissions on Hungary*

Report of the Office of the United Nations High Commissioner for Human Rights

I. Background

1. The present report was prepared pursuant to Human Rights Council resolutions 5/1 and 16/21, taking into consideration the periodicity of the universal periodic review. It is a summary of 35 stakeholders' submissions¹ to the universal periodic review, presented in a summarized manner owing to word-limit constraints. A separate section is provided for the contribution by the national human rights institution that is accredited in full compliance with the Paris Principles.

II. Information provided by the national human rights institution accredited in full compliance with the Paris Principles

2. The Commissioner for Fundamental Rights of Hungary (CFR) stated that the Roma community was benefiting from special cultural autonomy rights, but has been able to exercise these rights only to a limited extent because of the effects of poverty, vulnerability and discrimination, which affected members of that community more seriously than other groups of the society.²

3. According to CFR, equal and efficient access to education of Roma children remained a problem in Hungary. CFR noted that granting equal access to efficient education was still a problem, in particular in some areas of the country where direct and indirect discriminatory practices were strong due to complex sociological and demographic circumstances. In recent years, the improvement of accessibility, quality and efficiency of benefits and services in child-welfare and child-protection has been a successful initiative providing better chance of childhood socialization and education.³

4. In this respect, CFR recommended that Hungary enhance its efforts to improve employment rates and conditions for Roma people, notably in the most disadvantaged regions; to specifically design and enhance existing policies aimed at increasing the level of employment of Roma women, with the effective participation of Roma organizations and

* The present document is being issued without formal editing.



independent experts; to dedicate sufficient resources to their implementation; and to monitor and evaluate their effects on a regular basis.⁴

5. CFR also noted that the Ombudsman regularly inspected the southern borders of Hungary affected by migration. In relation to the changes introduced in the legislative framework concerning the asylum procedure in Hungary, the CFR constantly monitored draft legislation and shared his concerns with the legislator.⁵

III. Information provided by other stakeholders

A. Scope of international obligations and cooperation with international human rights mechanisms and bodies⁶

6. According to JS7, Hungary had failed to adopt key human rights treaties that can provide protection to non-citizens and recommended that Hungary ratify the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families and to amend the Criminal Code in line with Article 31 of the Refugee Convention.⁷

7. JS13 recommended that Hungary ratify the Council of Europe Convention on Preventing and Combating Violence against Women and Domestic Violence (Istanbul Convention) and adopt comprehensive rules against domestic violence that also includes foreign victims.⁸ JS1 stated that Hungary accepted the recommendations to ratify the Istanbul Convention, however, in May 2020, Parliament voted against the ratification.⁹

8. ICAN recommended that Hungary sign and ratify the UN Treaty on the Prohibition of Nuclear Weapons as a matter of international urgency.¹⁰

B. National human rights framework¹¹

9. Amnesty International (AI) indicated that, in March 2020, the Parliament adopted the Bill on Protection against the Coronavirus that extended the government's power to rule by decree by absolving it from parliamentary scrutiny, without providing a clear cut-off date. While the bill was replaced in mid-June 2020, the government continued to uphold a set of transitional powers allowing restrictions of human rights, such as the right to freedom of peaceful assembly and curtailing access to asylum.¹²

10. JS2 underscored that the Fundamental Law was amended nine times in line with the Government's political interests and did not adequately restrict the state's power and did not effectively protect the rule of law and human rights. Instead, it was used by Hungary as a tool to undermine the principles of the rule of law, contrary to generally recognised constitutional norms. The Venice Commission also raised concerns about the governing majority's "systematic approach" that provisions of ordinary laws which the constitutional court had previously found unconstitutional and annulled were reintroduced into the constitution. This effectively meant the overruling of the constitutional court. JS2 recommended that Hungary consult with the Venice Commission and all relevant domestic stakeholders prior to introduce constitutional amendments.¹³

11. The Hungarian Helsinki Committee (HHC) recalled that the Commissioner for Fundamental Rights was designated as Hungary's national preventive mechanism (NPM) in 2015. HHC recommended that Hungary provide adequate resources and funding for the NPM, ensure that it substantively involves NGOs in its work, and that NGOs and experts are involved in NPM visits to multiply capacities, as well as ensure access to penitentiary institutions for NGOs and independent stakeholders with sufficient monitoring knowledge and capacity and ensure that the NPM adequately monitors the application of procedural torture prevention safeguards.¹⁴

C. Implementation of international human rights obligations, taking into account applicable international humanitarian law

1. Cross-cutting issues

*Equality and non-discrimination*¹⁵

12. JS4 recommended to adopt a comprehensive strategy and action plan covering all spheres of life to tackle discrimination based on sexual orientation and gender identity and to strengthen efforts to fighting homophobic and transphobic hate speech, by amending relevant provisions of the Fundamental Law and the Civil Code and by condemning such statements, especially if made by public officials.¹⁶

13. AI recommended that Hungary amend the Fundamental Law by repealing the unnecessarily restrictive and discriminatory provisions introduced since 2016, including those which restrict the rights of LGBTI people. It further recommended to provide equal rights for LGBTI people, including legalising same-sex marriage and adoption by same-sex couples and by individuals.¹⁷

14. JS8 recommended that Hungary immediately halt smear campaigns against vulnerable groups, including refugees, migrants and Roma and LGBTQ people, and ensure that racist, homophobic, transphobic, xenophobic and misogynistic comments are not tolerated by state officials, and that Hungary actively support public campaigns and discourses that promote equality and inclusion of vulnerable groups and people.¹⁸

15. JS4 recommended that Hungary ensure that all textbooks and other educational materials authorized for use in public education cover sexual orientation and gender identity in an objective manner, and promote tolerance and respect for LGBTIQI persons.¹⁹

16. HHC recalled that ethnic profiling and discriminatory practices by the police affecting the Roma have remained a problem. HHC recommended to take measures to combat ethnic profiling by the police affecting the Roma, ensure that all reports filed with the police were handled diligently, including reports by individuals perceived as Roma, and develop a monitoring and training system to terminate discriminatory practices and biased communication within the justice system.²⁰ JS9 made a similar remark and recommendation.²¹ Romaversitas Foundation (Romaversitas) recommended that Hungary develop more public-initiated and public-sponsored awareness and awareness-raising initiatives and educational programs aimed at combating hate speech and eradicating anti-Roma sentiment.²²

17. JS5 recommended that Hungary eliminate all forms of discrimination of Roma children in all settings, including education, and continue the work to further social and economic integration of the Roma population, reduce direct and indirect school segregation of Roma children, and actively promote Roma participation in society, also through education.²³

18. The Office for Democratic Institutions and Human Rights of the Organization for Security and Cooperation in Europe (OSCE-ODIHR) recommended that Hungary uphold existing commitments and international obligations on tolerance and non-discrimination. It further recommended to condemn any form of discrimination and hate crime and abstain from any statement or action that exacerbated vulnerabilities.²⁴

19. JS17 recommended that Hungary adopt a comprehensive national strategy and public action plan for the promotion of equality between women and men, covering all important fields and issues of women's rights, and considering all women irrespective of their family status and position.²⁵

20. JS8 recommended that Hungary take effective measures for the police and prosecution to ensure prevention of hate crimes, effective police action at the scene and full implementation of hate crime legislation, to issue instructions for the authorities and courts that members of groups opposing constitutional values are not entitled to enhanced criminal law protection. It further recommended to provide training for stakeholders and to take effective measures to reconsider the legal practice relating to the crime of "incitement against

a community” in order to ensure that the crime fulfils its role in punishing inciting expressions against social groups.²⁶ JS4 recommended that Hungary take comprehensive measures to prevent hate crimes and encourage victims to report the incidents. JS4 further recommended that Hungary improve quality and access to victim support and legal aid services for victims of hate crimes by training professionals, decreasing bureaucratic barriers, and providing public funding to civil society organizations offering support services tailored to the needs of hate crime victims.²⁷

21. JS8 stated that while in some areas the Hungarian authorities have made notable progress in responding to hate crimes and protecting the rights of vulnerable groups, due to several long-standing institutional obstacles, the lack of systematic data collection coupled with the Hungarian Government’s stigmatising rhetoric about several vulnerable groups - most significantly LGBTQ people, Romani people, asylum-seekers, refugees and migrants - has led to serious consequences and hindered the authorities’ effort to effectively tackle hate crimes.²⁸

22. According to JS8, the biggest achievement in the field of hate crimes was the adoption of a police and a prosecution protocol on hate crimes in 2019 following a recommendation from the Second Cycle of the UPR of Hungary. The Directive of the Chief of the Hungarian Police entered into force on 1 August 2019 and served a general manual for police officers on dealing with bias motivated incidents and crimes. JS8 recommended that Hungary ensure that police officers and prosecutors are fully aware of the Directive of the Chief of the Hungarian Police (protocol on hate crimes) by conducting regular training for them, ensure that all police officers and prosecutors receive training on the nature of hate crimes and the role of the police in combating them, and involve NGOs in the training of state actors, organize common discussions and meetings and foster cooperation with them on other fields of hate crime prevention.²⁹

2. Civil and political rights

*Right to life, liberty and security of person*³⁰

23. HHC further stated Hungary’s prison overcrowding rate was decreasing since 2015, when the European Court of Human Rights (ECtHR) established in a pilot judgment that overcrowding in penitentiaries was a systemic problem. However, it also noted that the number of inmates had only slightly decreased from 2016 to 2019 and started increasing again in 2020. It recommended that Hungary invest in the sufficient use of the existing non-custodial alternatives to detention, improve physical and sanitary conditions in penitentiary institutions and apply restrictions on family visitation proportionately during the pandemic, and reinstate visitation by applying appropriate safety measures.³¹

*Administration of justice, including impunity, and the rule of law*³²

24. JS2 noted that Hungary’s record on the implementation of ECtHR judgments continued to be very poor. Fifty four leading cases (81 per cent of the leading cases from the last ten years) were still pending execution. Non-executed judgments indicated systemic or structural problems concerning e.g. freedom of expression of judges, excessive length of procedures, ill-treatment by official persons, discrimination and segregation of Roma children, unchecked state surveillance, and freedom of religion. JS2 recommended that Hungary take the necessary legal measures to fully comply with the decisions of the ECtHR, the Court of Justice of the European Union (CJEU) and ordinary courts.³³

25. JS2 stated that the deterioration of the rule of law in Hungary had a severe impact on the enjoyment and enforcement of human rights in the country and that judicial independence had been under constant attack and systematically undermined by the governing majority since 2011. JS2 recommended that Hungary respect the rule of law and the independence of judicial institutions entrusted with protecting human rights, including minority rights.³⁴

26. The Council of Europe recalled a statement from November 2019 urging the Hungarian Parliament to modify a bill that could negatively affect the independence of the judiciary by diminishing the independence of individual judges in their core duties and creating excessive hierarchies within the judicial system.³⁵

27. JS11 noted that developments taking place in Hungary since 2010, and especially in the last years, were of great concern. In recent years, lawyers and judges have faced significant constraints when exercising their profession and implementing their professional duties. Their rights and privileges have often not been respected and they have been repeatedly subjected to persecution and improper interference by state authorities and other branches of government. Moreover, a number of newly adopted laws and legislative initiatives further eroded the independence of the judicial system, violated the separation of power principle, and thus weakened the rule of law in the country. JS11 recommended Hungary to safeguard and guarantee a full and effective independence of the judiciary in Hungary and stop any sort of harassment and persecution, including criminal prosecution, of judges who speak up against governmental policies or acts, or who adopt rulings that overrule the decisions of the government.³⁶

28. JS2 recommended that Hungary ensure that judges are allowed to freely express their views on rule of law, judicial independence, protection of human rights, and that representing the interests of the judiciary does not constitute a disciplinary offence or a breach of the judges' code of ethics.³⁷ JS11 recommended the Government to respect the freedom of expression and association of lawyers and judges.³⁸

29. HHC stated that a fine or community service imposed for a petty offence may be converted into confinement without hearing the offenders. Since 2018, there had been a 150 per cent increase in the conversion of fines to confinement. Those who are unable to pay high fines serve confinement for minor offences, and the practice disproportionately penalises the socially deprived. HHC recommended that Hungary apply proportionate sanctions in petty offence cases, provide alternatives to fines, use existing alternative sanctions such as community service, restrict the practice of converting fines into confinement without a hearing, abolish the possibility of petty offence confinement of juveniles and repeal the laws criminalizing homelessness.³⁹

*Fundamental freedoms*⁴⁰

30. Civicus expressed concerns that freedom of expression and independence of the media continued to face challenges as journalists experience prosecution and media outlets were raided and attacked by the authorities. Civicus recommended that Hungary ensure the freedom of expression and media freedom by bringing national legislation in line with international standards, to reinstate all media outlets unwarrantedly closed, to take steps to lift restrictions on the freedom of expression and adopt a framework for the protection of journalists from persecution, intimidation and harassment, and to guarantee unfettered access to domestic and foreign media information, offline and online.⁴¹

31. The Council of Europe further referred to a statement expressing deep concern regarding legislative measures taken in 2018 that had restricted the space for civil society organisations and criminalised NGO activities that were fully legitimate in a democratic society. Continued intimidation and stigmatisation of human rights defenders had a chilling effect.⁴²

32. The Committee to Protect Journalist (CPJ) recommended that Hungary condemn all attacks, threats, or harassment of journalists both online and offline and ensure that any such incidents are investigated in an efficient, independent, and transparent manner. It also recommended that Hungary take appropriate steps to restore media pluralism in the Hungarian media environment, including steps to guarantee the independence of the media regulator. It further recommended that Hungary cease regulatory practices designed to marginalize independent media, especially in the granting or refusal of frequency licenses, and that Hungary restore proper governance to the public broadcaster and fully apply international standards to guarantee independence, accountability and transparency.⁴³

33. AI recommended that Hungary protect and facilitate the rights to freedom of association, peaceful assembly and expression, including by repealing laws stigmatizing and discriminating against NGOs and foreign-owned universities.⁴⁴ JS10 recommended that Hungary repeal the Act on the Transparency of Organizations Supported from Abroad, Section 353/A of the Criminal Code and the 25 per cent special tax on immigration, and that

Hungary refrain from introducing any further legislation that limits the freedom of association or assembly in any way.⁴⁵

34. HHC stated that during the state of danger declared by Hungary due to the pandemic in 2020, a blanket ban was introduced on all kinds of gatherings, de facto abolishing the right to peaceful assembly for several months. It recommended that Hungary abolish mandatory legal representation in assembly lawsuits and lift the blanket ban on assemblies and enable assessing the individual risks of each protest during the pandemic.⁴⁶

35. JS10 further recommended that Hungary refrain from using authorities in politically motivated administrative procedures to intimidate or silence civil society organizations.⁴⁷

36. ADF International recommended that Hungary ensure that the right to freedom of religion is duly recognized and respected by adhering to the decisions of Hungarian constitutional courts as well as the European Court of Human Rights regarding the church registration laws, to repeal or review the restrictive church registration laws in order to allow religious groups to operate freely, and to amend the Law on freedom of assembly to ensure the rights to freedom of assembly and expression are duly protected.⁴⁸

37. JS4 urged the Hungarian authorities to respect the recommendations of the Special Rapporteur's report to the United Nations General Assembly on eliminating intolerance and discrimination based on religion or belief and the achievement of sustainable development goal 16.⁴⁹

38. ADF International recommended that Hungary respect the right guaranteed under international law of parents to raise and educate their children in accordance with their moral and religious convictions.⁵⁰

*Right to privacy and family life*⁵¹

39. Hungarian Atheist Association (HHA) recommended that Hungary ensure that data protection rules are applied to religious organisations, and that religious organizations cancel or anonymize personal data on request in line with general data protection regulation requirements (including the requirement on the accuracy of the data stored).⁵²

3. Economic, social and cultural rights

*Right to work and to just and favourable conditions of work*⁵³

40. JS17 recommended that Hungary introduce legislative and other measures to eliminate discrimination against women in the workplace, including against the wage gap between women and men.⁵⁴ AI made the same recommendation.⁵⁵

41. AI recommended that Hungary amend the Labour Code and all relevant laws regulating employment to encourage part-time employment and flexible working hours and protecting women workers from unfair dismissal.⁵⁶

*Right to social security*⁵⁷

42. HHA recommended that access to social security (including housing) not be dependent upon an individual's religion or belief, marital or other personal status, nor because a person's situation is in conflict with the State's views on gender and family.⁵⁸

*Right to an adequate standard of living*⁵⁹

43. JS15 stated that Hungary's regulatory framework was questionable regarding implicit discriminatory measures against homeless people and the Roma specifically, often concealed in legislation which in itself is implicitly anti-poor.⁶⁰

44. JS15 recommended that Hungary immediately abolish the criminalization of homelessness and to improve conditions in night shelters and provisional shelters, increase capacity and decrease the number of people staying in the same room.⁶¹

*Right to health*⁶²

45. European Centre for Law and Justice recalled that in 2020, Hungary joined the Geneva Consensus Declaration on Promoting Women's Health and Strengthening the Family.⁶³

46. JS17 recommended that Hungary guarantee that the women's rights perspective, including adequate, consent- and mutuality-based comprehensive relationship and sexuality education and violence-prevention, are meaningfully addressed in basic and continuing training of educational personnel. JS17 recommended that Hungary improve the quality of and women's access to sexual and reproductive health services, including those related to birthing, especially for women belonging to disadvantaged groups. It further recommended to introduce comprehensive education on sexual and reproductive health and rights in school curricula, and provide adequate training for teachers to address this topic.⁶⁴ JS14 recommended that Hungary take all necessary measures to enable informed decisions on reproductive health and rights.⁶⁵

47. JS9 further recommended that Hungary take steps to provide Roma women with suitable assistance and information in healthcare facilities.⁶⁶

*Right to education*⁶⁷

48. Scholars at Risk (SAR) underscored that the effective closure of the main campus of the Central European University (CEU) remained one of the most notable recent encroachments on academic freedom within Europe. It further highlighted that on 6 October 2020, the European Court of Justice ruled that Lex CEU violated Hungary's commitments to the World Trade Organization, infringed on academic freedom as enshrined in the EU Charter of Fundamental Rights and deprived the universities concerned of the autonomous infrastructure necessary for conducting their scientific research and for carrying out their educational activities.⁶⁸

49. JS6 expressed concern that school segregation of Romani children showed no signs of abating and that approximately 45 per cent of Roma children attended schools or classes composed of a majority of Roma classmates. JS6 further stated that despite the ruling of the European Court of Human Rights in 2013, Romani children continued to be channelled to special schools in Hungary. The Hungarian government has failed to date to implement the European Court of Human Rights judgment.⁶⁹

50. Romaversitas voiced a similar concern and recommended that Hungary prepare comprehensive desegregation plans and assess the situation of Roma students in cooperation with civil actors and address their needs in targeted action plans with specified funding. Romaversitas further recommended that the post-pandemic action plan is created to mitigate the consequences of the pandemic, with special attention to students, who dropped out and/or did not receive real education during the pandemic.⁷⁰

51. OSCE recommended that Hungary assist Roma and Sinti children in accessing remote learning and materials, by providing the necessary electronic equipment and support by social and education workers.⁷¹

52. JS13 recommended that Hungary ensure access to all children to education irrespective of their immigration status.⁷²

53. JS5 recommended that Hungary amend the National Public Education Act to ensure inclusive education for all children living with disabilities, including children requiring high levels of support.⁷³

4. Rights of specific persons or groups*Women*⁷⁴

54. JS17 recalled that the absence of a strong and comprehensive policy foundation to realise women's rights created an obstacle to duly address multiple and intersecting forms of discrimination against women, such as Roma women, lesbian women, women with disabilities, and migrant women.⁷⁵

55. AHR recommended that Hungary criminalize all forms of domestic violence, including the first instance of domestic violence, introduce sexual harassment and stalking as separate offenses, increase domestic violence prosecution in cases involving couples who are not cohabiting or sharing children, to establish a broader definition of domestic violence, both in criminal legislation and in the law on restraining orders, and to increase victims' access to civil protective orders and increase the available duration of such civil orders to provide better protection to victims.⁷⁶ JS1 also recommended to criminalize all forms of domestic violence, including the first instance of domestic violence, introduce sexual harassment and stalking as separate offenses, increase domestic violence prosecution in cases involving couples who are not cohabiting or sharing children. It further recommended to establish a broader definition of domestic violence, both in criminal legislation and in the law on restraining orders and to increase victims' access to civil protective orders and increase the available duration of such civil orders to provide better protection to victims. It further recommended to criminalize rape based on a lack of consent, instead of the use of force and establish special services for the victims of rape and other forms of sexual violence.⁷⁷

56. JS17 stated that, according to the Inter-Parliamentary Union, Hungary was currently at the 156th place out of 188 regarding the percentage of women in national parliaments. It recommended that Hungary introduce tangible, result-oriented legislative or other measures - including temporary special measures such as quotas - to promote women's participation as candidates in elections.⁷⁸

*Children*⁷⁹

57. JS5 recommended that Hungary take measures to abandon the practice of corporal punishment of children and encourage non-violent forms of discipline and to take measures to raise awareness of the prohibition of corporal punishment and other forms of violence against children.⁸⁰

58. JS5 also recommended that Hungary take actions to prioritize social protection measures for families, in order to prevent children, in particular those under the age of 3 years, from entering alternative care, and to take measures to ensure the development of a differentiated foster care system, in which enough quality care places are available.⁸¹

59. Regarding children participation, Hintalovon suggested to involve children more in the issues that affect them.⁸²

*Persons with disabilities*⁸³

60. MEOSZ expressed concern that there was no independent mechanism to monitor the implementation of the UN Convention on the Rights of Persons with Disabilities.⁸⁴ It recommended that Hungary ensure that persons with physical disabilities fully enjoy the various forms of general health care and specialist care, as well as screening programs provided by the state, with adequate autonomy and dignity.⁸⁵ It further recommended that Hungary develop a comprehensive educational strategy from early intervention to higher education with a focus on disabilities and make educational institutions fully accessible. MEOSZ recommended that Hungary develop programs and create legislation to facilitate the integration of persons with disabilities into the open labour market.⁸⁶

61. JS16 recommended that Hungary repeal Section 7(2) a) of Act XXXI of 1997 on the Protection of Children and the Administration of Guardianship and to offer children with disabilities requiring alternative care a placement with foster families.⁸⁷ JS16 further recommended to repeal sections 2:21 (Full restriction of legal capacity) and 2:22 (Juridical acts of adults having no legal capacity) of Act V of 2013 on the Civil Code and all related provisions of the same Act and other legislative measures as a matter of urgency, to take immediate steps to replace 'guardianship partially restricting legal capacity' with supported decision-making that is in line with the Convention on the Rights of Persons with Disabilities, and to take immediate actions to ensure the accessibility of appropriate health care for persons with disabilities as close as possible to their place of living, including in rural areas.⁸⁸

*Minorities*⁸⁹

62. OSCE recommended that Hungary ensure that the upcoming recovery plans being developed for the post-pandemic period are inclusive and take the challenges and vulnerabilities of Roma and Sinti communities and their needs fully into account and ensure the full participation of Roma in the consultations, design and development of such recovery plans and strategies. It further recommended to develop measures to promote and protect human rights while actively countering racism and discrimination against Roma and Sinti.⁹⁰

63. JS9 recommended that Hungary take effective measures to help Roma communities, particularly the ones living in segregated areas throughout the pandemic and later on in dealing with its long-term effects and that Hungary ensure that adequate levels of information relating to the pandemic and the Covid-19 vaccines as well as protective gears, medicine and vaccines reach segregated Roma communities.⁹¹

64. JS6 noted that Romani children continued to be discriminated in all spheres of life. They continued to be living in social and economic exclusion, in segregated and inadequate housing, attended segregated schools, were often victims of misdiagnosis and channelled into special education, and were overrepresented amongst children in state care due to widespread discrimination and stereotypes against Roma.⁹²

65. Romaversitas recommended that the history and culture of Roma community are given a more significant place in the national curriculum.⁹³

66. The World Jewish Restitution Organization (WJRO) was concerned by the lack of progress in Hungary relating to heirless and unclaimed Holocaust-era property restitution.⁹⁴ WJRO called upon Hungary to fulfil its international human rights commitments to resolve remaining Holocaust-era asset issues in coordination with WJRO and the Hungarian Jewish communities.⁹⁵

*Migrants, refugees, and asylum seekers*⁹⁶

67. JS7 stated that, as an important country of transit for migrants and refugees attempting to reach Western Europe, Hungary had experienced significant increases in arrivals during the 2015 “refugee crisis.” Although the “crisis” had largely subsided by 2016, Hungary continued to embrace its anti-migrant posture and maintained a “state of crisis”.⁹⁷

68. Refugee Rights Europe (RRE) was deeply concerned about Hungary’s rejection of numerous recommendations relating to the rights of refugees and migrants, in particular the right to seek asylum, the respect for the principle of non-refoulement without exception, and the overall treatment of refugees and asylum seekers.⁹⁸

69. JS13 recommended that Hungary establish a comprehensive integration strategy for migrants, with specific measures to prevent and eliminate discrimination, racism, xenophobia and intolerance against migrants irrespective of their status and to ensure the inclusion of a human rights approach in the measures to address the migrant situation, taking into particular account the situation of vulnerable population.⁹⁹ JS13 recommended that Hungary, in partnership with all relevant stakeholders, develop and implement a comprehensive strategy for the integration of migrants, including beneficiaries of international protection.¹⁰⁰

70. European Fundamental Rights Agency was concerned with ‘border security restraining orders’ (határbiztosítási távoltage), a new measure entailing prohibition of entry and stay of individuals subject to certain criminal proceedings in a designated area of the country (in the 8-km-wide zone from the border), which also affected civil society representatives. It also expressed concern regarding the criminalisation of “aiding and supporting illegal migration” with custodial arrest or, in aggravated circumstances, imprisonment up to one year for certain conducts, such as providing material support to migrants in an irregular situation and organisations or individuals operating within the 8-km zone near the border; or providing assistance on a regular basis.¹⁰¹

71. JS7 stated that on 5 July 2016, the Asylum Act and the State Border Act were amended to legalise the pushback of undocumented migrants apprehended within eight kilometres of the Hungarian border with Croatia or Serbia. This was then extended across the entire country in March 2017. In December 2020, however, the CJEU declared those pushbacks illegal. JS7

recommended to take all steps necessary to prevent unlawful pushbacks and investigate allegations of such instances as well as reports of use of force. It further recommended to ensure the observance of the principle of non-refoulement in all relevant situations.¹⁰²

72. JS7 recommended that Hungary initiate the withdrawal of the Act LVIII on Transitional Rules and Epidemiological Preparedness related to the Cessation of the State of Danger in response to the COVID-19 Situation, amend the new asylum system, in order to bring it into conformity with international law, as recommended by UNHCR, and ensure effective access to territory and asylum procedure for those seeking protection at the borders and on the territory of Hungary. JS7 further recommended that Hungary ensure effective legal assistance is provided to migrants and asylum seekers in immigration detention and establish an effective judicial review of immigration detention.¹⁰³

73. JS4 recommended that Hungary amend the Asylum Law to specifically include gender identity and expression as grounds of persecution.¹⁰⁴

74. European Fundamental Rights Agency (EU-FRA) stated that in Hungary, a legislative package called “Stop Soros”, amending the Aliens, Asylum and Police Acts as well as the Criminal Code, introduced various measures mostly affecting NGOs. The European Commission initiated infringement procedures against certain provisions of the “Stop Soros” legislation. Hungary also enacted a “special tax related to migration”, primarily affecting NGOs, which amounts to 25 per cent of the donations and financial support they receive for their activities, irrespective of the origin of the funds.¹⁰⁵

*Stateless persons*¹⁰⁶

75. JS12 stated that there were indications that statelessness occurred predominantly in a migratory context and impacted primarily on people with a migrant or refugee background in Hungary.¹⁰⁷ JS12 further recalled that, although Hungary had established a statelessness determination procedure, it remained very difficult for stateless persons to acquire Hungarian nationality.¹⁰⁸

76. JS12 recommended that Hungary ensure full compliance with Article 7 of the Convention on the Rights of the Child by providing for the automatic granting of nationality to all children born in Hungary who would otherwise be stateless, regardless of their domicile or any other factor.¹⁰⁹

Notes

¹ The stakeholders listed below have contributed information for this summary; the full texts of all original submissions are available at: www.ohchr.org. (One asterisk denotes a national human rights institution with “A” status).

Civil society

Individual submissions:

ADF International	ADF International Geneva, Switzerland;
AI	Amnesty International London, United Kingdom;
CIVICUS	CIVICUS: World Alliance for Citizen Participation Johannesburg, South Africa;
CPJ	Committee to Protect Journalists New York, United States;
ECLJ	The European Centre for Law and Justice Strasbourg, France;
HCRF Hungary	Hintalovon Child Rights Foundation Budapest, Hungary;
HHC	Magyar Helsinki Bizottság Budapest, Hungary;
ICAN	International Campaign to Abolish Nuclear Weapons Geneva, Switzerland;
MAT	TMagyar Ateista Társaság- Hungarian Atheist Association Budapest, Hungary;
MEOSZ	Mozgaskorlatozottak Egyesuleteinek Orszagos Szovetsege Budapest Hungary;
RRE	Refugee Rights Europe (RRE) London, United Kingdom;
RVF	Romaversitas Foundation Budapest, Hungary;
SAR	Scholars at Risk New York, United States;

WJRO	World Jewish Restitution Organization Jerusalem, Israel.
<i>Joint submissions:</i>	
JS1	Joint submission 1 submitted by: The Advocates for Human Rights, NANE Women’s Rights Association, and PATENT (People Opposing Patriarchy);
JS2	Joint submission 2 submitted by Amnesty International, Hungarian Helsinki Committee and Eötvös Károly Institute.
JS3	Joint submission 3 submitted by: Coordination des Associations et des Particuliers pour la Liberté de Conscience and Fundación para la Mejora de la Vida, la Cultura y la Sociedad;
JS4	Joint submission 4 submitted by: The Hungarian LGBT Alliance. Háttér Society, Transvanilla Transgender Association and Labrisz Lesbian Association;
JS5	Joint submission 5 submitted by: Rosa Parks Foundation, Hungarian Association of European Parents (ESZME), Hungarian LGBT Alliance, Validity Foundation, Híntalovon Child Rights Foundation, Menedék Hungarian Association for Migrants, Hungarian Civil Liberties Union and UNICEF Hungary;
JS6	Joint submission 6 submitted by: The European Roma Rights Centre and the Rosa Parks Foundation;
JS7	Joint submission 7 submitted by: The Global Detention Project and the Hungarian Helsinki Committee;
JS8	Joint submission 8 submitted by: Amnesty International Hungary, Háttér Society, Hungarian Helsinki Committee and Hungarian Civil Liberties Union;
JS9	Joint submission 9 submitted by: The Hungarian Civil Liberties Union and Civic Roma Women of Bódva-völgy
JS10	Joint submission 10 submitted by: Ökotárs – Hungarian Environmental Partnership Foundation, Amnesty International Hungary, Hungarian Civil Liberties Union, Hungarian Helsinki Committee and Power of Humanity Foundation;
JS11	Joint submission 11 submitted by: The International Bar Association’s Human Rights Institute (IBAHRI) and Lawyers for Lawyers (L4L);
JS12	Joint submission 12 submitted by: The Hungarian Helsinki Committee, the European Network on Statelessness and the Institute on Statelessness and Inclusion;
JS13	Joint submission 13 submitted by: Hungarian Helsinki Committee and Menedék Association for Migrants;
JS14	Joint submission 14 submitted by: PATENT Association of People Opposing Patriarchy and Sexual Rights Initiative;
JS15	Joint submission 15 submitted by: Utcáról Lakásba! Egyesület (ULE / From Streets to Homes Association);
JS16	Joint submission 16 submitted by: Hungarian Autistic Society, Hungarian Civil Liberties Union, Living Independently in the Community Advocacy Group, Step by Step! Association and Validity Foundation – Mental Disability Advocacy Centre;
JS17	Joint submission 17 submitted by: NANE Association, PATENT Association, Hungarian Women’s Lobby and Jol-Let Foundation.
<i>National human rights institution:</i>	
NHRC	National Human Rights Commission- The Commissioner for Fundamental Rights of Hungary- Alapvető Jogok Biztosa, Budapest (Hungary).
<i>Regional intergovernmental organization(s):</i>	
CoE	The Council of Europe, Strasbourg (France);
EU FRA	European Agency of Fundamental Rights, Vienna, Austria;
OSCE-ODIHR	Office for Democratic Institutions and Human Rights/Organization for Security and Co-operation in Europe,

Warsaw, Poland.

- 2 The Commissioner for Fundamental Rights of Hungary, para. 7.
- 3 CFR, para .6.
- 4 CFR, paras. 7 and 7.1.
- 5 CFR, para. 24.
- 6 For relevant recommendations see A/HRC/18/17, paras. 94.1–94.9.
- 7 JS7, paras. 3.3–3.4. See also JS13, para. 25.
- 8 JS13, para. 93. See also Amnesty International, p. 4.
- 9 JS1, para. 2.
- 10 ICAN, p. 1.
- 11 For relevant recommendations see A/HRC/18/17, paras 94.15–94.28.
- 12 Amnesty International para. 4.
- 13 JS2, paras. 4–6.
- 14 HHC, paras. 1, 2 and 4.
- 15 For relevant recommendations see A/HRC/18/17, paras. 94.10–94.14.
- 16 JS 4, para 9.
- 17 Amnesty International, p. 4.
- 18 JS 8, para 32.
- 19 JS4, para 28.
- 20 HHC, paras. 32 and 33.
- 21 JS9, para 12.
- 22 Romaversitas, para 8.
- 23 JS 5, p. 4.
- 24 OSCE, para 19.
- 25 JS17, para 14.
- 26 JS8, para 11.
- 27 JS4, page 5 and para. 13.
- 28 JS8, para 1.
- 29 JS8, paras. 12 and 18.
- 30 For relevant recommendations see A/HRC/18/17, paras 126.125, 128.127, 128.128, 128.129.
- 31 HHC, para 9.
- 32 For relevant recommendations see A/HRC/18/17, paras 128.150–128.153, 128.130–128.134, 128.107-128.111.
- 33 JS2, paras. 56 and 62.
- 34 JS2, paras. 1, 23 and 27.
- 35 Council of Europe, p 3.
- 36 JS11 paras. 8 and E.
- 37 JS2, para 52. See also JS11, para 20.
- 38 JS11 para E.
- 39 HHC, para 20 and 24.
- 40 For relevant recommendations see A/HRC/18/17, paras 128.112, 128.155–128.168.
- 41 Civicus, para 6.2. See also CPJ, para 50–52.
- 42 Council of Europe, p 3.
- 43 CPJ, paras 50, 53, 54 and 56.
- 44 AI, p. 4.
- 45 JS 10, p 13.
- 46 HHC, para 35 and 36.
- 47 JS10, p 11.
- 48 ADF, para 31.
- 49 JS4, p 3.
- 50 ADF, para 31.
- 51 For relevant recommendations see A/HRC/18/17, paras 128.22, 128.47, 128.59, 128.126.
- 52 HHA, para 8.
- 53 For relevant recommendations see A/HRC/18/17, para 128.169.
- 54 JS17, para 70.
- 55 AI, p.4.
- 56 AI, p.4.
- 57 For relevant recommendations see A/HRC/18/17, paras 128.170–128.171.
- 58 HAA, para 2.
- 59 For relevant recommendations see A/HRC/18/17, para 128.170.
- 60 JS15, p. 2.
- 61 JS15, p. 3.

- ⁶² For relevant recommendations see A/HRC/18/17, paras 128.172, 128.183.
- ⁶³ ECLJ, para 12.
- ⁶⁴ JS17, paras. 65, 87 and 91.
- ⁶⁵ JS14, para 16.
- ⁶⁶ JS9, p. 3.
- ⁶⁷ For relevant recommendations see A/HRC/18/17, paras 128.73–128.176.
- ⁶⁸ SAR, para 14.
- ⁶⁹ JS6, p. 5.
- ⁷⁰ Romaversitas, para 11.
- ⁷¹ OSCE, para 21.
- ⁷² JS13, para 92.
- ⁷³ JS5, p. 7.
- ⁷⁴ For relevant recommendations see A/HRC/18/17, paras 128.25, 128.34, 128.54, 128.55–128.66, 128.123, 128.130–128.139, 128.147, 128.171–128.172, 128.186, 128.214.
- ⁷⁵ JS 17, para 19.
- ⁷⁶ AHR, p 8.
- ⁷⁷ JS 1, p. 8 and 9.
- ⁷⁸ JS17, para 75.
- ⁷⁹ For relevant recommendations see A/HRC/18/17, paras 128.25, 128.33–128.35, 128.39–128.40, 128.53–128.54,
- ⁸⁰ JS5, p. 5.
- ⁸¹ JS5, p. 9.
- ⁸² Hintalovon, p. 2.
- ⁸³ For relevant recommendations see A/HRC/18/17, paras 128.177–128.185,
- ⁸⁴ MEOSZ, para 1.
- ⁸⁵ MEOSZ, para 15.
- ⁸⁶ MEOSZ, paras 15 and 27.
- ⁸⁷ JS16, para 29. See also MEOSZ, para 13.
- ⁸⁸ JS16, para 18.
- ⁸⁹ For relevant recommendations see A/HRC/18/17, paras 128.67, 128.70, 128.72–128.95, 128.98–128.103, 128.109, 128.115, 128.164, 128.171, 128.174.
- ⁹⁰ OSCE, para 21.
- ⁹¹ JS9, para 1 and 3, p. 2.
- ⁹² JS6, p. 4.
- ⁹³ Romaversitas, para 11.
- ⁹⁴ WJRO, para 7.
- ⁹⁵ WJRO, para 24.
- ⁹⁶ For relevant recommendations see A/HRC/18/17, paras 128.184–128.220.
- ⁹⁷ JS7, para 2.1 and 2.3.
- ⁹⁸ RRE, para 7.
- ⁹⁹ JS13, paras. 89 and 90.
- ¹⁰⁰ JS13, para. 77.
- ¹⁰¹ EU FRA, p. 8.
- ¹⁰² JS7, paras 7.1 and 7.2. See also JS13, para 24.
- ¹⁰³ JS7, paras. 5.4 and 6.5.
- ¹⁰⁴ JS4, para. 42.
- ¹⁰⁵ EU FRA, p. 8.
- ¹⁰⁶ For relevant recommendations see A/HRC/18/17, paras 128.54, 128.56, 128.67, 128.70, 128.72, 128.73, 128.75, 128.76, 128.81, 128.82, 128.84–128.95, 128.98–128.103, 128.109, 128.115.
- ¹⁰⁷ JS12 para. 13.
- ¹⁰⁸ JS12, para. 15.
- ¹⁰⁹ JS12, para. 46.