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Hungary

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I. Methodology and consultation process

1. The 2nd 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, was coordinated by the Ministry of Foreign Affairs and Trade and approved by the Government. It contains the latest information on the realisation of the recommendations based on the detailed information provided by the line ministries and national authorities. This information was complemented by the inter-ministerial Human Rights Working Group established by the Government as a result of the 2011 UPR of Hungary (see V/4), including its thematic sub-working groups with the participation of more than 50 NGOs (Annex, point 1). The draft report was also shared with all members of the Civil Human Rights Roundtable of the Working Group for comments.

II. New normative and institutional framework since the previous review

2. Since 2010, Hungary has reviewed and re-regulated the most important instruments and mechanisms for the promotion and protection of human rights with a view to strengthening them. As a result, a new constitution, the Fundamental Law of Hungary and a range of cardinal acts and other pieces of legislation were adopted. National human rights strategies relating to numerous fields (i.e. social equality of men and women, elderly people, youth, environmental protection, healthcare, Roma) also serve the strengthening of human rights. (94.28, 94.32, 94.33, 94.37).

The Fundamental Law

3. The adoption of a new constitution was necessary because of changes in the organisational structure of the state and in the competence of several bodies regulated by the constitution, the completion and consolidation of provisions on fundamental rights and the adoption of detailed provisions on important topics such as public finances. The former Constitution (adopted in 1949 and amended nearly 50 times after the transition to democracy in 1989) has not provided a proper structure for such significant changes. The most important elements and amendments of the Fundamental Law are detailed in point 2 of the Annex.

4. Legislation and policy measures regarding the comprehensive criminal law reform, child-friendly justice, crime prevention, victim protection, combat against domestic violence, protection of minorities, employment, freedom of information, asylum seekers, refugees, migrants, equal opportunities and people with disabilities, trafficking in human beings, preventing early school leaving can be found in point 2 of the Annex.

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

5. Hungary is fully committed to ensure the implementation of all 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. Therefore the promulgated international treaties (e.g. human rights obligations) are part of the national law and directly applicable

by the courts. If any domestic rules seem to be in contravention with human rights obligations of Hungary, the ongoing proceedings are suspended by the courts and transmitted to the Constitutional Court which can ultimately nullify the conflicting domestic law (94.15). Hungary is State Party to the preponderant majority of international and European human rights conventions as well as to most of their protocols. Regarding ratifications since the last UPR see Chapter V. B.

6. Hungary has been a committed supporter of the Human Rights Council since its establishment and was its member between 2009 and 2012 also serving as the Vice-President of the Council in 2012. Hungary presents its second candidature to the HRC for the period 2017-2019. Hungary attaches paramount importance to the Universal Periodic Review, both as reviewed and reviewing State, and strives to ensure that each review is focused on improving the situation of human rights on the ground. It promotes concrete, measurable and implementable recommendations. Hungary is a dedicated partner and supporter of the Office of the High Commissioner for Human Rights and attaches great importance to its independence and effectiveness. It also contributes yearly to the budget of the OHCHR.

7. 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

8. Since 2008 Hungary organises the yearly Budapest Human Rights Forum. The Forum offers an opportunity to exchange views on human rights with the participation of national and international human rights experts, representatives of NGOs, governments and the academia.

9. Hungary pledges to:

- pursue an active role in the Human Rights Council, in particular by promoting minority rights, the rights of indigenous peoples, human rights defenders, freedom of religion and belief, independence of judges and lawyers;
- cooperate with the instruments and mechanisms of the Human Rights Council, in particular by upholding its standing invitation to the special rapporteurs (94.35);
- ensure continuation of the annual Budapest Human Rights Forum to raise awareness and disseminate knowledge about universal human rights and fundamental freedoms.

V. Protection and promotion of human rights - implementation of the 2011 UPR recommendations

10. During its first UPR in May 2011 Hungary received 148 recommendations, out of which it accepted 122 and rejected 26. In accordance with its voluntary commitment the Government in its mid-term report¹ gave an extensive update on the status of implementation of the recommendations. Due to the strict word limit the current report is more concise and clustered into 10 topics. For the ease of reference, please find the number of the relevant 2011 recommendation in brackets throughout the text. The full copy of the clustered recommendations can be found in the Annex (point 4).

A. Media, freedom of expression

11. The Hungarian Government was and will remain ready for dialogue in order to address the concerns raised related to the new media regulation. Thus the concrete questions and observations related to the specific provisions of the laws were discussed at ministerial and expert level consultations with the United Nations, the Organization for Security and Co-operation in Europe, the European Commission and the Council of Europe (94.9). As a result the media regulation came in line with international human rights requirements: current rules contain exclusively such limitations on the right to the freedom of expression which are fully recognized by international law (94.89, 95.6, 95.7, 95.8). For example members of the press may be obliged to reveal the source of their information only in exceptional cases and by a decision of a court (94.90). If right to freedom of expression conflicts with the fundamental rights of individuals, the media authority and its Commissioner (National Media and Info-communications Authority, NMIA) can take measures only when the core content of human dignity is violated. All decisions of the NMIA may be challenged before the courts. The NMIA was set up as an independent, autonomous organ according to the new Fundamental Law and regularly reports (including information on its regulatory role) to the Parliament which has no influence on the authority's day-to-day operation (95.21).

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

12. In line with its pledges Hungary acceded to the OP-CAT in 2012 (94.1, 94.2, 94.3, 94.4, 94.5, 95.1, 95.3). For further ratifications please consult the Annex (point 5). Accession to the Convention on Enforced Disappearances is currently being examined by the ministries in charge (94.5, 94.6, 94.7, 95.1, 95.3). Regarding the Optional Protocol to the International Covenant on Economic, Social and Cultural Rights the Government considers that the existing monitoring mechanisms within the framework of different international organisations dealing with the rights covered by the International Covenant on Economic, Social and Cultural Rights (such as the ILO, CE and the EU) provide an appropriate level of protection of social rights. Within these mechanisms Hungary fully complies with its reporting obligations (95.2). Recommendations concerning the Migrant Workers Convention were not accepted as several provisions of this instrument are governed by EU regulations, therefore none of the EU member states are parties to it, including Hungary (95.1, 96.1, 96.2, 96.3, 96.4, 96.5).

13. Hungary fully cooperates with the Council's Special Procedures (94.34, 94.35) and honouring its pledge, upholds its standing invitation for mandate holders of human rights special procedures issued in 2001. The Government responded positively to every request by the mandate holders and since the last UPR organised five visits and responded to all allegation letters and other communications (see list in point 6 of the Annex).

14. Hungary submitted on time its periodical reports to the CRPD (Committee on the Rights of Persons with Disabilities), CEDAW (Committee on the Elimination of All Forms of Discrimination Against Women) and CRC (Committee on the Rights of the Child) as well as its Twenty Year Review on the implementation of the Beijing Declaration and Platform of Action. The Government, within its capacities, strives to eradicate any further backlog and to respond to the questionnaires of HRC mandate holders (94.36).

C. Human rights infrastructure including national human rights institutions

15. The Fundamental Law implied significant changes in the structure and competences of the Constitutional Court. Since 2011 the Court comprises of fifteen members instead of eleven who are elected with a majority of two-thirds of the votes of all Members of the Parliament for a term of twelve years. Since the entry into force of the Fundamental Law the most common function of the Court has become the so-called constitutional complaint, which may be lodged at the Court mainly when a right guaranteed by the Fundamental Law of the petitioner is violated by a judicial decision. The ex post review of the conformity of pieces of legislation with the Constitution may be initiated by the Government, one-fourth of all Members of Parliament, the President of the Supreme Court (Kúria), the Prosecutor General and the Commissioner for Fundamental Rights (hereinafter: Ombudsman). While the Fundamental Law repealed the jurisprudence of Court delivered before its entry into force, the Court ruled in its decision 13/2013: „the Constitutional Court may use in future cases the arguments, legal principles and constitutional correlations developed and formulated in its former decisions (...)” which gives adequate guarantees to its proper functioning.

16. The Fundamental Law created a coherent and consistent ombudsperson system, strengthening the prior structure established in 1995. In this new system the Parliament elects a single Ombudsman equipped with the entirety of rights and responsibilities necessary for the effective protection of the fundamental rights. The two Deputy-Commissioners are responsible for the protection of the interests of future generations and of the nationalities living in Hungary. They are elected for a period of six years with the votes of two-thirds of all Members of Parliament. The Bureau of the International Coordination Committee of National Human Rights Institutions (ICC NHRI) granted "A" status accreditation to the Office of the Ombudsman on 29 December 2014 (94.17, 94.18, 94.19, 94.20, 94.21, 94.22, 94.23, 94.24, 94.25, 94.26, 94.27, 95.15).

17. The Act on the Right to informational self-determination and freedom of information set up the National Authority for Data Protection and Freedom of Information. The Authority, in line with the relevant European and international standards, is equipped both with the toolset of an ombudsperson and that of an administrative authority (94.21).

18. The Equal Treatment Act is a general law on anti-discrimination rendering already existing rules coherent. 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. The law established the Equal Treatment Authority to deal with individual cases at the request of the injured party or ex officio. The Authority also issues general information, launches training and research programmes in order to promote equal treatment in all aspects of public life. Under the new regulations in 2012 the Authority became an autonomous body, matters of its organization, functioning and rules of procedure can only be regulated by the Parliament. The financial situation of the Authority has been stabilised (2010: 207M HUF², 2011: 190M, 2012: 111M, 2013: 213M, 2014: 273M and 2015: 322M). The Authority adopts an innovative approach to pursue the shaping of public attitudes and to promote access to public services via the network of its equal treatment advisors (94.10, 94.49, 94.60, 95.16).

19. Hungary belongs to those few European states where complaints against police can be filed with an independent, parliament-elected body. According to the Police Act, victims of ill-treatment by the police can complain at the Independent Police Complaints Board whose members are elected by the Parliament for six years. If the complaint of the detainee

alludes to an assault or an inhumane or humiliating treatment, the head of the institution must forward it to the prosecutor within five days from the lodging of the complaint.

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

20. As a follow-up to the 2011 UPR of Hungary, the Government set up an inter-ministerial Human Rights Working Group (HRWG) in 2012 which was tasked to monitor human rights in Hungary, to consult with stakeholders engaged in human rights matters, to advise the Government on human rights legislation and to observe the implementation of the recommendations received by Hungary in the UPR process. The HRWG operates a Human Rights Roundtable composed of 11 thematic sub-working groups with the participation of the representatives of ministries, the Office of the Ombudsman, the Equal Treatment Authority, the National Authority for Data Protection and Freedom of Information, and more than 54 non-governmental organizations. The proposals and the criticism by the members are submitted to the HRWG on the level of ministers of state for follow-up action which can result in legislative proposals and other measures by the Government. (94.28, 94.32, 94.33, 94.37, 95.17, 95.18). For more details see point 1 of the Annex.

E. Families

21. The data of the 2011 census show that from the 2,177 million families in Hungary 1,241 million are with children. The financial situation of these families has been improved due to the fact that from 2010 until 2016 a total of 1100 billion HUF extra expenditure would have been spent on family support.

22. In order to enhance the social security of families and ease the financial burden of bringing up children, the family supporting system – in harmony with the recommendations of the Committee on the Rights of the Child – provides families with children a broad scope of benefits. From 2014 child care benefits are broadened in parallel with the expansion of the family tax allowance. Within the framework of the programme against child poverty, the so-called summertime social child catering aims to provide at least one hot meal per day during the summer vacation for children with disadvantages or multiple disadvantages. The amount of the catering for children during summer has risen from 2,64 Billion HUF to 3 Billion from 2014 to 2015. In the program those local government can attend that can implement the catering once per day for children. Children in need attending nursery school, kindergarten and school are entitled for benefits in kind: free or supported catering in these institutions as well as free schoolbooks. In 2015 the total amount of the allowance from the central budgetary for free and supported catering in nursery school, kindergarten and school as well as social summer holiday food is 67 billion HUF (95.22).

23. In order to advance the reconciliation of work and family life the Government introduced in 2014 the child-care fee extra package of measures to help young childbearing women. In order to help mothers returning to the labour market the number of day-care places available for children under the age of 3 has risen by 20% since 2011. Several programmes, projects have been launched in order to eliminate deep-rooted stereotypes and shape attitudes, including in the area of ‘women and science’ (94.42).

24. In addition to increased housing support, from 2013 the reductions of utility costs by 35% since 2013 help those living in poverty to raise their children. Measures aimed to save the housing of those with foreign currency mortgages also support this goal. Living allowance (instead of general social assistance) is paid to those (mostly living in deep poverty) involved in training programmes. The amount of the cash benefit provided to the

carers of relatives in need of intensive nursing has been increased by 15%. The fee further increases depending on the severity of the person in need of care. 13% of the carers who receive nursing fee in an increased amount take care of children (mostly with disabilities). The Government launched the system of Solid Start Children Centres to guarantee the best possible chance for children in early childhood (age of 0–3) living in extreme poverty, helping to ensure their healthy physical, intellectual, emotional and moral development. By the end of 2015, 112 Solid Start Children Centres are operating in total.

F. Women, gender equality

25. The Subcommittee on Women's Dignity as part of the Parliament's Committee on Culture was established in 2015 with security of women and combating domestic violence as priority tasks. The Subcommittee supports the governmental preparation works of the Istanbul Convention's ratification. The improvement of women's economic participation and employment are also among the objectives of the Committee, in accordance with the Europe 2020 Strategy's goals. The Subcommittee aims to support the proper recognition of women's labour, to promote the reconciliation of work and family life and to increase women's participation in political and public life. The Human Rights Working Group (Chapter V, D) and its thematic working group on the status of women also frequently discusses gender equality related issues. (94.41, 95.16).

26. Similarly to the previous Constitution, the new Fundamental Law gives a very broad definition of discrimination which covers all aspects of any form of discrimination including the promotion of equal treatment and equality between women and men. It also declares the protection of women therefore each legal initiative should undergo a gender impact assessment. The updated Equal Treatment Act establishes a framework for the fight against discrimination and specifies about 20 groups of people to be protected, among them women and in particular mothers. It defines the concept of discrimination, names indirect discrimination as punishable and introduces the possibility of positive discrimination to remedy disadvantages (94.10, 94.30, 94.38, 94.39, 95.9, 95.10, 95.11).

27. The provision of the Fundamental Law concerning the right to human dignity of the foetus was not intended to change the access to abortion as a legal and safe option in case the conditions required by law are fulfilled. It should be emphasized that these conditions were the same under the previous Constitution which did not contain the provision referring to the foetus; therefore the Fundamental Law did not change the circumstances in which it is possible to solicit an abortion (95.14).

28. Media service providers have the obligation to maintain respect for human dignity in the media content they communicate. Through this provision, the Media Council of the National Media and Info-communications Authority takes measures against discriminative content. A great number of Council decrees concern media content, hate speech, discrimination, ill-qualified age classification etc.

29. Effective from 1 July 2013, a specific legal provision governing domestic violence has been adopted in line with the Concluding Observations of the CEDAW. The felony of sexual violence may be committed by any person however, the punishment increases (from 2–8 to 5–10 years) if the perpetrator is a relative (e.g. spouse, brothers/sisters, parents, custodians) of the victim, therefore spousal rape is an aggravating factor. The 2009 regulations on Restraining Order are constantly updated based on the relevant case law. Since the latest amendment courts prevent the physical meeting of the parties in the court's premises to protect the victim; preventive restraining orders are also provisionally enforceable and the duration of the restraining order has been doubled (94.10, 94.11, 94.14, 94.66, 94.67, 95.12, 95.13, 95.20). See details in point 2/b of the Annex.

30. Police officers are continually educated and trained for the psychological background of domestic violence as well as for skills on how to get into contact with victims and hear witnesses. Victims are ensured access to justice and to comprehensive care in crisis centers which provide immediate protection including safe accommodation and assistance (by lawyers, psychological assistants and social workers). Yearly school prevention programs include the topic of domestic violence.

31. The new Labour Code (2012) enshrines the principle of equal treatment. The right to equal pay for equal work without discrimination on grounds of sex is expressly provided by the Code together with appropriate and effective remedies in the event of discrimination based on gender aspects. In Hungary the pension pay gap average is 16% while in the EU27 is 40%. Actually there is no female minister in the 9 minister government but the number of female ministers of state (6), deputy secretaries of state (19) is relatively high. The proportion of medium-level women leaders in the ministries is about 49%. In the 2014 European Parliament elections 4 women (19%) had been voted for MPs. In 2014 all parliamentary election alliances there were female politicians in the top 5 candidates. The ratio of women employed in management positions is 40% in Hungary which puts the country in the forefront in the EU. Similarly, 40% of leading positions in the public administration and of the advocacy leaders were women in 2012. According to the OECD's publication (2014) the ratio of female judges is among the highest in Hungary (94.42, 94.92, 94.98).

G. Children

32. According to the last census (2011) in Hungary there are 2 million persons under 19 years old, 980.000 girls and 1.020.000 boys. Since 2005 corporal punishment in itself is banned (section 208 of the Criminal Code) in all settings including household, that is, the child shall not be subject to or threatened with corporal or emotional punishment, torture, cruel, inhuman or degrading treatment or punishment. Public shaming is also prohibited. Under the Public Education Act protection has to be provided against physical and mental violence against children. Under the Family Act, the child shall be entitled to respect of his or her human dignity and to protection against abuse – physical, sexual or psychological violence –, and neglect. The regulations become more stringent during the implementation of the 2013-2023 National Crime Prevention Strategy (94.76, 94.78, 94.79).

33. An amendment to the new Criminal Code in 2014 extended the statute of limitations regarding certain crimes against children until after the victim has reached the legal age in order to allow time for the victim to be able to realise that a crime has been committed against her/him. Also, regarding certain sexual crimes, there is no statute of limitation if it was committed against a child. A child victim has the statutory right to use victim support services and mitigation of damages by the State. Only persons with clean criminal record can be employed to positions dealing with children. The criminal record contains specific information on any child related crime including professional ban/disqualification. (94.56).

34. The Office of the Commissioner for Educational Rights contributes to the promotion of rights concerning education of children, students, teachers, parents. Any child, parent, educator, researcher, teacher or their associations may file a petition in individual cases, if in their judgement their guaranteed rights have been infringed or there is a direct threat of such infringement. The Centre for Pedagogical Professional Services is in the process of developing the nationwide network of professional advisers for teachers which includes school conflict resolution experts. Until the system is fully functional anyone involved in a possible school conflict can turn to the mediator experts of the Centre. Such mediators are also providing training courses for teachers. Developments are in progress regarding

external school evaluation, operation of early warning system for the prevention of drop-out.

35. The Government launched “The Internet Does Not Forget” interactive programme in 2014 to promote responsible internet use for children, including the protection of personal data and preventing cyber bullying. The parallel “Our Children on the Web” programme informs parents and teachers about the dangers of the Internet. In order to effectively implement regulations regarding child protection the National Media and Information Communications Authority (NMIA) established the “Child protection Internet roundtable” in 2014 which issues statements and recommendations to promote media literacy among youth and to ensure the culture of compliance among all service providers. Internet providers and public libraries should inform their customers on, and provide for free filtering software for the protection of children (94.56).

36. In the juvenile justice system the presence of defence counsel is mandatory. In the event that the accused does not have an authorised lawyer, the investigation authorities, the prosecutor or the court shall designate a lawyer for them. In accordance with the Convention on the Rights of the Child, a punishment or measure involving any deprivation of liberty may only be applied against juveniles if the aim of the punishment or measure cannot otherwise be achieved. Life imprisonment may not be applied against a juvenile and high security prison as the most severe degree is not applicable for juveniles. During the implementation of imprisonment, girls are separated from boys, and juveniles are separated from adults in a dedicated law enforcement institution for juveniles (94.77, 94.87).

37. As a result of a new legislative package in 2011 the Child-Friendly Justice Working Group proposed several measures. Among them child hearing rooms have been created at police stations since 2013. Also the system of probation officers for young offenders has been enhanced in 2015 through the innovative preventive mentoring system in cooperation with the judiciary and the child protection system. The Child Friendly Justice Program help children to get to know their rights and responsibilities and make them understand the basic concepts and procedures used in the judicial system (see details on page 4 of the Annex).

38. Through the amendment of 1 January 2014 Child Protection Act the placement of children separated from their families with foster parents is a clear declaration of the child’s right to be raised in a family. The number of those receiving child protection services were 20.135 on 31 December 2014, 12.832 of whom (63.73%) was placed with foster parents.

H. Persons with disabilities

39. There are approximately half million people living with disabilities in Hungary. The new Fundamental Law explicitly prohibits discrimination on the basis of disability. Ensuring the rights and equal opportunities of persons with disabilities has been laid out in a standalone act in Hungary since 1998. The review of this act in 2013 made the definition of persons with disabilities more in line with the provisions of CRPD, whereby accessibility became an obligation to ensure by all public services, and the structure of the National Disability Council was transformed to gain more independence. Based on a wide range of professional and non-governmental reconciliation the De-institutionalization (DI) strategy was adopted recently in parallel with Government financed projects for its implementation (38.7 billion HUF). Moreover the new Criminal Code renders certain crimes punishable more severely if it was committed against a person with disabilities.

40. With the introduction of the supported decision-making the number of non-disfranchised persons increased from 1333 in 2013 to 3044 in 2015. Further measures were the review of the judicial and guardianship authority’s practice related to supported decision-making, and on this basis the launching of training programmes suggested by the

Hungarian Association for Persons with Intellectual Disabilities – which was partly involved in the development procedure – for judges, forensic medical experts, guardianship authorities, professionals working in social and health institutions, as well as for child protection guardians. The system of rehabilitation employment was restructured, which resulted in a significant growth in the number of persons with disabilities in employment. In 2011 the number of persons with disabilities working in a supported way was 42,000 while in 2014 it was 76,000 (94.59, 94.91).

41. The new Fundamental Law has revised the previous automatic system of limiting (or in some cases denying) the right to vote of people under guardianship. Now it requires a court decision to impose any restriction regarding voting rights on any person under guardianship. The judge is required by law to take into account all the circumstances that he or she finds pertinent in assessing the capacity of the person in question to exercise the right to vote. A similarly significant change is the assessment of the capacity of judgement during any legal procedure, which is taking into account abilities in concrete fields, especially the exercise of the right to vote (94.91).

42. Over recent years significant developments took place – some of them still in progress – which aim to promote the access of children with special educational needs to quality education, as well as the prevention of undue classification as a person with disabilities. Moreover, the entire specialized pedagogical service system, including special educational needs (SEN) diagnostic committee activities, has been reformed in 2013 affecting more than 300 public education institutions (timeframe: 2012–2014, budget 2.3 billion HUF). The reform process takes into account comments by NGOs, as well as the recommendations of the CRPD. Under the new regulations, specialized pedagogical services and the network of travelling special education teachers are to promote the successful advancement of children with special educational needs participating in inclusive education by providing career advising. Currently, more than 69% of the children with disabilities (58,000) participating in the public education system receive education in an inclusive methodological framework. The number of SEN students at secondary vocational level between 2004-2015 increased, in parallel the ratio of those receiving an integrated education (and training) reached 98–99% in vocational schools and in vocational secondary schools (94.97).

I. Sexual orientation and gender identity

43. The Fundamental Law guarantees the prohibition of discrimination for all persons by reciting the conditions eligible for protection, while also applying a 'miscellaneous' category, allowing lawmakers to specify new reasons for protection. These conditions for protection are more specifically included in the Act on Equal Treatment, containing practically all possible conditions and reasons including on the grounds of sexual orientation and gender identity (94.52). The Equal Treatment Authority conducts proceedings if the principle of equal treatment might have been violated. The inter-ministerial Human Rights Working Group operates 11 thematic sub-working groups (with the participation of NGOs) including on LGBT persons (94.12, 94.30).

44. Section 216 of the new Criminal Code on violence against a member of the community and Section 332 on incitement against a community particularly accentuate sexual identity and sexual orientation among certain groups of the population (94.13, 94.52). Regarding section 216 the new Criminal Code does not require to demonstrate the provocative, anti-social conduct against a certain person, it is sufficient to display it against an object (e.g. a car parking on the street) because of a racist motivation or objective. If such bias motivated act can excite alarm in members of the target group the perpetrator

commits the crime (see details under hate speech: 94.53 and Annex, point 7 on jurisprudence).

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

45. The Hungarian prison population is around 18.000 people. Overcrowding greatly varies depending on the region and the type of the institution. In the first phase of the prison reconstruction program 1058 new places were realized until December 2013. 757 prison places have been established between years 2013 and 2015, and further 734 places are to be realized in the near future. A further 4374 new places are going to lead to the complete end of overcrowding by 2019 (94.63, 94.64).

46. Due to the rising number of female inmates (currently 1300–1400), stronger central coordination is needed to carry out differentiated imprisonment. With the prison reconstruction program it is now possible in Western Hungary to execute punishment in close vicinity of the inmates' residence. Moreover, the expansion of the Budapest Remand Prison with 100 new places has had a positive effect on the situation of female prisoners (both pre-trial detainees and convicted people). Referring to the Bangkok Rules: a mother-child unit was built in the Kecskemét prison, and there is a maternity unit in the Central Hospital of the Prison Service. Pregnant inmates are transferred to this Hospital four weeks prior to delivery. Due to pregnancy, inmates may request for the interruption or delay of their sentence. It is also possible to receive treatment in civilian hospitals, under proper supervision and by taking the necessary safety measures. In addition, solitary confinement cannot be carried out in case of pregnant women or women with infants. HIV/AIDS tests are carried out on voluntary basis and body searches are made by the representatives of the same gender. The Prison Service puts a special emphasis on visits and family relations. Special free-time activities (household skills, aerobic, etc.) and work activities (e.g. sewing) are provided for female inmates. Juvenile female inmates are separated from adults (94.65).

47. Progress in the treatment of prisoners is constantly monitored by the Hungarian Prison Service, the Ombudsman, UN and European organisations as well as the NGOs. The Public Prosecution Service responsible for the legal supervision of penal institutions also carries out random controls. Prisoners may turn to human rights organizations without supervision. Conflict management trainings and recreational programs are regularly organized for the prison staff and they are also educated on the correct and required forms of behaviour. The range of rewards that can be granted to prisoners and forms of contact (e.g. family consultation, introduction of prison cell phones) have been expanded as well. On 1st January, 2015 the Hungarian OPCAT National Preventive Mechanism Department started its operation at the Office of the Ombudsman. Through its operation the control over law enforcement has been further strengthened. The prosecutor is responsible for the investigation of ill-treatment committed by the member of the police forces and victims of such cases can complain at the Independent Police Complaints Board (see point Chapter V, C). Victims also have access to the whole range of victim support services provided by the state: facilitation the protection of victims' interests, including emotional and, where available psychological support, grant instant monetary aid and provide legal aid and state compensation. For more information see point 2 of the Annex (94.80, 94.88).

48. Several legal norms are in place to ensure that the practice of death penalty is fundamentally and strictly prohibited in Hungary:

- The Constitutional Court has derived the prohibition of the death penalty from the inviolable nature of the right to life and human dignity. With regard to the fact that the new Fundamental Law of Hungary purports the inviolable right to life and human dignity, the above decision of the Constitutional Court remains valid.

- Hungary has joined the Convention for the Protection of Human Rights and Fundamental Freedoms and its eight Protocols in 1993. Article 1 of the Protocol No. 6 prescribes the abolition of death penalty.
- Hungary is also part of the Second Optional Protocol to the ICCPR which purports the abolition of death penalty.

49. Being a member of the European Union the EU Charter of Fundamental Rights is a binding legal instrument for the country since the entry into force of the Lisbon Treaty. The EU Charter declares the abolition of death penalty in its Article 2 (Right to life): “Everyone has the right to life. No one shall be condemned to the death penalty, or executed.” (95.4)

50. Section 301 of the new Criminal Code on the felony of assault in official proceedings, Section 302 on the felony of assault in the proceedings of a person performing public duties, and Section 303 on the felony of coercing of confession contain every element of torture included in Article 1 of the CAT. These crimes are punishable for being carried out with any aim or motivation. Pursuant to Section 12 and Section 14 of the new Criminal Code the instigator and his or her accomplices are also punishable (95.5).

K. Racism, Roma issues, hate crimes

Status of Roma

51. The Roma forms the largest ethnic minority with approximately 750.000 person of the 10 million Hungarians. An estimated number of 500.000 to 600.000 Roma live in disadvantaged regions. According the Fundamental Law every Hungarian citizen belonging to a nationality (among them the Roma) has the right to freely express and preserve his or her identity. The Ombudsman pays particular attention to the protection of the rights of nationalities. The Deputy Commissioner responsible for the protection of the rights of nationalities regularly informs the Commissioner on the findings regarding the implementation of such rights, and draws the attention of the Commissioner to threats of infringement of rights affecting any large groups of natural persons. The Deputy can propose the initiation of ex officio proceedings to the Commissioner, participates in the investigations, and may propose the Commissioner to refer the case to the Constitutional Court (94.44).

EU and national Roma integration

52. The EU is home to some 10 million Roma, who are exposed to deep poverty, unemployment, discrimination and segregation. That is why the adoption of the EU Framework for National Roma Integration Strategies up to year 2020 was one of the priority areas for the Hungarian EU Presidency in 2011. The Framework requested member states to adopt National Integration Strategies. Hungary sent its National Social Inclusion Strategy as the first one to the European Commission. The aim of the Strategy and its Action Plan is to improve the social and living conditions of people living in extreme poverty. The two special target groups are the Roma and children. Both documents deal with child well-being, education, employment, health, housing as well as inclusion, awareness-raising and fight against discrimination. In 2014 80.000 Roma participated in the employment and education programs.

53. The 2nd Action Plan (2015–2017) takes further steps for broad social inclusion in particular in the labour market. The social land program, which is unique in European social policy, has been remodelled and expanded. The employability of disadvantaged people, including Roma, is enhanced by the employment of Roma women combined with training. As a new tool, subsistence support reduces the drop-out rate. Another priority area is to improve the social and living conditions of people living in extreme poverty. The

“Growing Opportunity” programme promotes integrated social development and provides qualification and supported employment opportunities to Roma women in child care and social services (94.40, 94.48, 94.49, 94.102).

54. As of 2013 municipalities can only be supported by EU or national funds if they adopted a local equal opportunity program. The preparation of programs is assisted by a mentoring network. During the preparation of these plans local governments – taking into consideration inter alia the aspects of anti-discrimination – prepare a situation analysis about disadvantaged social groups in social services, education, employment, health and housing, and formulate a complex action plan to solve the identified problems (94.47).

Employment (94.51, 94.99, 94.106, 94.108)

55. The provisions of the new Labour Code sets out the principle of equal treatment and of non-discrimination on any grounds to reduce disadvantages and to support integration of disadvantaged groups in the labour market. The Code provides with appropriate and effective remedies in case of discrimination.

56. In 2014 the public employment programs involved 376.004 people among them an estimated number of 75 000 Roma (20%). 12.6% had a job on the primary labour market on the 180th day after leaving public employment. In 2015 this ration grew to 13%. 175.317 public workers (including 38,567 Roma) were enrolled in the education component of the public work scheme from 2012 until 2015 whose aim is to enhance the participants’ employability. Around 94% of the participants successfully graduated, gaining basic competence in various occupations. In addition, employment of the Roma is promoted by grants supporting job creation projects, as well as by training subsidies.

57. Research showed that decision-makers did not pay enough attention to economic actors. Therefore, the Government takes the necessary steps to develop an Economic Forum for Social Inclusion to share good practices and experiences as well as providing more possibilities of employment of Roma people in the private sector.

Education (94.48, 94.50, 94.57, 94.93, 94.94, 94.95, 94.96, 94.106, 94.108, 94.110)

58. Act on Public Education and Act on Equal Treatment explicitly prohibit segregation; all discriminative measures taken by institutions (schools) or their maintainers are null and void. Since 2013, anti-discriminative measures must be integrated into Educational Development Plans of every school area. Objectives and measures of equality in public education and inclusion were involved into the 2014 National Strategy on Public Education. The possibility of organizing “corrective classes” for children with learning difficulties, operated formerly, ceased to exist. Students may not be segregated owing to their adaptation or any learning or behavioural difficulties; compulsory education may be fulfilled only in mainstream education. Alleged cases of segregation are examined by the Government Offices and if necessary by the courts.

59. In 2013 the state took over the maintenance of all public schools from municipalities in order to ensure coherent public education. The 2012 regulation on the admission districts of primary schools aims to prevent schools from segregating students. Each year the school district boundaries are supervised by government offices based upon data on the number of disadvantaged students in order to prevent segregation. Important test-level developments serve the access to quality education of children with special educational needs and the prevention of unreasonable classification as child with intellectual/learning disability (i.e. unreasonable classification and segregation of multiple disadvantaged (including Roma) children). Due to continuous developments, ratio of students who classified with mild intellectual disability decreased from 2% (2005/2006 school year) to 1.4% (2015/2016). Based on a 2015 research on the degree of the separation of socially disadvantaged students

in primary schools, desegregation measures will be introduced in 2016 in the framework of the 2014-2020 Human Resources Development Operative Programme. Thanks to the Strategy of preventing early school leaving, which promotes access to inclusive, quality mainstream education for all, the ratio of early school leavers decreased in 2014.

60. The 'On the Road' and other programs (Annex, point 8) aim Roma students with multiple disadvantages, reducing drop-out rates and re-integrating those who already dropped-out. To improve performance, in particular of children with disadvantaged socio-economic backgrounds, as of September 2015 participation in early childhood education became compulsory from the age of 3.

61. The Anti-segregation Roundtable – involving government and civil stakeholders – was established in 2013 to identify common proposals for desegregation and to eliminate spontaneous and deliberate segregation. The Roundtable also examines methods for the recognition, assessment and prevention of educational segregation.

62. Police provide scholarships (and subsequently job opportunities) for Roma high school and university students in law enforcement education institutions (94.109).

Healthcare (94.100, 94.106, 94.108, 94.110)

63. The Act on Health declares that equal opportunities and equality should be observed throughout the provision of healthcare services. The new National Centre for Patients' Rights and Documentation handles complaints by patients through its countrywide advisors network. The regional health offices provide supervision over healthcare providers to ensure healthcare services without discrimination.

64. The Government devotes a special attention to improve the health of socially excluded population, in particular the Roma by enhancing their access to healthcare and by encouraging health-conscious behaviour. Main tools are the organised public health screening programs, the Health Visitors Network for pre and prenatal care and the Health Promotion Pilot Project against segregation. Between 2011–2014 more than 190.000 Roma were involved in primary care screenings.

Housing (94.106, 94.108, 94.110)

65. According to surveys, there are about 1500 underdeveloped settlement parts in the country. Most of them are inhabited mainly by Roma families. Following the model project conducted in 8 locations, complex slum programs have been started in 2010 in 59 underdeveloped settlement parts. The new Housing Strategy of the Segregated Settlements (2014–2020) has been elaborated in association with these successful programs involving social workers, social, community, educational and health services, and the improvement of employment and housing conditions.

Protection, hate speech, hate crimes (94.8, 94.29, 94.45, 94.46, 94.58, 94.61, 94.62, 94.83)

66. Protection of minorities also ensured in the new Criminal Code which renders crimes against minorities and other vulnerable groups to be punished. In addition, racist motive and/or purpose is considered malicious motive which results a more severe punishment in case of homicide, battery, violation of personal liberty, libel, unlawful detention, insult of a subordinate. State victim support services include facilitating the protection of victims' interests, granting instant monetary aid etc. Legal aid is free of charge depending on the victim's financial situation. The new Criminal Code and other rules have been strengthened regarding participation in disbanded (paramilitary) organizations as well as the use of non-official uniform-like clothing to avoid intimidation by such groups. In 2012 the Parliament has tightened the House Rules on hate speech by

MPs with the introduction of strict disciplinary measures and waiving of immunity in such cases (94.44, 94.107, 94.108). Due to the new rules, courts are increasingly ordering the perpetrators to visit certain memorials or read specific books. With the proliferation of hate crimes through the social media, the implementation of rendering electronic data inaccessible is growing. Please find the list of relevant case law in the Annex (point 7).

67. The new Fundamental Law states that the “freedom of expression may not be exercised with the aim of violating the dignity of the Hungarian nation or of any national, ethnic, racial or religious community” and individuals can file a law suit on grounds of hate speech. The hate crimes staff unit of the Police monitors extremist communication channels in conformity with data protection regulations. If they recognise mobilization against vulnerable groups, they inform immediately the territorial police forces. In addition a “hate-crime expert net” has been formed in 2012 by the Police to follow up, register and manage crimes and criminal processes, evaluate the data of investigations, and establish integrated legal practise, aiming also to reduce the high level of latency. The network organises trainings to improve the efficiency of the investigation process, and provides expertise for such investigations (94.13, 94.53, 94.54, 94.55, 94.62, 94.81, 95.19).

68. The Government issued a “zero tolerance policy” towards anti-Semitism and anti-Roma attitudes. Such incidents have been promptly followed-up by high-level official condemnations on the part of the Hungarian government and by legislative changes. The new Criminal Code punishes the public denial of Crimes of National Socialist or Communist Regimes (including the Holocaust) with up to 3 years of imprisonment. The National Curriculum for compulsory education contains information on the Holocaust and about the common Jewish-Hungarian history. The Holocaust Memorial Day (16 April) was included among the memorial days in secondary schools. The Government supports the Jewish cultural renaissance in Hungary and organises Holocaust remembrance commemorations: Raoul Wallenberg Year 2012, Holocaust Memorial Year 2014, Hungarian Presidency of the International Holocaust Remembrance Alliance (IHRA) in 2015 (94.29, 94.47, 94.53, 94.54, 94.55).

Training (94.82, 94.84, 94.85, 94.86)

69. The eligibility tests performed during the selection procedure of law enforcement education institutions include the examination of personal skills (i.e. tolerance) needed for the profession and the curricula contains communication studies in multicultural environment. Communication and conflict management trainings led by psychologists and hate crimes specialists are being organized regularly for the police personnel in particular in regions with ethnic minorities. Further trainings are held for the police for detecting hate crimes and for the judiciary with regards to court proceedings in relation to hate crimes. The training program of future professionals in the criminal area of the police is currently under accreditation and this will include knowledge on the phenomenon, criminal criteria and forensic features of hate crimes. Since 2014, judges are obliged to participate in free and regular courses organised by the Hungarian Judicial Academy including those on hate crimes.

L. Protection of minorities

General situation

70. The new Fundamental Law stipulates that national minorities – in Hungarian terminology: nationalities – form part of the Hungarian political community and are constituent parts of the State. On this basis a new legislation was adopted in 2011 which further developed the nationality policy of Hungary and diminished the earlier distinction between ethnic (Roma) and national minorities (Germans, Slovaks, Slovenes etc.) and uses

the complex definition “nationalities” for both cases. The autochthon national minorities – referred to in the Framework Convention for the Protection of National Minorities to which Hungary is a party to – are considered as national minorities that lived, moved, and settled in the territory of the former Kingdom of Hungary, around 100 years ago (96.6). It expands the educational and cultural autonomy of the minorities living in Hungary, regulates the public institutional use of their language and ensures the operation of the minority self-governments. The most important development is the preferential mandates for nationality candidates who need only one quarter of the number of votes required for a mandate from majority party lists. Should a nationality fail to achieve this number, they may delegate a nationality advocate to the Parliament. After the general elections of 2014 all nationalities – through their advocates – have been officially present in the Parliament for the first time. In 2016 the state budget for supporting minorities will increase from 6 to 8 billion HUF covering minority self-governments, grants, theatres and schools (94.16, 94.101, 94.103).

71. The last comprehensive census held in Hungary took place in 2011. During past years, the number and ratio within the population of those declaring their nationality identity has started to increase, according to the census data, almost 6% of the population have affiliation to a nationality. In conformity with data protection regulations disclosure of ethnic affiliation is only possible on a voluntary basis and is recorded in a way to ensure anonymity. Ethnic affiliation is forbidden to disclose in any list or personal identity document (94.43).

72. The Government supports the efforts of Hungarians living abroad to preserve their cultural identity in line with international standards and acts as a responsible member of the international community, in line with the Bolzano Recommendations (95.23).

Slovenian minority

73. According to the last census (2011) 1723 person regarded Slovenian language as her/his mother tongue and 2385 considered her/himself Slovenian. The Slovenian language education is provided in Hungary from kindergarten to university, schools have an agreement with the Hungarian Government on financing their operation (94.104). The central budgetary support of the Slovenian language radio increased in from 17M HUF (2011) to 33M by 2015 (94.105). The Hungarian-Slovene Minority Joint Committee held its last (15th) session in 2015. Its recommendations are approved by Governmental decree after each session to ensure implementation by relevant ministries (95.24). More details can be found in the Annex (point 9).

M. Migrants, refugees and asylum-seekers

74. The basic guarantee of the respect of the human rights of foreigners regardless of their nationality is enshrined in the Fundamental Law. Hungary provides separate, autonomous legal status for stateless persons, for beneficiaries of international protection, for victims of trafficking and for unaccompanied minors (who are not beneficiaries of international protection). Respect for human rights is ensured at all stages of the asylum and the aliens policing procedure. Special rules are applied for persons with special needs: unaccompanied minors are placed within the framework of the professional child protection system serving the paramount principle of the best interests of the child, and promoting action against ill-treatment and neglect (95.28).

75. Hungary faced an unprecedented migration and asylum pressure in 2015. Compared with 2014 the number of persons apprehended for crossing the borders of Hungary illegally as well as of asylum applicants increased by 300%. The Government allocated additional budgetary resources of approximately 65 M €. Despite all efforts on 15 September 2015 the Government had to declare a ‘crisis situation’ due to mass migration for 6 months.

Hungary, acting within the framework permitted by international and EU law, has introduced additional measures to enhance the protection of its borders and the effectiveness of its asylum system to be able to differentiate between genuine refugees and economic migrants at a large scale (see point 2 of the Annex). An amendment of the new Criminal Code increased sanctions against smugglers and introduced new criminal offences in relation to the damaging of the border fence and its illicit crossing. The apprehended third country nationals are informed about their rights and obligations including the right to apply for international protection during the alien policing procedure (95.27). The principle of non-refoulement and the respect of dignity of the individuals are continued to be observed even with the accelerated asylum procedure. As for rejected asylum applications and other illegal migrants, the public prosecutor monitors the expulsion procedure, in which compliance with human rights standards is ensured. In line with the EU Return Directive national law prefers voluntary return but as Hungary has external borders, realization of expulsions are done through readmission agreements (94.111).

76. Following the legislative and practical measures introduced as of 15 September 2015, irregular migration routes have been diverted from Hungary. Between 15 September and 27 November 5081 applications have been lodged in Hungary and only 372 have been rejected as inadmissible. Between 15 September and 6 November there were 579 applications lodged in the transit zones, the vast majority of applications (487) were decided under the general (and not under the border procedure) rules and the applicants were transferred from the transit zones to the reception centres.

77. From 2014, beneficiaries of international protection have the opportunity to sign a contract with the asylum authority to receive personalized support for facilitating their integration. In 2014, 483 and in 2015 (by 25 November) 280 integration contracts were signed. In addition, asylum seekers are entitled to work inside the territory of the reception centres within 9 months from the submission of their asylum applications. After that period they have access to the labour market under the general rules applicable to third-country nationals (94.31, 95.28).

78. Hungary is constantly striving to improve the living conditions of refugees and asylum seekers. During the asylum procedure free accommodation and healthcare are provided to asylum-seekers. Beneficiaries of international protection are entitled to education, housing, healthcare and social support equally with Hungarian citizens and they have facilitated access to the acquisition of citizenship. Moreover, they may sign an integration contract that provides financial allowances and services facilitating their integration. . Beneficiaries of international protection also receive support for language training, education, housing, health and social services through local institutions and NGOs. Government projects are available for such activities.

79. The different types of administrative detention of non-citizens existing in the Hungarian legislation need to be clearly distinguished: *immigration detention* (alien-policing detention and detention prior to expulsion) and *asylum detention*. The relevant Hungarian legislation complies with international and EU standards. Beneficiaries of international protection have a right to reside in Hungary therefore they cannot be placed in administrative detention.

80. The aim of the immigration detention is to ensure the implementation of the expulsion order of illegal migrants, unless other less coercive measures cannot be applied. The immigration authority can order detention for a maximum of 72 hours which can only be extended by the court for several times, by a maximum of sixty days. It may amount to a maximum of 6 months (in the case of a family with minors, thirty days) that can be prolonged only by the court in exceptional cases to 12 months. According to the tripartite memorandum among the law enforcement, UNCHR Regional Representation and the

Hungarian Helsinki Committee the civil control of immigration detention is ensured including through onsite visits.

81. Immigration detention centers are constantly upgraded and renovated, the two latest were the guarded shelter in Kiskunhalas in July 2015 and the detention centre in Győr in October 2015 (94.112, 94.113, 95.27). Since 2011 social, community and NGO workers are helping authorities to provide information and to organise programmes for migrants in centers. Proposals for such projects are also planned for 2016.

82. In 2012 the Police – the authority implementing immigration detention – completed training of law enforcement officials under the title ‘Human rights guarantees and international migration’ (co-financed by European Return Fund). In 2013, the alien policing officers took part in trainings organised by the UNHCR and the Cordelia Foundation about the special needs of vulnerable persons, the needful legal and psycho-social knowledge and the use of the PROTECT-questionnaire. The intercultural and psycho-tactical training of the entire staff is continuous. As a result of this training the conflicts stemming from intercultural differences between the guards and the detainees have significantly reduced.

83. The primary aim of the asylum detention is to ensure the presence of the asylum-seeker in the asylum procedure if other measures (designated place of residence, asylum bail, regular reporting before the refugee authority) are unsuccessful. The asylum authority can order asylum detention for a maximum of 72 hours which can only be extended by the court for several times, by a maximum of sixty days for altogether of 6 months. Families with children may only be detained exceptionally and for a maximum period of 30 days, if the detention is in the best interest of the child. Asylum-seekers are entitled to move freely inside the premises of the guarded closed reception centre maintained by the Office of the Immigration and Nationality. The ordering of the asylum detention is not typical, but rather exceptional in Hungary. In 2015 only 1.5 % of asylum-seekers were detained (2014: 4849, 2015: less than half).

84. The persons concerned may file an objection (free of charge) against immigration and asylum detention which should be decided upon within 8 days by the court. Detainees shall be entitled to make objections, complaints and public announcements and to submit requests. If the complaint refers to abuse or inhuman or degrading treatment, the public prosecutor has to investigate within five days. In cases relevant to the implementation of detention, the asylum-seeker may directly turn to the public prosecutor, to the Ombudsman, and to NGOs operating in the field. The Prosecution Service also has the possibility to examine the legality of the infringement of personal freedom ex officio. The OPCAT National Preventive Mechanism started its operation in 2015 within the Ombudsman’s Office which further strengthens the control over the detention facilities (95.25, 95.26, 95.27).

N. Human trafficking

85. State-funded temporary shelters provide safe accommodation, complex services and assistance for victims of trafficking in human beings. Services include accommodation, full supply according to individual needs (meeting the physical needs, meals, clothing, bed linen, medicines), assistance in administrative issues, availability of professionals, hygiene care. NGOs are also providing safe accommodation and rehabilitation programmes for victims. In 2014 the Government increased financial support which enabled the establishment of a new Transitory Shelter in 2015. The Government also operates 49 so-called “safe houses” for children (Sure Start Children’s Home) around the country and additional 66 homes were set up from EU funding. (94.68, 94.70, 94.71, 94.72).

86. The Government adopted the 2013-2016 National Strategy against Human Trafficking and a Decree (354/2012) about identification of victims of trafficking. The main priorities of the Strategy are mapping opportunities for safe return and reintegration, designing supportive action, establishing transitory (maximum 5 years) apartments for those leaving the shelters and helping social reintegration, in particular for Roma victims. In order to prevent victimization efficient prevention and awareness-raising programs continue to be organized for the public and members of the authorities in 2016 as well. Prevention for young people is of utmost importance as the level of knowledge is very shallow on these issues and thus they are highly endangered. Such programs involve the staff of the shelters that have first-hand experience. The expansion of the initial pilot program targeting the youth between the age of 14 and 18, is under process. The previous Strategy (2008–2012) established the National Coordination Mechanism (NCM) to enhance information-exchange on the activities of the parties, and the mapping of potential fields of cooperation. Since 2011 an informal NGO Roundtable assists the NCM (94.72).

87. Hungary stepped up to cooperation to combat trafficking primarily with those Western-European countries where Hungarian citizens often fall victim of trafficking. Joint investigation teams have been formed and currently two EU-funded projects are under implementation. The first project focuses on fighting sexual exploitation and the second one on transnational referral system between Hungary, Belgium and the Netherlands which will contribute to the safe return and referral of victims and facilitate transnational networking between professionals (94.73).

88. The Ministry of Interior regularly collects and analyses data about victims and traffickers with the involvement of relevant organisations and authorities. Consular services also perform data collection. The Police prepare annual comprehensive assessment on the situation of trafficking of human beings, in context of criminal prosecutions and experiences. Nevertheless data collection needs harmonisation and development both at national and at EU level. The National Strategy defined several measures in connection with the development of the data collection system as well as research and studies in the field of human trafficking. One of the measures aims to set-up an anonymous database to examine the trends of human trafficking and making a map of intervention considering age, gender and the form of exploitation. The set of criteria for annual, statistics-based assessments has to be further developed. In this framework the existing Unified Criminal Statistics (ENYÜBS) is to be connected to the statistical system of the National Judicial Office and the Hungarian Prison Service. This way an integrated criminal statistical system can be set up which allows continuous information of the cases from the time the crime was reported through the prosecution process, the court procedure until the final imprisonment of the perpetrator has expired (94.69, 94.75). This tender has already been issued and the implementation of the project will end in 2018.

89. The new Criminal Code reformulated the definition of the crime of human trafficking to better reflect relevant international standards. It is complemented by the so called ‘parasite crimes’ (prostitution, sexual crimes and provisions serving the protection of children). In addition, labour exploitation is also punishable in the new Criminal Code. The 2015 amendment of the Code aims to curb the increased activity of cross border trafficking organisations accompanying the current unprecedented migration crisis (94.74).

O. Development

90. The 12 new EU Member States ODA target was set to 0.33 per cent by 2015. None of the countries managed to meet this obligation yet. Hungary is making every effort to increase its ODA contribution despite austerity measures adopted each year since 2006. The current level is 0.11% (95.29). Significant share (70 to 80%) of Hungary’s ODA is

provided through multilateral channels. Hungarian development cooperation focuses on institution building, green growth, environmental and climate protection, public health, water management and sanitation. Assistance provided in form of scholarships and aid to refugees represented a significant share in Hungary's ODA. Civil society organizations and public administrations play a pivotal role in the implementation of the Hungarian development cooperation (see point 10 of the Annex).

Notes

¹ <http://lib.ohchr.org/HRBodies/UPR/Documents/session11/HU/midtermUPRreportHungary28May2014>

² 1.000.000 HUF is approximately 3500 CHF, the average monthly salary is 850 CHF before taxes.
