



Asamblea General

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Consejo de Derechos Humanos

33^{er} período de sesiones

Tema 6 de la agenda

Examen periódico universal

Informe del Grupo de Trabajo sobre el Examen Periódico Universal*

Hungría

Adición

**Observaciones sobre las conclusiones y/o
recomendaciones, compromisos voluntarios
y respuestas del Estado examinado**

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Se ruega reciclar



1. El Gobierno de Hungría desea dar las gracias a los Estados por las contribuciones constructivas y las 221 recomendaciones formuladas durante el segundo EPU de Hungría, celebrado el 4 de mayo de 2016, las cuales han sido examinadas por el Gobierno; los resultados de dicho proceso se exponen en la presente adición agrupados por temas y acompañados de una breve explicación.

| <i>I.</i> | <i>II.</i> | <i>III.</i> |
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| 98 recomendaciones aceptadas. | 91 recomendaciones aceptadas, habida cuenta de que ya están en proceso de aplicación, y algunas partes ¹ de 12 recomendaciones también aceptadas. | 20 recomendaciones anotadas. |

Obligaciones internacionales

2. Hungría evalúa constantemente la compatibilidad de su legislación con sus obligaciones internacionales. El país ya es parte en el Estatuto de Roma y se ha asegurado de que su Código Penal se ajuste a lo dispuesto en dicho instrumento. Asimismo, se ha presentado ante el Parlamento un proyecto de ley para promulgar el Estatuto.

3. Hungría **ratificó** la Convención sobre el Estatuto de los Refugiados y su Protocolo, la Convención sobre el Estatuto de los Apátridas, la Convención para Reducir los Casos de Apatridia, la Convención sobre la Nacionalidad de la Mujer Casada y la Convención de la Organización de las Naciones Unidas para la Educación, la Ciencia y la Cultura (UNESCO) relativa a la Lucha contra las Discriminaciones en la Esfera de la Enseñanza.

4. A diferencia de lo que ocurre en relación con el Convenio núm. 169 de la Organización Internacional del Trabajo (OIT)², se está celebrando un debate nacional tripartito sobre ratificación del Convenio núm. 189 de la OIT³.

5. Hungría tiene la intención de ratificar el Convenio de Estambul⁴ una vez que lo haya examinado detenidamente. Se está estudiando la posibilidad de ratificar la Convención Internacional para la Protección de Todas las Personas contra las Desapariciones Forzadas⁵ y aceptar la competencia de su Comité. Asimismo, antes de firmar el Protocolo Facultativo de la Convención sobre los Derechos del Niño relativo a un procedimiento de comunicaciones⁶, es necesario examinar la legislación nacional pertinente y los antecedentes institucionales.

6. Hungría garantiza los derechos fundamentales de todas las personas presentes en su territorio y considera que la Convención Internacional sobre la Protección de los Derechos de Todos los Trabajadores Migratorios y de sus Familiares⁷ no aporta un valor añadido en comparación con los otros instrumentos a los que Hungría se ha adherido en esta esfera. En el mismo sentido, al ratificar el Pacto Internacional de Derechos Económicos, Sociales y Culturales⁸, la Carta Social Europea y varios otros instrumentos pertinentes (de la OIT, el Consejo de Europa y la Unión Europea), Hungría se ha adherido a un sistema de protección integral en la esfera de los derechos económicos, sociales y culturales, que contempla, entre otras cosas, la posibilidad de presentar denuncias a nivel nacional y regional. Aún se está examinando la posibilidad de ratificar el Protocolo Facultativo del Pacto Internacional de Derechos Económicos, Sociales y Culturales⁹. Por el momento el Gobierno desea mantener las reservas efectuadas con respecto a diferentes convenciones.

| <i>I.</i> | <i>II.</i> | <i>III.</i> |
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| 6 ¹⁰ , 3 ¹¹ , 13 ¹² , 14 ¹³ , 15 ¹⁴ , 16 ¹⁵ , 20 ¹⁶ , 26 ¹⁷ , 27 ¹⁸ , 29 ¹⁹ , 134 ²⁰ . | 1 ²¹ , 2 ²² , 4 ²³ , 5 ²⁴ , 8 ²⁵ . | 7 ²⁶ , 9 ²⁷ , 10 ²⁸ , 11 ²⁹ , 12 ³⁰ , 17 ³¹ , 18 ³² , 19 ³³ . |

7. Hungría coopera plenamente con el Consejo de Derechos Humanos y sus mecanismos, organizó todas las visitas solicitadas por los titulares de mandatos del Consejo, respondió a todas las cartas de denuncia y examina constantemente la aplicación de sus recomendaciones. El país presentó puntualmente sus informes periódicos en virtud de la Convención sobre los Derechos de las Personas con Discapacidad³⁴, la Convención sobre la Eliminación de Todas las Formas de Discriminación contra la Mujer³⁵ y la Convención sobre los Derechos del Niño³⁶. El Gobierno procura corregir el atraso acumulado antes de su próximo EPU. Se está examinando la posibilidad de elaborar un plan de acción nacional sobre la resolución 1325³⁷ del Consejo de Seguridad.

| <i>I.</i> | <i>II.</i> | <i>III.</i> |
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| 41 ³⁸ , 42 ³⁹ , 43 ⁴⁰ , 44 ⁴¹ , 45 ⁴² , 136 ⁴³ , 161 ⁴⁴ , 166 ⁴⁵ . | 124 ⁴⁶ , 163 ⁴⁷ . | - |

Protección de los derechos humanos

8. La nueva Ley Fundamental asegura el disfrute de los derechos humanos. En esta Ley y una ley esencial⁴⁸ se establecen las principales normas relativas al funcionamiento, los procedimientos y la independencia financiera⁴⁹ del **Tribunal Constitucional**.

9. Las preocupaciones relativas a la **independencia del poder judicial** y el estado de derecho han sido remediadas tras celebrar consultas con organizaciones internacionales, por lo que no se necesitan nuevas medidas legislativas. El Gobierno estaba y está dispuesto a que se celebre un debate de expertos sobre estas cuestiones, pero no aceptará las críticas infundadas y tendenciosas.

10. El **Comisionado de Derechos Fundamentales**, detentor de la calificación "A", es un componente central del sistema de protección de Hungría que se encarga, entre otras cosas, de vigilar los centros de reclusión, conforme a lo dispuesto en el Protocolo Facultativo de la Convención contra la Tortura y Otros Tratos o Penas Crueles, Inhumanos o Degradantes⁵⁰. El Parlamento aprueba su presupuesto, que ha aumentado progresivamente.

11. El nuevo **Organismo de Protección de Datos**, de carácter autónomo, está supervisando la protección de los datos personales y el acceso a los datos públicos. Su condición garantiza su independencia respecto de su organización, competencias, personal y presupuesto, y en el ejercicio de sus tareas. Solo se podrá **cobrar por responder a una solicitud** de datos si ello supone un uso considerable de recursos humanos. Las restricciones relativas al **acceso a los datos de interés público** se ajustan a las normas internacionales.

12. El **Grupo de Trabajo Interministerial de Derechos Humanos** hace un seguimiento de la situación de los derechos humanos en Hungría, asesora al Gobierno y observa la aplicación de las recomendaciones del EPU. Su Mesa Redonda está integrada por 11 subgrupos de trabajo temáticos en los que participan ministerios, el Comisionado de Derechos Fundamentales y diversas organizaciones no gubernamentales (ONG). Las propuestas se presentan a los ministros de Estado para que se adopten las medidas oportunas. El Gobierno considera que las estrategias sectoriales de derechos humanos (que

se han examinado, desarrollado y son constantemente evaluadas con la participación de la sociedad civil) son suficientes.

| <i>I.</i> | <i>II.</i> | <i>III.</i> |
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| 21 ⁵¹ , 28 ⁵² , 30 ⁵³ , 31 ⁵⁴ , 150 ⁵⁵ , 175 ⁵⁶ , 176 ⁵⁷ . | 23 ⁵⁸ , 152 ⁵⁹ . | 151 ⁶⁰ , 156 ⁶¹ . |

Sociedad civil

13. Las propuestas del Gobierno relativas a proyectos de ley y decretos se publican en su página web. Las consultas generales son obligatorias, mientras que las consultas directas son opcionales. En el caso de que se rechace una opinión, los motivos se deberán detallar en el portal. En el proceso de redacción, el ministro puede consultar a ONG, iglesias, organizaciones de minorías, organizaciones profesionales y científicas y grupos de presión, entre otros.

14. Se respetan los derechos humanos de los defensores de los derechos humanos⁶², incluidos los que promueven los derechos de las comunidades romanés, con los que el Gobierno celebra constantemente consultas. La Oficina de Control del Gobierno efectúa auditorías sobre la utilización de los fondos públicos, y las ONG involucradas en cualquier investigación tienen derecho a recurrir ante los tribunales. En consonancia con las normas internacionales, las ONG solo tienen que atenerse a ciertas restricciones relacionadas con la transparencia y la contabilidad a la hora de acceder a financiación nacional o extranjera.

| <i>I.</i> | <i>II.</i> | <i>III.</i> |
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| 36 ⁶³ , 37 ⁶⁴ , 38 ⁶⁵ , 39 ⁶⁶ , 40 ⁶⁷ , 164 ⁶⁸ , 165 ⁶⁹ , 167 ⁷⁰ , 168 ⁷¹ . | 162 ⁷² . | - |

Familia

15. A fin de mejorar la seguridad social de las familias y aliviar la carga financiera de la crianza de los niños, el sistema de apoyo a la familia ofrece una amplia gama de prestaciones. En las instituciones educativas se proporcionan comidas gratuitas o a precios reducidos a los niños de familias con bajos ingresos⁷³. Las políticas relativas a la familia se elaboran conforme a los principios de la igualdad de género y la no discriminación, y se revisan permanentemente en función de las necesidades de los grupos sociales correspondientes.

16. De conformidad con la Ley Fundamental, los lazos familiares se basan en el matrimonio y el vínculo entre padres e hijos. En dicha Ley también se establece que Hungría protegerá la institución del matrimonio como una unión entre un hombre y una mujer contraída por decisión voluntaria, y que la familia es la base de la supervivencia de la nación. Es imperativo que la legislación se ajuste a lo dispuesto en la Ley Fundamental.

| <i>I.</i> | <i>II.</i> | <i>III.</i> |
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| 22 ⁷⁴ . | 47 ⁷⁵ , 170 ⁷⁶ . | 126 ⁷⁷ . |

Grupos vulnerables

17. No se someterá a ningún niño a torturas, castigos corporales ni a otros tratos o penas crueles, inhumanos o degradantes. El **servicio de protección de menores** de Hungría involucra a representantes de los derechos del niño y a tutores independientes encargados de la protección del niño. El Comisionado de Derechos Fundamentales, detentor de la calificación “A”, presta especial atención a la protección de los derechos del niño, los intereses de las generaciones futuras y los derechos de los grupos sociales más vulnerables, como las minorías. Se proporciona asistencia y alojamiento temporal a los niños en peligro y a sus padres. El Instituto Nacional de Salud Infantil elaboró una nueva metodología y un sitio web de asesoramiento. Se imparten programas y cursos de formación contra el maltrato para expertos y padres.

| <i>I.</i> | <i>II.</i> | <i>III.</i> |
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| 33 ⁷⁸ , 34 ⁷⁹ , 35 ⁸⁰ . | 25 ⁸¹ , 140 ⁸² . | - |

18. El nuevo Código de Procedimiento Penal incluirá garantías adicionales para tener en cuenta el interés superior del niño en el **sistema de justicia de menores**. Las nuevas normas del Código Penal relativas a la privación de libertad y la reintegración de los niños, en particular los de edades comprendidas entre los 12 y 14 años, son más favorables que las que se aplican a los delincuentes de más edad.

| <i>I.</i> | <i>II.</i> | <i>III.</i> |
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| 153 ⁸³ , 154 ⁸⁴ . | - | 125 ⁸⁵ , 141 ⁸⁶ . |

19. La legislación vigente asegura la participación de la **mujer en la vida política** y en la adopción de decisiones, por lo que no se necesitan nuevas medidas legislativas. No obstante, la estrategia global actual tiene por objeto combatir los estereotipos de género subsistentes por medio de nuevos programas, campañas en los medios de comunicación y proyectos destinados a las ONG. No se permite el **matrimonio** de menores de 16 años. Las personas de entre 16 y 18 años pueden contraer matrimonio solamente si cuentan con la autorización de la Oficina de Tutela, que toma en consideración el interés superior del niño.

| <i>I.</i> | <i>II.</i> | <i>III.</i> |
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| 39 ⁸⁷ , 57 ⁸⁸ , 62 ⁸⁹ , 64 ⁹⁰ , 131 ⁹¹ . | 53 ⁹² , 58 ⁹³ , 59 ⁹⁴ , 63 ⁹⁵ , 65 ⁹⁶ , 66 ⁹⁷ , 68 ⁹⁸ , 123 ⁹⁹ , 171 ¹⁰⁰ . | - |

20. Hungría sigue previniendo la **violencia contra la mujer** mediante estrategias y medidas de política nacionales. Se prevé ampliar el sistema de centros de acogida, ofrecer nuevos tipos de servicios de apoyo a las víctimas e intensificar los programas de sensibilización y prevención. Como resultado de la ratificación del Convenio de Estambul se actualizará la legislación actual. En el nuevo Código Penal se ha incluido una gama más amplia de disposiciones relativas a la violencia contra la mujer, incluida la violencia en la pareja y la coacción sexual, entre otras cosas.

| <i>I.</i> | <i>II.</i> | <i>III.</i> |
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| 131 ¹⁰¹ , 132 ¹⁰² , 139 ¹⁰³ . | 60 ¹⁰⁴ , 130 ¹⁰⁵ , 133 ¹⁰⁶ , 135 ¹⁰⁷ , 137 ¹⁰⁸ , 138 ¹⁰⁹ . | - |

21. Se está elaborando un nuevo programa nacional con el fin de mejorar los servicios de **salud reproductiva**, en particular para los grupos vulnerables. En el caso de los pacientes con VIH/SIDA, se hace particular énfasis en el tratamiento y la prevención de la transmisión del VIH.

| <i>I.</i> | <i>II.</i> | <i>III.</i> |
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| - | 172 ¹¹⁰ . | - |

22. Hungría también mantendrá su compromiso de luchar contra la **trata de personas**. Como consecuencia de la crisis migratoria se han redoblado los esfuerzos en esta esfera, incluidas las iniciativas de cooperación transfronteriza y protección de las víctimas.

| <i>I.</i> | <i>II.</i> | <i>III.</i> |
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| 142 ¹¹¹ , 143 ¹¹² , 144 ¹¹³ , 145 ¹¹⁴ , 146 ¹¹⁵ , 147 ¹¹⁶ , 148 ¹¹⁷ , 149 ¹¹⁸ . | - | - |

23. La Ley Fundamental obliga al Estado a adoptar medidas específicas para proteger a las personas **con discapacidad**. Un nuevo grupo de trabajo examina la normativa y la jurisprudencia relativas a la “adopción de decisiones asistida” y el sufragio. En la actualidad solo se puede privar a alguien del derecho de voto a causa de su estado mental por decisión de un tribunal. Las personas con una **discapacidad mental** o un uso parcial de sus facultades tienen derecho a recibir información adecuada a su edad, su capacidad mental y su estado psicológico.

| <i>I.</i> | <i>II.</i> | <i>III.</i> |
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| 177 ¹¹⁹ , 178 ¹²⁰ , 181 ¹²¹ , 182 ¹²² , 183 ¹²³ . | 179 ¹²⁴ , 180 ¹²⁵ . | - |

24. La Ley Fundamental y la Ley de Igualdad de Trato prohíben la discriminación por cualquier motivo, lo que abarca la identidad de género y la **orientación sexual**, y los tribunales están estableciendo poco a poco una jurisprudencia coherente. Por el momento no se ha previsto poner en marcha una nueva estrategia independiente. No obstante, la Mesa Redonda LGBTI del Grupo de Trabajo Interministerial sobre los Derechos Humanos mencionado anteriormente examina periódicamente la situación.

| <i>I.</i> | <i>II.</i> | <i>III.</i> |
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| - | 118 ¹²⁶ , 119 ¹²⁷ , 120 ¹²⁸ , 121 ¹²⁹ , 122 ¹³⁰ . | - |

Las minorías, incluidos los romaníes, la discriminación y los actos motivados por el odio

25. Los derechos fundamentales están garantizados a nivel constitucional, sin discriminación por ningún motivo. Las disposiciones detalladas de lucha **contra la discriminación** figuran en la Ley de Igualdad de Trato, que se ajusta a las normas internacionales pertinentes. Dichas disposiciones también se aplican a la participación en la vida política y la adopción de decisión. El Organismo para la Igualdad de Trato, de carácter autónomo, hace un seguimiento de los casos de discriminación y toma medidas al respecto,

y ejerce sus tareas y competencias libre de toda influencia externa; el Parlamento aprueba su presupuesto.

| <i>I.</i> | <i>II.</i> | <i>III.</i> |
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| 32 ¹³¹ , 39 ¹³² , 52 ¹³³ , 55 ¹³⁴ . | 49 ¹³⁵ . | - |

26. Hungría está tomando amplias medidas contra la discriminación y la segregación racial. La **Estrategia Nacional de Inclusión Social** y su Plan de Acción multisectorial incluyen políticas de inclusión relativas al bienestar del niño, la educación, el empleo, la salud y la vivienda, así como actividades de integración y concienciación. Estas medidas¹³⁶ se centran en especial en las mujeres y los niños romaníes. En el segundo Plan de Acción (2015-2017) se adoptan medidas orientadas a lograr una mayor inclusión social, en particular en las esferas del trabajo, la cultura, la política y la educación. Se presta asistencia sanitaria a absolutamente todos los beneficiarios por igual, sin discriminación alguna, lo que abarca el origen étnico.

| <i>I.</i> | <i>II.</i> | <i>III.</i> |
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| 50 ¹³⁷ , 51 ¹³⁸ , 54 ¹³⁹ , 56 ¹⁴⁰ , 67 ¹⁴¹ , 61 ¹⁴⁸ , 85 ¹⁴⁹ , 87 ¹⁵⁰ , 88 ¹⁵¹ , 90 ¹⁵² . - 71 ¹⁴² , 72 ¹⁴³ , 84 ¹⁴⁴ , 89 ¹⁴⁵ , 94 ¹⁴⁶ , 95 ¹⁴⁷ . | | |

27. Hungría garantiza la protección de las **minorías nacionales** a nivel constitucional. Los detalles se regulan en una ley esencial. Según la Comisión de Venecia¹⁵³, esta ley “confirma el compromiso de Hungría con la protección de las minorías, el que ha sido reconocido a nivel internacional”. La nueva ley electoral introdujo mandatos preferenciales en el Parlamento: los candidatos de las minorías nacionales necesitan una cuarta parte del número de votos que se exigen a los candidatos de los partidos mayoritarios. Si una minoría nacional no alcanza esta cantidad de votos, puede delegar en un defensor de la minoría nacional (“portavoz”). Este sistema garantiza un equilibrio justo entre los derechos de las minorías nacionales, el derecho de cada ciudadano a la libre determinación y la transparencia de las elecciones.

| <i>I.</i> | <i>II.</i> | <i>III.</i> |
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| 93 ¹⁵⁴ . | - | - |

28. Hungría ofrece **educación** gratuita en la lengua materna a las **minorías** y garantiza la enseñanza de su cultura. A fin de mejorar el acceso a una educación de calidad, el Gobierno introdujo varias medidas y programas en colaboración con los representantes de las minorías para apoyar a los estudiantes desfavorecidos, incluidos los romaníes.

| <i>I.</i> | <i>II.</i> | <i>III.</i> |
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| 70 ¹⁵⁵ , 73 ¹⁵⁶ , 75 ¹⁵⁷ , 92 ¹⁵⁸ . | 76 ¹⁵⁹ , 81 ¹⁶⁰ , 82 ¹⁶¹ , 86 ¹⁶² , 91 ¹⁶³ , - 173 ¹⁶⁴ , 174 ¹⁶⁵ . | |

29. El Gobierno adopta medidas firmes¹⁶⁶ contra los **actos motivados por prejuicios**. El nuevo Código Penal contiene disposiciones más severas¹⁶⁷ contra el antisemitismo y el discurso de odio, y medidas contra las violaciones de la libertad de conciencia y de religión. Además, también prevé la posibilidad de que las personas y las comunidades inicien demandas civiles. Se imparte **formación** a los jueces y los fiscales con el fin de reforzar las

medidas contra los delitos motivados por prejuicios. Una unidad especializada de la policía vigila los medios de comunicación y evalúa los datos que resultan de las investigaciones para detectar posibles delitos motivados por prejuicios, al tiempo que asesora a otras dependencias policiales. El Grupo de Trabajo contra los Delitos Motivados por Prejuicios sirve de foro para la cooperación entre el Gobierno y las ONG pertinentes. El Servicio Nacional para las Víctimas presta asistencia a las víctimas de delitos, entre ellos los motivados por prejuicios.

| <i>I.</i> | <i>II.</i> | <i>III.</i> |
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| 77 ¹⁶⁸ , 78 ¹⁶⁹ , 97 ¹⁷⁰ , 98 ¹⁷¹ , 99 ¹⁷² , 102 ¹⁷³ , 103 ¹⁷⁴ , 108 ¹⁷⁵ , 110 ¹⁷⁶ , 111 ¹⁷⁷ , 112 ¹⁷⁸ , 113 ¹⁷⁹ , 114 ¹⁸⁰ , 115 ¹⁸¹ , 116 ¹⁸² , 117 ¹⁸³ . | 46 ¹⁸⁴ , 48 ¹⁸⁵ , 107 ¹⁸⁶ , 109 ¹⁸⁷ . | - |

30. Desde 1989, las disposiciones del Código Penal que sancionan los delitos motivados por prejuicios se extienden a los actos cometidos contra la dignidad de la nación húngara. La Ley Fundamental y la jurisprudencia del Tribunal Constitucional aseguran un equilibrio¹⁸⁸ entre la libertad de expresión y el derecho a la dignidad de los grupos nacionales, étnicos, raciales o religiosos.

| <i>I.</i> | <i>II.</i> | <i>III.</i> |
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| 104 ¹⁸⁹ . | - | - |

Solicitantes de asilo y migrantes

31. Hungría concede el **asilo** y aplica los procedimientos establecidos conforme a las normas internacionales y regionales, incluida la Convención sobre el Estatuto de los Refugiados de 1951. Asimismo, tiene la firme convicción de que debe brindarse protección a quienes corran un peligro real, prestando especial atención a las mujeres y los niños. El Gobierno está procurando mejorar las **condiciones de vida de los refugiados y los solicitantes de asilo**. La asistencia y el apoyo prestado se ajustan a la normativa internacional y de la Unión Europea¹⁹⁰.

| <i>I.</i> | <i>II.</i> | <i>III.</i> |
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| - | 69 ¹⁹¹ , 74 ¹⁹² , 80 ¹⁹³ , 83 ¹⁹⁴ , 96 ¹⁹⁵ , 100 ¹⁹⁶ , 101 ¹⁹⁷ , 105 ¹⁹⁸ , 106 ¹⁹⁹ , 184 ²⁰⁰ , 186 ²⁰¹ , 188 ²⁰² , 189 ²⁰³ , 190 ²⁰⁴ , 192 ²⁰⁵ , 193 ²⁰⁶ , 194 ²⁰⁷ , 195 ²⁰⁸ , 196 ²⁰⁹ , 197 ²¹⁰ , 198 ²¹¹ , 199 ²¹² , 203 ²¹³ , 204 ²¹⁴ , 205 ²¹⁵ , 206 ²¹⁶ , 208 ²¹⁷ , 209 ²¹⁸ , 210 ²¹⁹ , 211 ²²⁰ , 213 ²²¹ , 214 ²²² , 215 ²²³ , 216 ²²⁴ , 218 ²²⁵ . | - |

32. La **detención de solicitantes de asilo** se efectúa en casos excepcionales²²⁶ y sirve como último recurso para asegurar la presencia del solicitante. Antes de proceder a la detención se hace uso de otras medidas²²⁷ con carácter prioritario. Solo excepcionalmente podrá detenerse a familias con niños, por un período máximo de 30 días, y si ello redundaría en el interés superior del niño. El cuidado de los menores no acompañados se asegura en el marco del Servicio de Protección de la Infancia, y tutores encargados de la protección del

niño brindan representación letrada. El sistema se ajusta a las normas internacionales²²⁸. Se efectúa un control judicial constante para asegurar que las detenciones sean legítimas. Los solicitantes de asilo están separados de los detenidos.

| <i>I.</i> | <i>II.</i> | <i>III.</i> |
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| - | 191 ²²⁹ , 201 ²³⁰ , 212 ²³¹ , 217 ²³² , 219 ²³³ . | 187 ²³⁴ , 207 ²³⁵ . |

33. Todo **uso excesivo de la fuerza** puede ser denunciado por la persona afectada ante el jefe de la dependencia de la policía, el jefe del centro de reclusión, el fiscal o el tribunal competente. También puede presentarse una denuncia ante el Órgano independiente encargado de las denuncias contra la policía. El Defensor del Pueblo, designado como Mecanismo Nacional de Prevención con arreglo a lo dispuesto en el Protocolo Facultativo de la Convención contra la Tortura, también examina periódicamente los centros de privación de libertad. Se aplican normas similares para el personal militar.

| <i>I.</i> | <i>II.</i> | <i>III.</i> |
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| - | 202 ²³⁶ . | 79 ²³⁷ , 128 ²³⁸ . |

34. Hungría participa en los planes de **reasentamiento** voluntario. Se reasentaron numerosos refugiados de Ucrania, el Líbano, Turquía y Jordania. En Hungría, la “**entrada ilegal**” está tipificada como delito solo en los casos en los que se traspasa la barrera técnica que protege una sección determinada de la frontera del Estado. De lo contrario, el cruce ilícito de la frontera no constituye un delito penal, sino una infracción que solo es punible con multa o trabajo comunitario. Las normas relativas a las zonas de tránsito y los **países seguros** están en consonancia con las disposiciones pertinentes del Sistema Europeo Común de Asilo.

| <i>I.</i> | <i>II.</i> | <i>III.</i> |
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| 185 ²³⁹ . | - | 200 ²⁴⁰ , 207 ²⁴¹ , 220 ²⁴² . |

Otros

35. El Gobierno estaba y está dispuesto a entablar un diálogo para abordar las preocupaciones planteadas con respecto a la **nueva reglamentación de los medios de comunicación**, que fue objeto de extensas consultas con las organizaciones internacionales pertinentes. En consecuencia, las normas actuales solo contienen limitaciones que se ajustan al derecho internacional, y el Consejo de Europa reconoció que se había mejorado de manera considerable la ley de medios de comunicación de Hungría.

| <i>I.</i> | <i>II.</i> | <i>III.</i> |
|-----------|---|-------------|
| - | 155 ²⁴³ , 157 ²⁴⁴ , 158 ²⁴⁵ , 159 ²⁴⁶ , 160 ²⁴⁷ . | - |

36. Hungría procura constantemente eliminar el **hacinamiento en las prisiones**. Entre 2013 y 2015 se construyeron 757 nuevas plazas penitenciarias. Además, se crearán otras 4.374, lo que permitirá eliminar casi por completo el hacinamiento para 2020. Paralelamente, se recurre cada vez más a medidas alternativas y a la reducción de la prisión preventiva, lo que también hace disminuir la población penitenciaria.

| <i>I.</i> | <i>II.</i> | <i>III.</i> |
|-----------|---|-------------|
| - | 127 ²⁴⁸ , 129 ²⁴⁹ . | - |

37. Se da prioridad a apoyar a los **empleados y los empresarios jóvenes** y a promover programas de capacitación. Por medio de la iniciativa de Garantía Juvenil, 24 instituciones de enseñanza superior están impartiendo programas de capacitación y han entablado acuerdos de cooperación con más de 500 empresas, que permiten a los estudiantes adquirir experiencia. En el marco de otra iniciativa, se fomenta que los empleados que trabajan en la administración pública retornen al mercado de trabajo primario.

| <i>I.</i> | <i>II.</i> | <i>III.</i> |
|-----------|----------------------|-------------|
| - | 169 ²⁵⁰ . | - |

38. Para lograr una solución sostenible y pacífica de los conflictos se necesita una verdadera voluntad política de las partes implicadas, más que presiones militares o económicas. Las empresas que operan en el territorio de las partes deben observar los Principios Rectores sobre las Empresas y los Derechos Humanos de las Naciones Unidas, que Hungría está incorporando en su normativa nacional.

| <i>I.</i> | <i>II.</i> | <i>III.</i> |
|-----------|------------|---------------------|
| - | - | 24 ²⁵¹ . |

39. Hungría está aumentando progresivamente su **contribución a la asistencia oficial para el desarrollo** a pesar de las medidas de austeridad aprobadas cada año desde 2006. En la actualidad su contribución asciende al 0,11%.

| <i>I.</i> | <i>II.</i> | <i>III.</i> |
|----------------------|------------|-------------|
| 221 ²⁵² . | - | - |

Notas

- ¹ Supported parts of these recommendations are underlined in relevant footnotes.
- ² Indigenous and Tribal Peoples Convention, 1989.
- ³ Domestic Workers Convention, 2011.
- ⁴ Council of Europe Convention on preventing and combating violence against women and domestic violence.
- ⁵ International Convention for the Protection of All Persons from Enforced Disappearance.
- ⁶ Optional Protocol to the Convention on the Rights of the Child on a communication procedure.
- ⁷ International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families.
- ⁸ International Covenant on Economic, Social and Cultural Rights.
- ⁹ Optional Protocol to the International Covenant on Economic, Social and Cultural Rights.
- ¹⁰ Ratify the Istanbul Convention.
- ¹¹ Accept the competence of the Committee on Enforced Disappearances, in conformity with Articles 31 and 32 of the ICPPED.
- ¹² Consider acceding to the UN Convention on Enforced Disappearances.
- ¹³ Accelerate the process of accession to the International Convention for the Protection of All Persons from Enforced Disappearance.
- ¹⁴ Ratify the International Convention for the Protection of All Persons from Enforced Disappearance.

- 15 Step up the process of consultations concerning the accession to ICPPED, as previously recommended.
- 16 Fully align domestic legislation with the Rome Statute through explicit provisions on the duty to cooperate promptly and fully with the Court.
- 17 Assess the compatibility of its policies and laws with its international obligations including all core principles of human rights to which Hungary is a party.
- 18 Continue the efforts to harmonize national legislation with international standards in the field of human rights.
- 19 Deepen its commitment with the International Criminal Court through adapting its national legislation to the Rome Statute.
- 20 Strengthen efforts to combat violence against women, inter alia, by ratifying the Istanbul Convention.
- 21 Widen the scope of international obligations through accession to the remaining international treaties, such as ICRMW, ICPPED, OP-CRC-IC and OP-ICESCR.
- 22 Consider ratifying the ICRMW, ILO Convention 189, and the Optional Protocol to the Convention on the Rights of the Child on a communications procedure.
- 23 Consider ratifying the ICPPED, the OP-ICESCR and the ICRMW.
- 24 Become party to the ICRMW, the Rome Statute of the International Criminal Court, the Conventions on the refugees and stateless persons, the ILO Convention 169 and the Convention to fight discrimination in Education.
- 25 Ratify the Istanbul Convention without delay.
- 26 Withdraw its reservation on pertinent articles of the ICERD, ICESCR, ICCPR and the Optional Protocol to the CRC on children in armed conflict.
- 27 Sign and ratify ICRMW.
- 28 Ratify the International Convention on the Protection of the Rights of all Migrant Workers and Members of their Families.
- 29 Consider ratifying the ICRMW.
- 30 Ratify ICRMW, as previously recommended.
- 31 Ratify the Optional Protocol to the Convention on the Rights of the Child on a communication procedure.
- 32 Ratify the Optional Protocol to the International Covenant on Economic, Social and Cultural Rights.
- 33 Ratify the OP-ICESCR.
- 34 Convention on the Rights of Persons with Disabilities.
- 35 Convention on the Elimination of Discrimination against Women.
- 36 Convention on the Rights of the Child.
- 37 United Nations Security Council Resolution 1325 on women, peace and security.
- 38 Continue with the efforts aimed at ensuring timely cooperation with treaty bodies, regarding the submission of its over-due national reports.
- 39 Submit overdue reports to CERD, Committee on Economic, Social and Cultural Rights and to the Human Rights Committee.
- 40 Intensify efforts aimed at implementing recommendations of treaty bodies and special procedures including CEDAW, CRC, Special Rapporteur on Racism and the Working Group on Arbitrary Detention.
- 41 Take appropriate measures to progressively reduce the existing backlog of overdue reports to the UN Treaty Bodies.
- 42 Submit overdue reports to the Human Rights Committee, CESCR and CAT.
- 43 Adopt a National Action Plan on Security Council Resolution 1325 on Women, Peace and Security.
- 44 Give full consideration to the recommendations of the UN Special Rapporteur on the Situation of Human Rights Defenders.
- 45 Positively consider and implement the recommendations presented by the Special Rapporteur on human rights defenders.
- 46 Follow the recommendations of the 2014 OSCE election observation mission's final report.
- 47 Implement recommendations made by UN Special Rapporteur on Freedom of Peaceful Assembly and Association regarding governmental oversight and regulations of NGOs.
- 48 i.e. The budget of the Constitutional Court shall not be less than the budget allocated in the central budget of the previous year.
- 49 Adoption of a cardinal act requires the votes of 2/3 majority of the Parliament. Probably the most important change concerning the rules on the competences of the Constitutional Court is the abolition

of *actio popularis* and parallel, the alteration of the institution of constitutional complaint. Before the adoption of the Fundamental Law the core competence of the Court was the *ex post* review of the conformity of pieces of legislation with the Constitution, as anyone – even without a legal interest – was entitled to submit a petition asking the constitutional review of a legal norm. Abolition of this general right was even demanded by the Court itself because of the extent of its caseload. According to the new rules, such a proceeding can only be initiated by the Government, 1/4th of all Members of Parliament, the President of the Supreme Court, the Prosecutor General or the Commissioner for Fundamental Rights. At the same time, constitutional judges also urged the introduction of the „real”, that is, the German type of constitutional complaint. It 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 Venice Commission examined the modification of the regulation on the Court and on the whole it formed a positive opinion.

- 50 Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment.
- 51 Continue further improvement of the protection and promotion of human rights in the country.
- 52 Continue to promote and protect the fundamental freedoms and human rights of all its citizens.
- 53 Consider developing Human Rights Indicators as suggested by the OHCHR as an instrument that allows for a more precise and coherent evaluation of national human rights policies.
- 54 Consider increasing the funding of the National Preventive Mechanism, in order to support its work and the detention monitoring activities.
- 55 Take concrete measures to ensure the independence of the Constitutional Court and the protection of human rights and fundamental freedoms, and that political pressure is not being applied to judicial decision-making.
- 56 Ensure that the implementation of objectives set up in the 2014 National Strategy on Public Education are in line with the objectives and goals of the SDGs.
- 57 Ensure the inclusion of human rights and especially children’s rights in the public education system, raising awareness about human rights in general.
- 58 Develop and implement a National Action Plan on Human Rights to further ensure systematic and comprehensive approach for the promotion and protection of human rights, with the full engagement of the civil society.
- 59 Continue to pursue implementation of the UN Basic Principles on the Independence of the Judiciary and repeal all provisions of national law that restrict the Constitutional Court’s jurisdiction.
- 60 Implement reforms on judicial independence and rule of law recommended by the International Bar Association Human Rights Institute in 2015.
- 61 Revise transparency laws to reinstate a freedom of information parliamentary ombudsman, and ex ante reclaiming of labour costs for processing information requests, and limit public institutions’ authority to refuse access to public data.
- 62 Human rights defenders.
- 63 Ensure consultation processes which allow a public debate and interaction with the independent civil society, with sufficient time during the drafting of new laws and public policies.
- 64 Engage in consultation with pro-transparency organisations and other relevant stakeholders prior to developing or implementing new legislation on Freedom of Information.
- 65 Refrain from targeting or restricting the activities of civil society organisations based on their political affiliation or their receipt of foreign funding.
- 66 Adopt measures to comply with provisions of the new Constitution including on combating discrimination and ensuring equal participation in political and public affairs by all citizens.
- 67 Improve both formal and informal dialogue and public consultation between the Government and civil society, including on proposed legislation with an impact on human rights.
- 68 Review and abolish all legal provisions that restrict the rights of human rights defenders promoting the rights of the Roma community.
- 69 Ensure the prompt and independent investigation of all alleged violations against human rights defenders.
- 70 Remove all administrative and legislative provisions that restrict the rights of the Human Rights Defenders and ensure that civil society organizations can operate freely and without discrimination or undue restriction.
- 71 Take steps to ensure that civil society organizations freely can access and utilize funding, including from foreign sources.

- 72 Take measures allowing the exercise of the lawful activities of human rights defenders, in a favourable legal and administrative environment.
- 73 In nurseries, kindergartens, primary and secondary schools.
- 74 Continue to provide protection to the family as the natural and fundamental unit of the society.
- 75 Reconsider policies on family, gender equality and non-discrimination.
- 76 Provide greater support for poor families and children and reduce social inequality.
- 77 Amend the legislation on the protection of families in order to widen the definition of family.
- 78 Continue to implement measures to protect the rights of the child.
- 79 Enhance measures to protect the rights of children, women and other vulnerable groups.
- 80 Consider establishing independent mechanism for monitoring children's rights and providing necessary financial resources for its functioning.
- 81 Step up efforts to establish a mechanism to monitor measures to help address and ameliorate the conditions of women and children.
- 82 Abandon the practice of corporal punishment of children and encourage non-violent forms of discipline.
- 83 Take necessary measures for strengthening its specialized juvenile justice system in compliance with the Convention on the Rights of the Child.
- 84 Continue efforts for the reintegration of former child offenders in the society.
- 85 Reinstate juvenile courts and raise the age of criminal responsibility to 14 years, for all crimes, in line with international standards.
- 86 Consider raising the age of criminal responsibility from 12 to 14 years, even for the most serious crimes.
- 87 Adopt measures to comply with provisions of the new Constitution including on combating discrimination and ensuring equal participation in political and public affairs by all citizens.
- 88 Take further measures to reduce the inequality between sexes, sensitize the population in this regard and ensure that these measures are effectively implemented.
- 89 Take concrete measures to improve access to decent work for all women, eliminate all discrimination against women at work, and create more socioeconomic opportunities for disenfranchised women.
- 90 Continue to make efforts to ensure women's participation in political life and in decision-making.
- 91 Take additional measures to effectively combat violence against women and promote the participation of women in political life and their insertion in the professional life.
- 92 Intensify activities aimed at overcoming gender stereotypes.
- 93 Continue to take action towards a comprehensive gender equality strategy and introduce effective legislative measures to increase women's participation in political life and decision-making.
- 94 Redouble its efforts towards combating stereotypical division of gender roles in family and society.
- 95 Introduce effective legislative measures to increase women's participation in political life and decision-making.
- 96 Establish effective legislative measures, such as quotas, to improve the participation of women in political life and decision-making processes.
- 97 Adopt a comprehensive, human rights based gender equality strategy.
- 98 Support the gender integration in all spheres of life.
- 99 Raise the legal age of marriage for women and men to 18 years.
- 100 Take further steps to ensure better labour market access and access to basic social and health services for marginalized women, including women with disabilities, Roma women and migrant women.
- 101 Take additional measures to effectively combat violence against women and promote the participation of women in political life and their insertion in the professional life.
- 102 Continue efforts, including by raising awareness, in order to prevent domestic violence and violence against women.
- 103 Take concrete measures to protect child victims of sexual exploitation and prostitution.
- 104 Adopt a comprehensive law on domestic violence.
- 105 Consider adopting a law on domestic violence and criminalizing different types of violence against women.
- 106 Promote public policies to prevent violence against women and girls, including domestic violence and sexual violence.
- 107 Establish a law to criminalise all forms of violence against women.
- 108 Define rape criminally based on the lack of voluntary consent in addition to reinforcing and making more accessible to victims the health care services.

- ¹⁰⁹ Criminalize different types of violence against women, to amend the Criminal Code to ensure that rape is defined according to the CEDAW recommendations.
- ¹¹⁰ Continue to enhance access to sexual and reproductive health services for women, in particular women with disabilities, women with low income, women with HIV/AIDS, and women living in the rural areas.
- ¹¹¹ Enact laws and legislation aiming at combating human trafficking.
- ¹¹² Ensure the prosecution and punishment of perpetrators of human trafficking, and provide adequate assistance and protection services to victims.
- ¹¹³ Continue its efforts in order to strengthen the protection of victims of trafficking.
- ¹¹⁴ Take steps to reduce and prevent trafficking and provide adequate incentives and protection to victims.
- ¹¹⁵ Take additional measures to combat trafficking in human beings.
- ¹¹⁶ Intensify efforts to effectively prevent trafficking in women and girls and strengthen measures for the rehabilitation and social integration of victims of trafficking.
- ¹¹⁷ Take measures to ensure the effective investigation and prosecution of human trafficking cases and establish remedy procedures for the victims.
- ¹¹⁸ Strengthen mechanisms to prevent the trafficking in boys and girls and provide the support needed for victims of trafficking to be reintegrated into society.
- ¹¹⁹ Strengthen efforts to provide access to education, labour market and public life for persons with disabilities.
- ¹²⁰ Continue the path regarding positive results achieved in ensuring the rights and equal opportunities of persons with disabilities by, inter alia, allocating sufficient resources for the development of an inclusive education system for children with disabilities and providing sufficient and adequate support services in local communities to enable persons with disabilities to live independently.
- ¹²¹ Consolidate programmes to ensure a system of inclusive education for children with disabilities throughout the country.
- ¹²² Take further measures to improve access of persons with disabilities to social, economic and cultural life and combat discrimination on the grounds of disability.
- ¹²³ Adopt measures in order for any health decision to depend upon the free and informed consent of the concerned disabled person.
- ¹²⁴ Review all relevant legislations, including the State's new Fundamental Law to ensure that all persons with disabilities have a right to vote, and that they can participate in political and public life on an equal basis with others.
- ¹²⁵ Review legislations to ensure that all persons with disabilities have a right to vote, and that they can participate in political and public life.
- ¹²⁶ Adopt and implement a comprehensive strategy and action plan to tackle discrimination based on sexual orientation and gender identity.
- ¹²⁷ Adopt a strategy and a comprehensive plan of action to counter discrimination based on sexual orientation and gender identity.
- ¹²⁸ Take comprehensive measures to counter discrimination on the grounds of sexual orientation and gender identity.
- ¹²⁹ Fight against discrimination based on the origin, gender and sexual orientation, by continuing its efforts in the implementation of the existing instruments.
- ¹³⁰ Adopt a comprehensive strategy in order to combat discrimination based on sexual orientation and gender identity.
- ¹³¹ Provide adequate resources and functional independence to the Equal Treatment Authority.
- ¹³² Adopt measures to comply with provisions of the new Constitution including on combating discrimination and ensuring equal participation in political and public affairs by all citizens.
- ¹³³ Enact comprehensive legislation that fully guarantees the application of the principle of non-discrimination and to ensure the full enjoyment of all human rights by every member of society.
- ¹³⁴ Provide the national mechanism for the promotion of gender equality of adequate human and financial resources to enable it to effectively fulfil its mandate.
- ¹³⁵ Continue efforts in following up and monitoring any discrimination based on sex, race or any other form.
- ¹³⁶ Children's Centres, Tanoda network, Integrated Pedagogical System, For the Road program, Network of Christian Roma Vocational Boarding Schools. The Hungarian social land program, which is unique in European social policy, has been remodelled and expanded in 2015. Numerous

measures/programs for the Roma women are in place: Woman is the chance, Roma girls (preventing early school leaving), support Roma women NGOs, improving the health of Roma girls and decreasing the likelihood of their victimization, the Network of Family, Equal Opportunity and Volunteer Houses will be upheld continuously with the primary aim of promoting social tolerance and diversity.

- 137 Continue to implement National Social Inclusion Strategy.
- 138 Take all the necessary measures to fully implement the National Social Inclusion Strategy.
- 139 Take effective measures to address the needs of women belonging to minorities, such as Roma women, in order to eliminate all forms of discrimination against them.
- 140 Address the discriminatory situation of women belonging to minorities, including Roma women.
- 141 Continue the implementation of Roma integration policies in all social economic cultural political and educational sectors.
- 142 Implement a comprehensive plan of action envisaged to protect the rights and improve the life conditions of women and children pertaining to ethnic minorities.
- 143 Step up the efforts to combat all forms of discrimination and favour equality of opportunities and treatment, with special care and attention to those who are in a more vulnerable situation, such as persons belonging to the Roma community.
- 144 Undertake further steps to promote efforts to overcome residual social discrimination against Roma and other ethnic minorities.
- 145 Intensify efforts to combat discrimination and ill-treatment of Roma and eliminate segregation of Roma girls in the educational system.
- 146 Include specific components in public policies and budgets to address the needs of persons belonging to minorities, including Roma women and children.
- 147 Adopt more policies and allocate more resources specifically directed towards Roma women and children.
- 148 Take further steps to address root causes that affect the rights of women belonging to disadvantaged groups.
- 149 Take effective steps to end discrimination against Roma in education, health, employment, housing and access to services with a special focus on ending continued segregation of Roma children at schools.
- 150 Step up efforts to effectively prevent and combat discrimination of persons belonging to national minorities, in particular regarding their access to education and health care.
- 151 Take further steps to eliminate discrimination against the Roma population, especially in the field of education, health, employment, housing and access to services.
- 152 Take measures to prevent and eliminate racism, racial discrimination, xenophobia and others.
- 153 European Commission for Democracy through Law.
- 154 Ensure that, in the context of the new legislation adopted in 2011, following the UPR 2011 recommendations, the self-governments truly represent the persons of national minorities on whose behalf they act.
- 155 Take all necessary measures to eliminate racial discrimination and segregation of Roma in education.
- 156 Step up efforts to address discrimination and social exclusion faced by persons belonging to the Roma minority with particular emphasis on integrated schooling and social housing.
- 157 Continue to pay special attention to issues related to the elimination of discrimination of the Roma who study in the education system.
- 158 Continue its efforts to integrate the adult Roma population in the labour market and the Roma children and young people in the regular education system.
- 159 Take measures to eliminate any discrimination and segregation in the education system against Roma children.
- 160 Take resolute measures to put an end, without further delay, to the continuing segregation of Roma children at school.
- 161 Take active measures to prevent actual segregation of Roma students in public and private schools.
- 162 Strengthen its efforts to promote tolerance and cultural understanding of the Roma population in the aim of eliminating discrimination including in regard to access to education and employment and participation in politics.
- 163 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 through education.

- ¹⁶⁴ Effectively implement ongoing national policy to guarantee quality education for minority.
- ¹⁶⁵ Ensure that the standards of education in national minorities' languages as well as teaching of minorities languages are the same as the general standards of education in the country.
- ¹⁶⁶ The Jewish Community Roundtable, the consultative forum created in 2011, helps to take joint and efficient action against conducts of anti-Semitism, racism and xenophobia. The Action and Protection Foundation participates in the work of the Roundtable, and its Brussels Institute, commissioned and financed by the Government, continuously monitors anti-Semitic hate crime acts and informs thereof the members of the Roundtable and the Prime Minister's Office, working in close cooperation with the Roundtable. All Government agencies are open and ready for close cooperation with the Jewish organisations.
- ¹⁶⁷ Violent hate crime (§ 216), inciting hatred against a community (§ 332), denial in public of the crimes committed by the National Socialist or Communist regimes (§ 333).
- ¹⁶⁸ Take effective measures to ensure the Hungarian National Police and the hate-crimes expert net improve the enforcement of laws against hate crimes, including by allocating sufficient resources; undertaking thorough investigations and prosecution; and by providing training for the front-line law enforcement.
- ¹⁶⁹ Protect persons who are marginalized and most vulnerable from intolerance, xenophobia, and other forms of discrimination.
- ¹⁷⁰ Carry out the work to eliminate expressions of hatred, racial and religious discrimination.
- ¹⁷¹ Intensify national efforts to prevent and eliminate all manifestations of anti-Semitism and take resolute measures to condemn hate speech, including against Roma.
- ¹⁷² Take action against the worrying increase and public use of hate speech, most often addressed at migrants, asylum seekers but also civil society organizations and vulnerable groups.
- ¹⁷³ Apply effectively policies against racism and hate speech.
- ¹⁷⁴ Implement effectively its legislation and policies against hate speech and hate crimes with particular focus on the human rights protection of Roma, Jews, LGBTIs and other vulnerable groups.
- ¹⁷⁵ Identify efforts to combat all forms of discrimination and to ensure that hate crimes motivated by racism, xenophobia or other forms of discrimination are effectively investigated and perpetrators are brought to justice.
- ¹⁷⁶ Enhance inter-ethnic, inter-religious, and inter-cultural understanding within the society, and ensure access to justice for victims of racial hatred or violence.
- ¹⁷⁷ Further strengthen measures to combat hate speech and hate crime.
- ¹⁷⁸ Strengthen measures to avoid hate speeches of all kinds in political messages and in the media.
- ¹⁷⁹ Combat hate speech and statements stigmatizing refugees and asylum seekers.
- ¹⁸⁰ Prevent and combat racism and hate speech, including through human rights education and training, and by promoting tolerance.
- ¹⁸¹ Enhance its efforts to prevent and root out all kind of national and ethnic intolerance, as well as condemn any incitement to ethnic and religious hatred and hate speech against the Roma in particular.
- ¹⁸² Implement strategies aimed at tackling hate speech and xenophobia in all its forms.
- ¹⁸³ Continue to fight anti-Semitism, and to oppose any attempt to relativize or rehabilitate anti-Semite policies in the past and present.
- ¹⁸⁴ Continue to strengthen measures to promote tolerance and respect for cultural diversity and to counter prejudice, stereotypes, discrimination, racism and Islamophobia.
- ¹⁸⁵ Continue efforts to sensitize the public to combat discrimination on all grounds online to ensure that all rights are respected.
- ¹⁸⁶ Adopt a hate crime investigation protocol and ensure that victims of hate crimes have effective access to the mechanisms of justice and redress.
- ¹⁸⁷ Further step up efforts to publicly condemn hate speech, including against Roma.
- ¹⁸⁸ The Fourth Amendment of the Fundamental Law has added two essential elements to the provision defining freedom of expression. One of these – according to which exercising the freedom of expression and opinion cannot be aimed at violating other person's human dignity. The Amendment stipulates this constitutional principle, and does not overrule earlier constitutional interpretations, which, for instance, established more stringent conditions with respect to public actors. The other innovation of the Amendment provides members of national, ethnic, racial or religious groups the possibility to bring action before the court against any statement considered injurious to the group alleging violation of their human dignity.

- 189 Ensure that the constitutional amendment prohibiting speech that would violate the dignity of the Hungarian nation cannot be used to silence criticism and limit freedom of expression as guaranteed under the ICCPR.
- 190 The asylum authority provides accommodation and care for asylum seekers during the asylum procedure including free health care, support for education, housing, social services, the acquisition of citizenship etc.
- 191 Strengthen its measures to combat racism and discrimination in all its forms against migrants and asylum seekers.
- 192 Establish a comprehensive integration strategy for migrants, with specific measures to prevent and eliminate racism, racial discrimination, xenophobia and intolerance against migrants irrespective of their status.
- 193 Continue to take specific measures to prevent and eliminate racism, racial discrimination, xenophobia and intolerance against migrants, refugees and asylum seekers.
- 194 Redouble efforts to prevent and eliminate racial discrimination, xenophobia and the intolerance against migrants, refugees and asylum seekers.
- 195 Continue the efforts to combat hate speech, racism, xenophobia and all forms of discrimination against refugees and migrants.
- 196 Intensify its efforts to combat xenophobia, islamophobia and refugee hatred, and take the necessary measures to condemn hate speech.
- 197 Take resolute measures to condemn hate speech, racial discrimination, xenophobia and intolerance against all minority groups, migrants and asylum seekers.
- 198 Take all the necessary measures to combat violence linked to racial discrimination, as well as hate crimes and speeches, including against refugees and migrants.
- 199 Cease anti-immigration campaigns and rhetoric of incitement to hatred, xenophobia and anti-Semitism and take measures to fight against hate speech and hate crimes in general.
- 200 Take all steps necessary to ensure that the right to seek asylum is guaranteed for asylum seekers coming to Hungary and that the principle of non-refoulement is respected.
- 201 Ensure that migrant and asylum-seeking women receive adequate assistance.
- 202 Advance in measures of assistance and promotion of the rights of migrants, refugees and asylum seekers, in compliance with current international standards.
- 203 Reform its legislation to ensure full respect of the principle of non-refoulement.
- 204 Ensure that its legal framework and actions concerning asylum seekers, refugees, and migrants comply with Hungary's international human rights obligations, including with regard to procedural safeguards. This includes repealing those amendments to Hungary's Asylum Law, Law on Criminal Procedure and Criminal Code that are inconsistent with its international human rights obligations.
- 205 Develop actions that improve the living conditions of asylum seekers and prevent discrimination on the grounds of nationality or country of origin.
- 206 Continue to improve the living conditions of migrants, refugees and asylum seekers.
- 207 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.
- 208 Apply a dignified and human treatment that respects the universal principles of human rights for people in situation of human mobility, whether migrants or refugees, with special emphasis on strengthening and implementing policies to address trafficking of persons from a holistic approach , particularly regarding women, children and other vulnerable groups, as well as to combat all forms of discrimination, with measures including complaint and denunciation mechanisms for victims that enable them to achieve reparations.
- 209 Ensure that all issues related to migration, asylum seeking and border management are addressed in accordance with respective obligations under applicable international law.
- 210 Fully respect its obligations under international law by guaranteeing the right to seek asylum through an individual, effective process without discrimination.
- 211 Improve the capacity to guarantee every person the possibility to request international protection in a legal way, and create conditions for the medical and psychological treatment of asylum seekers, especially those who were victims of torture and violence.
- 212 Fully implement international Conventions and standards for the protection of refugees and asylum seekers.
- 213 Work together with the other European States to improve the conditions and treatment given to asylum seekers and refugees.

- 214 Make every effort to pay due attention to the human rights of asylum seekers and to avoid using disproportionate force on migrants and refugees.
- 215 Redouble efforts in order to guarantee the respect of the human rights of migrants, including persons under irregular situation.
- 216 Implement with no exception the principle of non-refoulement in the context of asylum seeking procedures.
- 217 Comply with the principle of non-refoulement.
- 218 Take measures to work towards improving the living conditions for refugees and asylum seekers.
- 219 Strengthen efforts in addressing issues of irregular migrants in the country in line with international human rights law obligations.
- 220 Improve the living conditions of asylum seekers and step up efforts directed towards improving the treatment of asylum seekers and refugees.
- 221 Review legislation on the rights of migrants and asylum seekers in accordance with Hungary's obligations under international and European Law and to better apply existing internal rules, namely those related to the handling of unaccompanied children.
- 222 Make efforts to ensure transparency and consideration for human rights, in particular those of women and children, in its treatment of migrants and refugees.
- 223 Ensure that enforcement authorities comply with international human rights obligations in the treatment of migrants and asylum seekers, and expedite the judicial process to avoid prolonged detention of migrants and asylum seekers.
- 224 Continue the efforts to improve the treatment of migrants and asylum seekers.
- 225 Continue to fulfil its international human rights obligations regarding asylum seekers, refugees and migrants.
- 226 Till April 2016, out of 10.555 asylum seekers only 892 were detained.
- 227 Designated place of residence, asylum bail, regular reporting before the refugee authority.
- 228 Relevant UNHCR recommendations, EU legislation, jurisprudence of the European Court of Human Rights and the Court of Justice of the EU.
- 229 Seek alternatives to detaining asylum seekers and migrants, particularly children. Take immediate and effective measures to ensure that conditions of detention are fully consistent with UN Standard Minimum Rules for the Treatment of Prisoners.
- 230 Take immediate action to improve national asylum system, including by elaborating a national action plan, to avoid continuation of harsh conditions of detention and treatment of asylum seekers and refugees.
- 231 Take all the necessary steps to address the placing of asylum-seeking and migrant children in detention, including by repealing relevant legislation allowing for the detention of families accompanied by children.
- 232 Take steps to ensure that detention of asylum-seekers is used only in exceptional cases, the procedure for detention is transparent and comprehensible, and that detainees have access to effective legal remedy.
- 233 Strengthen its efforts to improve the detention conditions of migrants and asylum seekers, including by refraining from excessive use of force, ill-treatment, and prolongation of detention periods; and also to adopt a comprehensive integration strategy for their early stage integration.
- 234 Eliminate detention in penitentiary establishments of asylum seekers and refugees.
- 235 Repeal the amendments to the Criminal Code that criminalizes "illegal entry" and introduces "transit zones" at the border and a list of "safe countries".
- 236 Ensure the prompt and impartial investigation of any excessive use of force in policing the border operations, including by the military.
- 237 Lift the measures in force that imply the discrimination and rejection of migrants and refugees, in particular those concerning to the use of force against them.
- 238 Take measures to address the persistence of preventive detention in police centres and the high risk of ill-treatment.
- 239 Decriminalize the access to its territory for persons wishing to file a request for asylum, and process the asylum applications individually and in a non-discriminatory fashion, in compliance with its international obligations.
- 240 Actively participate in the refugee resettlement / humanitarian admission process directly from Turkey to the EU, as this is actually the only way to save lives and crack down criminal networks of smugglers.

- ²⁴¹ Repeal the amendments to the Criminal Code that criminalizes “illegal entry” and introduces “transit zones” at the border and a list of “safe countries”.
- ²⁴² Revise the national list of safe countries in order to avoid the high number of unadmitted requests that have been pointed out by the Helsinki Committee of Hungary.
- ²⁴³ Remedy the shortcomings in the media law as expressed by the Venice Commission.
- ²⁴⁴ Take concrete steps to promote pluralism of the media and their independent work, including the exercise of their watchdog function.
- ²⁴⁵ Take the necessary measures to promote media pluralism and fight threats against freedom of the press and freedom of expression.
- ²⁴⁶ Take appropriate measures to further relax restrictions on the freedom of the media.
- ²⁴⁷ Amend the media law in line with previous recommendations to ensure that all media laws are in line with the right to freedom of opinion and expression.
- ²⁴⁸ Intensify efforts to prevent overcrowding in prisons.
- ²⁴⁹ Reduce the length of the initial pre-trial detention phase.
- ²⁵⁰ Maintain its commitment to the realization of the right to work for all including through technical and vocational training for young people.
- ²⁵¹ Ensure that its policies, legislation, regulations and enforcement measures effectively serve to prevent and address the heightened risk of business involvement in abuses in conflict situations, which includes situations of foreign occupation.
- ²⁵² Increase level of ODA.
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