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Examen périodique universel

Rapport du Groupe de travail sur l'Examen périodique universel*

Hongrie

Additif

**Observations sur les conclusions et/ou recommandations, engagements
et réponses de l'État examiné**

* Le présent document n'a pas fait l'objet d'une relecture sur le fond par les services d'édition.

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Merci de recycler



1. Le Gouvernement hongrois remercie les États pour leur contribution constructive et les 221 recommandations formulées lors du deuxième Examen périodique universel de la Hongrie, le 4 mai 2016. Le Gouvernement a étudié ces recommandations et ses réponses sont regroupées par thème dans le présent Additif, avec de brèves explications :

<i>I.</i>	<i>II.</i>	<i>III.</i>
98 recommandations sont acceptées.	91 recommandations, qui sont déjà en cours d'application, sont acceptées et 12 recommandations ¹ sont partiellement acceptées.	Il est pris note de 20 recommandations.

Obligations internationales

2. La Hongrie évalue à tout moment la conformité de sa législation au regard de ses obligations internationales. Elle est déjà partie au Statut de Rome ; le Code pénal a été révisé en conséquence. Le projet de loi sur la promulgation du Statut de Rome a été présenté au Parlement.

3. La Hongrie a ratifié la Convention relative au statut des réfugiés et son Protocole, la Convention relative au statut des apatrides, la Convention sur la réduction des cas d'apatriodie, la Convention sur la nationalité de la femme mariée et la Convention de l'UNESCO concernant la lutte contre la discrimination dans le domaine de l'enseignement.

4. À la différence de la procédure suivie pour la Convention n° 169 de l'Organisation internationale du Travail², la ratification de la Convention n° 189 de l'Organisation internationale du Travail³ fait actuellement l'objet d'un débat national tripartite.

5. La Hongrie a l'intention de ratifier la Convention du Conseil de l'Europe sur la prévention et la lutte contre la violence à l'égard des femmes et la violence domestique (Convention d'Istanbul)⁴ après un examen approfondi. La possibilité de ratifier la Convention internationale pour la protection de toutes les personnes contre les disparitions forcées⁵ et d'accepter la compétence du Comité des disparitions forcées est actuellement examinée. De même, avant de signer le Protocole facultatif à la Convention relative aux droits de l'enfant établissant une procédure de présentation de communications⁶, la Hongrie doit réviser sa législation nationale et son cadre institutionnel.

6. La Hongrie garantit les droits fondamentaux de toutes les personnes se trouvant sur son territoire et est d'avis que la Convention internationale sur la protection des droits de tous les travailleurs migrants et des membres de leur famille⁷ n'apporte rien de plus dans ce domaine que les autres instruments auxquels elle a déjà adhéré. En ratifiant le Pacte international relatif aux droits économiques, sociaux et culturels⁸, la Charte sociale européenne et plusieurs autres instruments pertinents (qui relèvent de l'Organisation internationale du Travail, du Conseil de l'Europe ou de l'Union européenne), la Hongrie s'est engagée à mettre en place un système de protection globale dans le domaine des droits économiques, sociaux et culturels, qui prévoit la possibilité de présenter des plaintes aux niveaux national et régional. La ratification du Protocole facultatif se rapportant au Pacte international relatif aux droits économiques, sociaux et culturels⁹ est toujours en cours d'examen. Le Gouvernement hongrois souhaite pour l'heure maintenir les réserves qu'il a formulées à l'égard de diverses conventions.

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

7. La Hongrie coopère pleinement avec le Conseil des droits de l'homme et ses mécanismes. Elle a organisé toutes les visites demandées par les titulaires de mandat au titre des procédures spéciales, a répondu à toutes les lettres d'allégations et examine de façon suivie la mise en œuvre des recommandations formulées. La Hongrie a soumis dans les délais impartis ses rapports périodiques au Comité des droits des personnes handicapées³⁴, au Comité pour l'élimination de la discrimination à l'égard des femmes³⁵ et au Comité des droits de l'enfant³⁶. Le Gouvernement s'efforce de résorber son arriéré avant le prochain cycle de l'Examen périodique universel. L'élaboration d'un plan national d'action concernant la résolution 1325 du Conseil de sécurité³⁷ est en cours d'examen.

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

Protection des droits de l'homme

8. L'exercice des droits de l'homme est garanti par la nouvelle Loi fondamentale. Les principales règles relatives au fonctionnement, à la procédure et à l'indépendance financière⁴⁸ de la Cour constitutionnelle sont définies dans la Loi fondamentale et dans une loi organique⁴⁹.

9. Suite aux préoccupations exprimées concernant l'indépendance du pouvoir judiciaire et l'état de droit, des mesures ont été prises après les consultations menées avec des organisations internationales. Aucune autre mesure législative n'est par conséquent nécessaire. Le Gouvernement était et reste ouvert au débat d'experts sur ces questions mais il ne saurait répondre à des critiques dépourvues de fondement et partiales.

10. Le Commissaire aux droits fondamentaux, institution dotée du statut A, constitue un élément central du système de protection hongrois, y compris pour la surveillance des lieux de détention conformément aux dispositions du Protocole facultatif se rapportant à la Convention contre la torture⁵⁰. Le Parlement veille à ce que le financement alloué à cette institution augmente régulièrement.

11. La nouvelle Autorité de protection des données, qui est autonome, supervise la protection des données personnelles et l'accès aux données publiques. Son statut lui garantit l'indépendance concernant son organisation, ses compétences, son personnel, son budget et l'exercice de ses fonctions. Le coût du traitement d'une demande de données n'est facturé que si ce traitement nécessite des ressources humaines importantes. Les restrictions de l'accès aux données d'intérêt général sont conformes aux normes internationales.

12. Le Groupe de travail interministériel des droits de l'homme surveille l'exercice des droits de l'homme en Hongrie, conseille le Gouvernement et observe la mise en œuvre des recommandations issues de l'Examen périodique universel. Sa table ronde est composée de 11 sous-groupes de travail thématiques, auxquels participent les ministères, le Commissaire aux droits fondamentaux et les organisations non gouvernementales (ONG). Des propositions sont soumises aux ministres d'État pour action de suivi. Le Gouvernement

estime que les stratégies sectorielles relatives aux droits de l'homme (débattues et élaborées avec la participation de la société civile qui s'implique systématiquement dans leur évaluation) sont suffisantes.

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

Société civile

13. Les propositions de lois et de décrets formulées par le Gouvernement sont publiées sur sa page Web. Des consultations générales sont obligatoires ; les consultations directes sont facultatives. Lorsqu'un avis est rejeté, les motifs du rejet doivent figurer sur cette page. Le ministre concerné peut associer au processus de rédaction des ONG, des églises, des organisations de minorités, des organisations professionnelles et scientifiques, des groupes de pression, et autres interlocuteurs.

14. Les droits des défenseurs des droits de l'homme⁶² sont respectés, y compris s'agissant des militants pour les droits des communautés roms, avec lesquels le Gouvernement mène des consultations régulières. L'Office gouvernemental de contrôle vérifie l'utilisation des fonds publics ; les ONG visées par une enquête ont le droit de former un recours judiciaire. Les ONG qui veulent accéder au financement national ou étranger doivent seulement respecter quelques obligations en matière de transparence et de comptabilité, conformes à la réglementation internationale.

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

Famille

15. Le système de soutien des familles prévoit un large éventail de prestations destinées à favoriser la sécurité sociale des familles et à alléger la charge financière de l'éducation des enfants. Des repas gratuits ou à tarif réduit sont proposés dans les établissements d'enseignement aux enfants de foyers modestes⁷³. Les politiques familiales sont élaborées conformément aux principes de l'égalité des sexes et de non-discrimination et font l'objet d'une évaluation systématique qui se fonde sur les besoins des groupes sociaux concernés.

16. Selon la Loi fondamentale, les liens familiaux reposent sur le mariage et sur la relation entre les parents et les enfants. La Loi fondamentale dispose en outre que la Hongrie protège l'institution du mariage en tant qu'union consentie entre un homme et une femme et érige la famille comme fondement de la survie de la nation. Il est impératif que la législation soit conforme à la Loi fondamentale.

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

Groupes vulnérables

17. Aucun enfant ne peut être soumis à la torture, aux châtiments corporels ou à tout autre peine ou traitement cruel, inhumain ou dégradant. Le service hongrois de protection de l'enfance fonctionne avec la participation de représentants des droits de l'enfant et de tuteurs d'enfants indépendants. Le Commissaire aux droits fondamentaux, qui jouit du statut A, accorde en outre une attention particulière à la protection des droits de l'enfant, aux intérêts des générations futures et aux droits des groupes sociaux les plus vulnérables, dont les minorités. Des foyers d'accueil et de prise en charge temporaires sont disponibles pour les enfants en danger et leur(s) parent(s). L'Institut national de la santé des enfants a développé de nouvelles méthodes et un site Internet de conseil. Des programmes et formations en matière de lutte contre la maltraitance sont organisés pour les spécialistes et les parents.

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

18. Le projet de nouveau Code de procédure pénale comprend des garanties supplémentaires qui permettront de tenir compte de l'intérêt supérieur de l'enfant dans le système de justice pour mineurs. Les nouvelles dispositions du Code pénal concernant la détention et la réinsertion des enfants, en particulier ceux âgés de 12 à 14 ans, sont plus favorables que les règles applicables aux délinquants plus âgés.

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

19. La législation en vigueur garantit la participation des femmes à la vie politique et à la prise de décisions. Dès lors, aucune autre mesure législative ne s'impose. La stratégie globale actuelle vise cependant à combattre les stéréotypes de genre qui persistent, au moyen de nouveaux programmes, de campagnes dans les médias et de projets confiés aux ONG. Le mariage est interdit avant 16 ans ; il est possible entre 16 et 18 ans mais seulement avec l'autorisation du bureau des tutelles, qui prend en compte l'intérêt supérieur de l'enfant.

<i>I.</i>	<i>II.</i>	<i>III.</i>
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. La Hongrie poursuit la lutte contre la violence à l'égard des femmes au moyen de stratégies et d'actions nationales. On envisage de développer le système des foyers d'accueil, de proposer de nouvelles modalités de soutien aux victimes et d'intensifier les campagnes de sensibilisation et les programmes de prévention. La législation en vigueur sera actualisée au vu du processus de ratification de la Convention d'Istanbul. Le nouveau Code pénal criminalise une gamme plus large d'actes de violence à l'égard des femmes, parmi lesquels la violence entre partenaires et la violence sexuelle.

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

21. Un nouveau programme national destiné à renforcer les services de santé procréative, en particulier à l'intention des groupes vulnérables, est en cours d'élaboration. Pour les patients atteints du VIH/sida, les traitements et la prévention de la transmission du VIH font l'objet d'une attention particulière.

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

22. La Hongrie maintiendra aussi son engagement dans la lutte contre la traite des êtres humains. Face à la crise migratoire, des mesures accrues sont prises, notamment en matière de coopération transfrontalière et de protection des victimes.

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

23. La Loi fondamentale oblige l'État à introduire des mesures spécifiques pour protéger les personnes handicapées. Un nouveau groupe de travail examine par exemple la réglementation et la jurisprudence en matière de « prise de décisions assistée » et de droit de suffrage. La privation du droit de vote en raison de l'état mental ne peut aujourd'hui être ordonnée que par décision judiciaire. Les personnes atteintes d'une incapacité mentale ou d'une incapacité partielle ont le droit de recevoir des informations adaptées, compte tenu de leur âge, de leurs capacités mentales et de leur état psychologique.

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

24. La Loi fondamentale et la loi relative à l'égalité de traitement interdisent la discrimination pour quelque motif que ce soit, identité de genre et orientation sexuelle comprises. La jurisprudence des juridictions hongroises devient progressivement plus cohérente. Une nouvelle stratégie distincte n'est pas envisagée à l'heure actuelle. Cela étant, la table ronde des lesbiennes, gays, bisexuels, transgenres et intersexués du Groupe de travail des droits de l'homme (mentionné plus haut) examine régulièrement la situation.

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

Minorités (dont les Roms), discrimination, actes motivés par la haine

25. Les droits fondamentaux sont garantis par la Constitution, sans discrimination d'aucune sorte. Les dispositions détaillées de lutte contre la discrimination figurent dans la loi relative à l'égalité de traitement, qui est conforme aux normes internationales en la matière. Ces règles s'appliquent également à la participation à la vie politique et à la prise de décisions. L'Autorité pour l'égalité de traitement, qui est autonome, surveille la situation, agit en cas de discrimination et exerce ses tâches et compétences sans aucune influence extérieure. Le Parlement est garant de son budget.

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

26. La Hongrie prend des mesures globales pour lutter contre la discrimination raciale et la ségrégation. La Stratégie nationale d'intégration sociale et son plan d'action multisectoriel comprennent des politiques d'intégration relatives au bien-être de l'enfant, à l'éducation, à l'emploi, à la santé, au logement, ainsi que des mesures d'insertion et de sensibilisation. Ces dispositifs¹³⁶ prêtent une attention particulière aux femmes et aux enfants roms. Le deuxième plan d'action (2015-2017) prévoit des mesures destinées à assurer une intégration sociale plus large, en particulier dans le domaine de l'emploi, de la culture, de la politique et de l'éducation. Les prestations de santé sont offertes à toutes les personnes qui y ont droit, sur un pied d'égalité et sans aucune discrimination (par exemple l'origine ethnique).

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

27. La Constitution garantit la protection des minorités nationales, les dispositions détaillées étant énoncées dans une loi organique. Selon la Commission de Venise¹⁵³, cette loi confirme que la Hongrie s'est engagée à protéger les minorités, ce qui est reconnu au niveau international. La nouvelle loi électorale a introduit des mandats préférentiels au Parlement : les candidats issus de minorités nationales n'ont besoin que d'un quart du nombre de votes requis pour être élus. Si une minorité n'atteint pas ce seuil, elle peut désigner un défenseur (« porte-parole »). Ce système garantit un équilibre équitable entre les droits des minorités nationales, le droit individuel du citoyen à l'autodétermination et la transparence des élections.

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

28. La Hongrie offre aux personnes issues des minorités un enseignement gratuit de leur langue maternelle et garantit l'enseignement de leur culture. Pour améliorer l'accès à une éducation de qualité, le Gouvernement a introduit plusieurs mesures et programmes en partenariat avec des représentants des minorités afin de soutenir les élèves défavorisés, y compris les élèves roms.

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

29. Le Gouvernement réprime sévèrement¹⁶⁶ les actes motivés par la haine. Le nouveau Code pénal contient des dispositions renforcées¹⁶⁷ contre l'antisémitisme et les discours haineux et prévoit des mesures en cas de violation de la liberté de conscience et de religion. De plus, le nouveau Code civil donne également la possibilité aux particuliers et aux communautés d'engager des actions civiles. Les juges et les procureurs bénéficient d'une formation destinée à renforcer la lutte contre les infractions motivées par la haine. Une unité spécialisée de la police surveille les médias, analyse les données d'enquête afin de signaler d'éventuelles infractions motivées par la haine et conseille les autres unités de la police. Le Groupe de travail sur les infractions motivées par la haine sert de forum de coopération entre le Gouvernement et les différentes ONG concernées. Le Service national d'aide aux victimes apporte une assistance aux victimes d'actes criminels, y compris ceux motivés par la haine.

<i>I.</i>	<i>II.</i>	<i>III.</i>
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. Depuis 1989, les dispositions du Code pénal sanctionnant les infractions motivées par la haine s'étendent aux actes commis contre la dignité de la nation hongroise. La Loi fondamentale et la jurisprudence de la Cour constitutionnelle garantissent l'équilibre¹⁸⁸ entre la liberté d'expression et le droit à la dignité des groupes nationaux, ethniques, raciaux ou religieux.

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

Demandeurs d'asile et migrants

31. La Hongrie accorde l'asile et dispose de procédures bien établies conformes aux normes internationales et régionales, y compris à la Convention de 1951 relative au statut des réfugiés. La Hongrie est convaincue qu'une protection devrait être offerte aux personnes exposées à un véritable danger, en portant une attention particulière aux femmes et aux enfants. Le Gouvernement s'efforce d'améliorer les conditions de vie des réfugiés et des demandeurs d'asile. Les soins et l'aide apportés sont conformes à la réglementation de l'Union européenne et à la réglementation internationale¹⁹⁰.

I.	II.	III.
-	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 mise en détention de demandeurs d'asile est une mesure exceptionnelle²²⁶, appliquée en dernier ressort lorsqu'il est nécessaire de garantir la présence du demandeur. On privilégie les mesures autres que la détention²²⁷. Les familles avec enfants ne peuvent être détenues qu'à titre exceptionnel et pendant une durée n'excédant pas trente jours, si cela est dans l'intérêt supérieur de l'enfant. La prise en charge des mineurs non accompagnés s'effectue dans le cadre des services de protection de l'enfance. La représentation en justice est assurée par les tuteurs d'enfants. Le dispositif est conforme aux normes internationales²²⁸. La légitimité de la détention est garantie par un contrôle judiciaire suivi. Les demandeurs d'asile sont détenus séparément des autres prisonniers.

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

33. Tout usage excessif de la force peut faire l'objet d'une plainte par la personne qui en est victime auprès du chef de l'unité de police, du responsable du centre de détention, du procureur ou du tribunal. Il est également possible de saisir l'Autorité indépendante chargée d'examiner les plaintes déposées contre la police. En sa qualité de mécanisme national de prévention au titre du Protocole facultatif se rapportant à la Convention contre la torture, le Médiateur inspecte aussi régulièrement les centres de détention. Des règles semblables s'appliquent au personnel militaire.

I.	II.	III.
-	202 ²³⁶ .	79 ²³⁷ , 128 ²³⁸ .

34. La Hongrie participe aux programmes de réinstallation volontaire. De nombreux réfugiés venant d'Ukraine, du Liban, de Turquie et de Jordanie ont été réinstallés. L'« entrée illégale » ne constitue une infraction grave en Hongrie que si l'intéressé franchit par effraction la barrière physique qui protège la frontière à l'emplacement choisi. Dans les autres cas, le fait de traverser illégalement la frontière constitue une infraction mineure possible d'une amende ou d'un travail d'intérêt général. Les règles relatives aux zones de transit et aux pays sûrs sont conformes aux dispositions pertinentes du régime d'asile européen commun.

I.	II.	III.
185 ²³⁹ .	-	200 ²⁴⁰ , 207 ²⁴¹ , 220 ²⁴² .

Divers

35. Le Gouvernement était – et est toujours – ouvert au dialogue afin de répondre aux préoccupations soulevées au sujet de la nouvelle réglementation relative aux médias, qui a fait l'objet de vastes débats avec les organisations internationales concernées. Par suite, les règles actuellement en vigueur ne contiennent que des restrictions strictement conformes au droit international, ce qui a amené le Conseil de l'Europe à reconnaître que la législation relative aux médias en Hongrie avait été considérablement améliorée.

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

36. La Hongrie déploie des efforts constants pour régler le problème de la surpopulation carcérale. Ainsi, 757 nouvelles places de prison ont été construites entre 2013 et 2015. En outre, 4 374 nouvelles places seront créées, ce qui permettra de résorber presque entièrement la surpopulation d'ici à 2020. Parallèlement, des mesures de substitution sont de plus en plus utilisées et le recours à la détention provisoire est moins fréquent, ce qui contribue aussi à désengorger les prisons.

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

37. Le soutien aux jeunes employés et entrepreneurs et la promotion des programmes de formation sont des priorités. Dans le cadre de l'initiative Garantie pour la jeunesse, 24 établissements d'enseignement supérieur offrent des programmes de formation et ont conclu un accord de coopération avec plus de 500 sociétés, ce qui permet aux étudiants d'acquérir une expérience professionnelle. Une autre initiative favorise le retour d'employés de l'administration publique au marché primaire du travail.

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

38. Un règlement durable et pacifique des différends implique une véritable volonté politique des parties impliquées, et non le recours à la pression économique ou militaire. Les entreprises qui opèrent sur le territoire des parties devraient respecter les Principes directeurs des Nations Unies relatifs aux entreprises et aux droits de l'homme, que la Hongrie intègre actuellement à sa réglementation nationale.

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

39. Malgré les mesures d'austérité adoptées chaque année depuis 2006, la Hongrie accroît régulièrement sa contribution à l'aide publique au développement. Cette contribution se situe actuellement à 0,11 %.

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

Notes

- 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-CESCR 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-Semitic 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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