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Universal periodic review

Report of the Working Group on the Universal Periodic Review*

Hungary

Addendum

**Views on conclusions and/or recommendations, voluntary commitments
and replies presented by the State under review**

1.

* The present document is being issued without formal editing.



The Hungarian Government has duly considered the 267 recommendations put forward during the third UPR of Hungary on 2 November 2021. The position on the recommendations is presented thematically clustered in this Addendum.

I. International obligations, human rights protection, human rights institutions, human rights treaties

2. The Hungarian Government accepts recommendations 128.21, 128.32–33 and 128.35–40.
3. Recommendations 128.1–2 and 128.6–11 are noted. Hungary has already ratified the majority of the main international human right treaties, and constantly assesses the possibility of ratifying any other human rights treaties.
4. The Hungarian Government does not accept recommendations 128.3–5. The current legislation already guarantees migrant workers and their family members in the labour market most of the rights enshrined in the Convention and reflects the objectives of the Convention. The rights of migrants are also protected by the existing EU legislation. Further, ILO Convention 189 is not one of the conventions proposed for ratification under the tripartite agreement of the national ILO Council. The Hungarian legal system basically complies with ILO Convention 189, and domestic workers enjoy the protection and guarantees provided by law.
5. The Hungarian Government does not accept recommendations 128.12–19 either, because Hungary decided not to ratify the Istanbul Convention. The Hungarian National Assembly expressly confirmed that it does not support the ratification of the Istanbul Convention because of its concept of gender and gender-based approach to asylum. The Government is of the view that it is not the ratification of this treaty, but the tangible results of actions that make prevention and combating violence against women and domestic violence a reality.

II. Asylum seekers, migrants and refugees

6. The Hungarian Government accepts recommendation 128.247.
7. Recommendations 128.244, 128.250, 128.252–254, 128.257–258 and 128.261–264 are noted, because the current asylum and migration legislation adequately ensures that the recommendations are met and, in line with Hungary's migration policy, the Government does not intend to undertake any further commitments. The relevant judgments of international tribunals were duly implemented.
8. The Hungarian Government cannot accept recommendations 128.20 and 128.246, as Hungary voted against the Global Compact on Migration, and its position has not changed ever since. Further, recommendations 128.148, 128.151, 128.245 and 128.249 are not accepted either because they are incompatible with the basic direction of State policy in the relevant areas.
9. For the Hungarian Government, it is of utmost importance to combat illegal migration that is considered to be a threat to the sovereignty, identity and the health of the population of the country. The Government is of the view that supporting migration cannot be the adequate response to the problems of Europe and the countries of origin. The focus must remain on providing adequate circumstances so that people can live in their home countries in safety. The Government cannot support those initiatives that aim at promoting migration or changing the above policy.

III. Criminal procedures

10. The Hungarian Government accepts recommendation 128.105.
11. Recommendation 128.106 is noted because it is already implemented.

IV. Civil society

12. The Hungarian Government accepts recommendations 128.24–25, 128.27–28, 128.118 and 128.131–133.

13. Recommendations 128.23, 128.29 and 128.31 are noted as they are already implemented. The Fundamental Law guarantees the freedom of the civil society, and the Hungarian legislation has even eased the administrative burdens accompanying the registration of such organizations.

14. Concerning organizations receiving foreign funds, the European Court of Justice confirmed that some organizations may exert significant influence on public life, therefore, the transparency of their operation is a legitimate aim. In this respect, Hungarian Government does not accept recommendations 128.26, 128.72 and 128.129, because they contain factually inaccurate allegations.

V. Disability

15. The Hungarian Government accepts recommendations 128.156 and 128.230–232.

VI. Children and Family

16. The Hungarian Government accepts recommendations 128.22, 128.176, 128.222–224 and 128.227.

17. Recommendation 128.225 is noted, as Hungary recalls that under its Civil Code, the legal age for marriage is 18 years. Minors above 16 years may only marry exceptionally, and only if they can present the prior consent of the Guardianship Authority. Before issuing this consent, the Guardianship Authority carries out a meticulous investigation as to the physical and mental health and the living conditions of the applicant. A marriage of a minor without such prior consent is void.

VII. Education

18. The Hungarian Government accepts recommendations 128.134–136, 128.147, 128.152–154, 128.157 and 128.159.

19. Recommendation 128.158 is noted as because it is already implemented.

20. The Hungarian Government does not accept recommendations 128.155 and 128.226 for reasons detailed under heading XII below.

VIII. Freedom of the judiciary

21. The Hungarian Government accepts recommendation 128.117.

22. Recommendations 128.107–109, 128.112, 128.114–115 are noted because they are already implemented.

23. The Hungarian Government does not accept recommendations 128.110–111, 128.113 and 128.116 as they imply factually inaccurate allegations. The Fundamental Law sets out the guarantees of the independency of the judiciary, including its competences and organization. The organization of the judiciary is designed in accordance with the international standards and aims at preserving a balance between the participants. An independent official, elected by the National Assembly, is responsible for the administration, while the National Judicial Council, an independent body exerts control. As confirmed by the Venice Commission in 2019, key competencies were assigned to the National Judicial Council. Therefore, the Hungarian Government is unable to accept any allegations questioning guarantees of the independence of the judiciary.

IX. Hate crimes, hate speech and non-discrimination of vulnerable groups

24. The Hungarian Government accepts recommendations 128.57, 128.59–63, 128.65, 128.69–71, 128.73, 128.80, 128.82, 128.89, 128.99–101, 128.248, 128.259 and 128.267.

25. Recommendation 128.41, 128.53, 128.55, 128.64, 128.66–68, 128.74, 128.81, 128.86, 128.88, 128.92, 128.93, 128.96–98, 128.255–256, 128.260 and 128.265 are noted because they are considered as already implemented. Hungary combats discrimination against any religious minorities. Recommendations 128.34 and 128.76 are also noted.

X. Media pluralism

26. Concerning the freedom of the media, the Hungarian Government takes note of recommendations 128.119–121, 128.125 and 128.127–128 because they are already implemented. Hungary considers the freedom of speech as one of the core values, and this freedom is protected by the Fundamental Law and the consistent jurisprudence of the Constitutional Court. Further, the freedom and diversity of the press is expressly protected by the Fundamental Law, and the reform process of the Hungarian media system in 2010 took into account the dialogue with the European Commission and the Venice Commission, respectively.

27. The Hungarian Government is unable to accept recommendations 128.43, 128.122, 128.123, 128.124, 128.126 and 128.130 as they imply misrepresentation about the Hungarian media system. The National Media and Infocommunications Authority is an independent body governed by law. The Media Council is an independent body, too, whose members cannot be instructed. The current legislative framework guarantees the conditions of a free and plural media system.

XI. Minorities, including the Roma minority, and Social inclusion

28. The Hungarian Government accepts recommendations 128.77, 128.137, 128.145, 128.146, 128.149, 128.150, 128.160–171, 128.229 and 128.236–239. We highlight that the Hungarian National Strategy for Social Inclusion 2030, renewed in 2021, has been developed through a broad social consultation process, in line with the expectations of the EU Commission and the new EU Roma Framework Strategy, and taking into account the comments received. Programmes based on the strategy are targeting people living in poverty in general, among them Roma people in particular with innovative elements to ensure lasting and sustainable inclusion. Targeted measures improve the relative and absolute situation of Roma women.

29. Recommendations 128.75, 128.78, 128.104, 128.241–243 and 128.251 are noted because they are considered as already implemented.

XII. Non-discrimination of LGBTI persons

30. The Hungarian Government accepts recommendation 128.79.

31. Recommendations 128.48, 128.52, 128.58, 128.67, 128.85, 128.90 and 128.179 are noted. The Fundamental Law provides that everyone in Hungary is protected against discrimination on grounds including, but not limited to, race, color, sex or disability status. Further, the Equal Treatment Act expressly provides that any discrimination is prohibited if it was based on sexual orientation or gender identity. By introducing the concept of ‘sex at birth’ into Hungarian law, the legislator merely ended a legal uncertainty. Nevertheless, this amendment does not prevent individuals from living according to their own identity.

32. The Hungarian Government does not accept recommendations 128.42, 128.44–47, 128.49, 128.50, 128.51, 128.56, 128.83, 128.84, 128.87, 128.91, 128.94, 128.221 and 128.226. Act LXXIV of 2021 on heightened actions against pedophile perpetrators and on

the protection of children does not intend to single out or discriminate anyone, as that would go against the Fundamental Law. This Act provides that, as per Article 14 of the Charter of Fundamental Rights of the European Union, parents have the right to ensure that the education and teaching of their children is in conformity with their convictions.

33. Further, the Hungarian Government does not accept recommendations 128.54 and 128.95, because the competences of the former Equal Treatment Authority were transferred to the Commissioner of Fundamental Rights, being a national human rights institution. The competence of the Commissioner and its sanctioning power guarantee the enforcement of requirement of equal treatment, and make the Commissioner a powerful actor in this regard, even compared to other countries in Europe.

XIII. Trafficking in human beings

34. The Hungarian Government accepts recommendations 128.138–143.

35. In this respect, we highlight that the Hungarian Government has stepped up its efforts in the field of anti-human trafficking in the past 5 years. The new National Strategy for 2020–2023 and the related action plan is based on the four pillars of the “4P” paradigm – prevention activities, protection of victims, prosecution and partnership.

XIV. Women’s rights, including combatting sexual and domestic violence and Women, peace and security

36. The Hungarian Government accepts recommendations 128.144, 128.172–175, 128.177, 128.180–188, 128.190–199, 128.206, 128.208–209, 128.211–212, 128.214–217, 128.219–220, 128.228 and 128.234–235. In this respect, Hungary recalls that several measures are included in the Empowering Women in the Family and Society Action Plan 2021-2030 that are geared towards the motivation, training, mentoring of women, so that they are prompted to participate in political and public life, to apply for leadership positions as well as for the advancement of the situation of women in science and business life.

37. Recommendations 128.178, 128.189, 128.207, 128.210, 128.213 and 128.218 are noted because they are considered as already implemented. In the past years, the Hungarian Government strengthened the institutional framework of the victim support system, and took concrete steps to enhance the protection of women from violence.

38. Recommendations 200–205 are noted. The development of a national action plan regarding SC resolution 1325 is currently in progress.

XV. Other (COVID, business and human rights, climate change, Jewish property and statelessness)

39. The Hungarian Government accepts recommendations 128.102–103 and 233.

40. Recommendation 128.30 is noted as the law in question will expire on 31 May 2022. We highlight that the pandemic, being an unprecedented challenge, was tackled in maximum conformity with the rule of law, and restrictions were introduced only when they were necessary and proportionate. The National Assembly regularly held plenary and commission sessions, and the Constitutional Court has been operating constantly.

41. Recommendations 128.240 and 266 are noted because these are considered as already implemented.