



## International Covenant on Civil and Political Rights

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### Human Rights Committee

Ninety-eighth session

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### List of issues to be taken up in connection with the consideration of the fifth periodic report of Hungary (CCPR/C/HUN/5)

#### Constitutional and legal framework within which the Covenant is implemented (art. 2)

1. Please provide more detailed information on the mandate of the Parliamentary Commissioners and the human and financial resources allocated to them. In addition, please provide information on the relationship and coordination between the Commissioners. Please also indicate whether the State party intends to establish a consolidated national human rights institution in accordance with the Paris Principles (General Assembly resolution 48/134, annex). (State party's report, CCPR/C/HUN/5, paras. 25, 30 and 207)

#### Principle of non-discrimination, rights of minorities, and freedom from torture and cruel, inhuman or degrading treatment (arts. 2, 3, 7, 26 and 27)

2. Does the State party envisage reviewing the scope of the Equal Treatment Act so as to prohibit discriminatory acts by private actors others than those currently mentioned in the law? Please indicate whether the State party has carried out any awareness-raising campaigns among the public at large, and minority groups in particular, about the Equal Treatment Act and the avenues for redress it provides? Please also provide more detailed information on the Equal Treatment Authority, including statistics regarding its case-load, investigations and lawsuits initiated ex officio, and its budget and staffing resources. (State party's report, paras. 5-9)

3. Please provide information on incidents of racist violence in the State party, in particular on:

- (a) The establishment of a system to monitor incidents that may constitute racist violence;
- (b) The investigation, prosecution and sanctioning of violent attacks against the Roma, including on the application of the criminal provisions punishing ethnically

motivated crimes and/or other types of offences under which such attacks have been sanctioned, as well as on the remedies awarded to victims;

(c) Whether the State party intends to amend its legislation concerning hate crimes with a view to ensuring that racial motivation for a crime is considered as an aggravating element;

(d) Whether the paramilitary group “Magyar Gárda” continues to operate despite its disbanding by court order, and if so, please explain why. (previous concluding observations, para. 15; State party’s report, paras. 212-226)

4. Please provide detailed information on the effectiveness of the efforts made by the State party to eliminate discrimination against persons belonging to the Roma minority, in particular Roma women, in the fields of education, employment, health, social assistance and housing, such as the Decade of Roma Inclusion Program Strategic Plan. (State party’s report, paras. 27 and 307)

5. What steps have been taken to combat the negative portrayal of the Roma minority in the media and racial discourse by members of political parties and public officials, as well as to combat xenophobic attitudes against Roma and non-citizens among the public at large? Has the State party carried out any awareness-raising campaigns aimed at reducing discriminatory attitudes and prejudice against the Roma minority? (State party’s report, paras. 30 and 31)?

6. Please indicate whether the State party has adopted, or intends to adopt, a strategy or policy aimed at integrating refugees and other beneficiaries of international protection, in particular to avoid homelessness and destitution among such persons. Has a ministry or any other governmental body been designated to develop and/or implement such a strategy?

### **Equality between men and women, and violence against women (arts. 3, 7 and 25)**

7. Has the State party adopted a law on gender equality? Please provide more detailed information on the National Strategy Plan for Gender Equality and its implementation (State party’s report, para. 58). In light of the continuing underrepresentation of women in political life, have any special measures been adopted with a view to increasing their participation? (para. 59)

8. What measures has the State party adopted to ensure that acts of domestic violence against women are effectively investigated and that perpetrators are prosecuted and punished adequately? Please provide examples of the types of sanctions imposed on perpetrators, including restraining orders issued by courts, the length of proceedings, and information on the assistance or remedies provided to the victims, during the reporting period. Please also clarify whether domestic violence and marital rape are recognized as specific criminal offences in the domestic criminal law. Please indicate whether any shelters for victims have been established, as well as whether any awareness-raising campaigns on domestic violence have been carried out. (previous concluding observations, para. 10; State party’s report, paras. 55-61)

9. Please provide information on the legal provisions allowing for “emergency” sterilizations to be performed without a woman’s informed consent, which have reportedly mainly affected Roma women. Please also indicate the extent to which such sterilizations occur in practice.

## **Measures to combat terrorism; respect for the rights guaranteed in the Covenant**

10. Please provide detailed information on the legislation in force on counter-terrorism in particular with regard to its compatibility with respect for the rights guaranteed by the Covenant. Information should indicate, inter alia, whether legislation includes a definition of terrorism and any derogation from ordinary law stipulated in existing or proposed counter-terrorism legislation. (State party's report, para. 203)

## **Freedom from torture and cruel, inhuman or degrading treatment, treatment of prisoners, liberty and security of a person, the right to a fair trial, and rights of minorities (arts. 7, 9, 10, 14 and 27)**

11. Please provide more detailed statistics on all cases of ill-treatment by law enforcement officials, including the number of reported cases as compared to indictments and as compared to sentences, in detention and outside of detention, as well as on acquittals, during the reporting period. Please also indicate:

- (a) Whether video-recording of interrogations is obligatory in the State party;
- (b) Whether detainees alleging ill-treatment are examined by an independent physician and without the presence of a law enforcement official;
- (c) What steps the State party envisages taking to address the low reporting level as indicated in paragraph 100 of the State party's report?.

12. Please provide information on the prosecution and punishment of perpetrators of acts of ill-treatment, including the length of the sentences imposed, and on any compensation granted to the victims (previous concluding observations, para. 12; State party's report, paras. 79-89). Please provide more detailed information on the mandate and work carried out by the Independent Law Enforcement Complaints Body, in particular with regard to its resources available for the investigation of complaints, as well as its current case-load. Please explain why its decisions have no binding force on the police. (paras. 45 and 46)

13. What measures have been taken to reduce cases of ill-treatment, in particular of members of the Roma minority and of non-citizens, by the police? Please provide detailed information on human rights training programmes for law enforcement officers, focusing in particular on combating prejudices and promoting awareness of minority rights.

14. In light of the Committee's previous recommendation (para. 8), please indicate whether short-term arrests for up to 12 hours continue to be legal, and if so, what legal norms regulate the status of persons arrested under this provision. Please also provide detailed statistics on the practice of pretrial detention (State party's report, paras. 106-121).

15. Please comment on reports according to which certain detainees' rights, including the right to immediately inform a relative of the detention, to see an independent doctor, and to communicate with a lawyer in confidentiality, are not always respected in practice. Please also explain the process of appointing mandatory legal counsels. In addition, please provide information on the steps envisaged to address the problem identified in paragraph 267 of the report that such defence counsels do not participate in proceedings during the investigative stage. (State party's report, paras. 106-121, 177-180 and 266-267)

16. Please provide information on the following:

- (a) As to whether the State party envisages reviewing its policy on detention of aliens apprehended for unlawful entry or stay;
- (b) On the detention of asylum-seekers, who are reportedly often kept in administrative detention beyond the 15 days limit prescribed by law;
- (c) On the possibilities of judicial review of the detention referred to in (a) and (b) above.

Please also comment on reports according to which persons in detention under the Alien Policing Procedure are frequently denied information on their rights, including that to submit an asylum claim whilst in detention, in a language they understand, as well as their access to legal assistance. (State party's report, paras. 90-92, 122-125 and 162-164)

17. Please provide information on the steps envisaged to reduce overcrowding in detention facilities, especially those institutions which accommodate pretrial detainees, as well as detention facilities for aliens. Please also explain the measures adopted with a view to improving the current conditions in detention facilities for aliens, in particular regarding access to medical and psychological care, as well as special diets. (previous concluding observations, para. 13; State party's report, para. 152)

18. Please provide information on the law and practice of detention in psychiatric hospitals and so-called residential institutions. Please include information on the process of judicial review of such detention and the participation of the patient therein.

### **Elimination of slavery and servitude (art. 8)**

19. Please provide detailed information on the existing legal framework to combat trafficking in human beings, and indicate what measures have been adopted to prosecute traffickers and to provide assistance and protection for victims. Please also provide updated statistical data on this phenomenon, disaggregated on the basis of gender, age and country of origin, as well as information on the number of prosecutions, convictions and sanctions imposed on perpetrators, and the measures taken for the rehabilitation of victims. (State party's report, paras. 101 and 102)

### **Prohibition of incitement to racial hatred (art. 20)**

20. Please provide information on the measures taken by the State party to ensure that any advocacy of national, racial or religious hatred that constitutes incitement to discrimination, hostility or violence is prohibited by law and that perpetrators of such incitement are prosecuted and punished in practice. (State party's report, paras. 212-226)

### **Principle of equality and non-discrimination, protection of the family and the child (arts. 2, 17, 23 and 24)**

21. Please provide information on access to education, as well as citizenship, for children of asylum-seekers and refugees both in law and in practice. (State party's report, para. 244)

22. Please provide information on the effectiveness of laws, regulations and other measures adopted by the State party, and in particular their implementation at the local level, to address discrimination against Roma children, including:

(a) Their de facto segregation in kindergarten and schools, in particular the continuing high number of Roma children placed in special schools designed for children with mental disabilities;

(b) Their alleged overrepresentation in the State party's child protection system.

Please include statistical data on both issues. (previous concluding observations, para. 7; State party's report, paras. 33-41 and 247-254)

### **Right to take part in political affairs and minority rights (arts. 25 and 27)**

23. Please provide information on the State party's implementation of the constitutional provision on the participation of minorities in political life. In the absence of data disaggregated by ethnic background, how does the State party monitor their representation in political and public life? (State party's report, paras. 61 and 241)

24. Please indicate whether the State party has taken any steps to address the shortcomings identified regarding the minority self-government system and to increase its efficiency and credibility. (paras. 274-288 and 332-334)

### **Dissemination of information relating to the Covenant and the Optional Protocol (art.2)**

25. Please provide information on the steps taken to disseminate information on the Covenant and the Optional Protocols, the submission of the fifth periodic report of the State party, its examination by the Committee and the Committee's previous concluding observations on the State party's fourth periodic report, in the official languages. Please also provide information on the involvement of representatives of ethnic and minority groups, including Roma, and of civil society, non-governmental organizations, and national human rights institutions in the preparatory process for the report.

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