



International Convention on the Elimination of All Forms of Racial Discrimination

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Committee on the Elimination of Racial Discrimination Ninety-eighth session

Summary record of the 2719th meeting*

Held at the Palais des Nations, Geneva, on Monday, 29 April 2019, at 3 p.m.

Chair: Mr. Amir
later: Mr. Murillo Martínez (Vice-Chair)
later: Mr. Amir (Chair)

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The meeting was called to order at 3.15 p.m.

Consideration of reports, comments and information submitted by States parties under article 9 of the Convention (*continued*)

Combined eighteenth to twenty-fifth periodic reports of Hungary
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1. *At the invitation of the Chair, the delegation of Hungary took places at the Committee table.*

2. **Mr. Szijjártó** (Hungary) said that his country appreciated the Committee's efforts to eliminate racial discrimination worldwide and was proud that one of the Committee members was Hungarian. Hungary had responsibilities not only as a party to the Convention but also as a member of the Human Rights Council. Hungary was a nation of freedom fighters, and Hungarians had frequently fought to ensure that their rights were respected. Hungarians would never accept a Government that sought to take away their rights or a political system that violated their rights. However, nor would they accept attempts by outside forces to teach them how to live their lives.

3. His country was proud of its new Constitution, despite the criticism that it had received for adopting it. After the fall of the communist regime in Hungary, the Government had been unable to replace the Constitution of 1948 until 2011, when the ruling party had obtained a constitutional majority. The new Constitution stipulated that the State had a duty to protect human rights and to clearly define the rights and obligations of the people. The current ruling party had won three consecutive elections, thus ensuring political stability, which contributed to the protection of human rights. The results of those elections reflected the will of the people. National consultations involving all Hungarian citizens with voting rights were carried out on major issues. The outcomes of those consultations, although not legally binding, were always taken into account in political decision-making.

4. Given that many non-governmental organizations (NGOs) were externally funded and endeavoured to spread fake news about Hungary, he was glad that the Committee consulted not only NGOs, but also elected officials, who – unlike NGOs – had the authority to represent the country. The Government acknowledged that NGOs were useful, but it rejected the notion that politicians were enemies of the people and that NGOs served to protect the nation from its elected leaders.

5. The Government's policies on migration were based on its beliefs as to what exactly constituted a fundamental human right. It did not believe that all persons had the right to cross borders illegally in order to reach the country in which they wished to live. It did believe, however, that all persons had the right to live in peace in their home. It thus considered that the State had an obligation to protect the country's borders in order to guarantee the security of its citizens. The Government ensured that individuals could apply for refugee status in accordance with the relevant international treaties, but it did not allow any illegal immigrants to enter Hungarian territory. The claim that asylum seekers were placed in detention was simply false: transit zones could not be considered detention centres, as asylum seekers were free to leave those zones in the direction of Serbia.

6. Anyone who entered Hungarian territory was expected to respect the country's rules and regulations. Unfortunately, since 2015, hundreds of thousands of illegal migrants had marched through the country, flouting those rules and refusing to cooperate. The Government was shocked by the criticism that it had received from the Special Rapporteur on the promotion and protection of human rights and fundamental freedoms while countering terrorism regarding the conviction of a migrant who had led an attack on border guards and police in 2015. Its priority was to safeguard the rights of those who protected the country and those who wished to live there in peace, not the rights of terrorists. Hungarians had the right to decide who entered their territory and with whom they wished to live. The Government provided financial support to refugee communities in other countries in order to enable refugees to remain in the first safe country that they reached. In its view, a person who arrived in Hungary from a safe country could not be considered a refugee.

7. The Government was aware of its duty to protect the rights of national minorities and encouraged those minorities to practise their own way of living and to preserve their cultural and religious identity, for their well-being contributed to that of the nation as a whole. It had increased its provision of financial support to national minorities by 46 per cent the previous year, to €50 million. The ruling party had Roma representatives in both the national parliament and the European Parliament. The Roma employment rate had almost doubled over the previous five years and school enrolment among Roma children was the second highest in the European Union, at 91 per cent.

8. Hungary had a zero-tolerance approach to anti-Semitism and was proud of its record in that area. It had a strategic relationship with Israel and the largest Jewish community in central Europe. Jews were able to hold large cultural events safely, without the need for armed protection, and Hungary was preparing to host the European Maccabi Games in the summer of 2019. The claims that had been made by NGOs regarding anti-Semitic campaigns were entirely false. The Government was indeed engaged in a debate with George Soros, whose views on the future of Europe and Hungary differed greatly from its own. However, that debate had nothing to do with Mr. Soros' religion and any suggestion that it did was, in itself, anti-Semitic. The Government considered that the Jewish community contributed greatly to the success of Hungary as a whole.

9. A system of financial incentives had been introduced in order to promote the right to family life by encouraging young married couples to have children. For example, women who had raised at least four children of their own were exempt from personal income tax for the rest of their lives. An additional 21,000 places in pre-kindergarten institutions were being created and childcare allowance could now be claimed by grandparents who looked after children while their parents were at work.

10. As he was unable to stay for the remainder of the dialogue, the Secretary of State of the Ministry of Justice would take over as head of delegation.

11. **Mr. Török** (Hungary), speaking as a representative of the Office of the Commissioner for Fundamental Rights, the national human rights institution of Hungary, said that he was honoured to share with the Committee the views of the Deputy Commissioner responsible for protecting the rights of the 13 nationalities living in Hungary. National minorities enjoyed cultural autonomy and a wide range of rights conferred by national legislation, including the right to self-government and to representation in the parliament. Hungarian legislation on equal treatment was in line with relevant European Union directives. Nevertheless, problems persisted among the 650,000 Roma living in Hungary, 70 per cent of whom lived in deep poverty.

12. The Ombudsman had identified seven areas in which long-term measures were needed in order to address the situation of national minorities. First, while progress had been made under the Hungarian National Inclusion Strategy and its action plans, it was essential to incorporate social inclusion as a horizontal objective in various professional fields and in policymaking and legislation. Second, while the introduction of mandatory kindergarten from the age of 3, the provision of school meals and textbooks free of charge and other measures had improved access to education, ensuring equal access remained a problem, especially in some areas of the country where segregation continued to exist. That situation could only be remedied through complex, long-term social policy measures. Third, more programmes were needed to train education professionals, including teachers of Roma origin, to work with children who were disadvantaged or had special needs. Special measures were also needed to ensure equal access to such training. The Christian Roma College Network could play a valuable role in that regard. Fourth, immediate action was needed to remedy the serious shortage of health professionals and social workers in Roma communities. Steps should be taken to increase training opportunities and facilitate employment for such professionals. To that end, close cooperation with NGOs and churches would be needed. Fifth, although poverty had declined among the Roma population since 2014 and social mobility and employment had increased, there was still a substantial income gap between Roma members of the population and others. The critical question in the years to come would be whether education, training and the creation of job opportunities would be sufficient to help Roma workers move out of public work schemes and into the labour market. It would be crucial to ensure the sustainability of training

programmes funded by the European Union and to continuously monitor employment indicators. Sixth, while some success had been achieved in recent years in the fight against hate speech and hate crimes targeting the Roma community, there continued to be problems in the investigation and classification of such acts. A major reason for those problems was insufficient knowledge on the part of police personnel, who were under pressure to produce results. The police training curriculum on hate crime was being updated, which was a positive development, and the National Police Headquarters had asked the Ombudsman's Office and NGOs to conduct awareness-raising activities and training for staff. Cooperation with the non-governmental Working Group against Hate Crimes and with other NGOs would be important in the long run. Lastly, it was the responsibility of the public education system to raise awareness about national minorities and to disseminate factual information. Although there was some information in the national core curriculum on minorities, including the Roma, teaching and training materials had to be further developed and updated with the incorporation of a humanistic approach and with special attention to the role of persons from the Roma community in the history of Hungary.

13. For almost 24 years, the Office of the Deputy Commissioner had been working to combat racism and all forms of racial discrimination, utilizing a range of tools, including general and targeted investigations, awareness-raising activities and intensive professional cooperation with complainants, churches, NGOs, representatives of national minorities, judicial and legislative bodies and the Equal Treatment Authority. The Office had also engaged in dialogue with various international bodies, including the European Union Agency for Fundamental Rights, the European Roma Information Office and the Ad Hoc Committee of Experts on Roma Issues, and the Deputy Commissioner was a member of the Advisory Committee on the Council of Europe Framework Convention for the Protection of National Minorities. The Office would continue that collaboration with a view to improving the situation of persons belonging to the Roma community.

14. **Ms. Ko** (Country Rapporteur), recalling that the Committee's last dialogue with the State party had taken place 17 years earlier, said that she was delighted to welcome the delegation of Hungary. The State party's report explained that there were 13 indigenous nationalities in Hungary and provided a link to census data, which included information on the questions of nationality and mother tongue. The Committee would like to receive further information on the ethnic composition of the population disaggregated by ethnicity, national origin and language spoken, and information on economic and social indicators disaggregated by sex, gender and ethnicity. More information on migrants, asylum seekers and refugees, encompassing multiple years, would also be appreciated.

15. The State party had made remarkable progress since 2002 in improving the legislative framework for combating racial discrimination, including through the adoption of the Equal Treatment Act. The Committee would like to know whether that Act and other relevant laws were being applied in practice. She would be grateful if the delegation could provide concrete information, for example by citing examples of discrimination cases and describing the investigation and prosecution of such cases, convictions and compensation awarded to victims. She would also like to find out more details about the activities of the Equal Treatment Authority, the Commissioner for Fundamental Rights and the Deputy Commissioner for the rights of national minorities, including about their outreach efforts and an indication of whether or not they were adequately funded.

16. According to information from civil society organizations, the provisions in the Hungarian Criminal Code relating to hate crimes were applied to protect members of the majority more frequently than to protect members of minority groups, and more severe punishment was imposed when offenders belonged to minorities. In the light of that information, the Committee would like to know more about the legislation on hate crimes. It would be useful to have some examples of cases and of the criteria for the imposition of the various types of penalties. The Committee would also appreciate receiving more information on police training on how to deal with hate crimes and on measures to prevent hate speech in the media, particularly on the Internet.

17. There had been alarming reports that some public figures in the State party had made speeches possibly promoting racial hatred, particularly in the context of anti-immigrant and anti-refugee campaigns, starting in 2015. The Committee would like to

know what measures had been taken to prevent speeches or other activities by public authorities or public institutions that might result in incitement to racial hatred, including as part of the implementation of the National Crime Prevention Strategy 2013–2023. Organizations that promoted racial hatred were reportedly operating in the State party, although a law of 2011 and a section of the Criminal Code purported to prevent the formation of such organizations. How were those provisions being applied, and what other measures were being taken to prevent the incitement of racial hatred?

18. The State party's report cited numerous steps taken to improve the situation of the Roma community, including measures to ensure equal access to health and education services. The Committee had seen reports indicating that, notwithstanding those efforts, discrimination against the Roma persisted and segregation had actually worsened. There were also reports of ethnic profiling against Roma people by the Hungarian police. The Committee would appreciate an update from the delegation on measures taken to prevent discrimination against members of the Roma community and on the results of those measures.

19. There had been many alarming reports concerning the situation of refugees and asylum seekers. The reports mentioned two categories of problems, one relating to discriminatory practices at the border, and the other to the treatment of refugees and asylum seekers already in Hungarian territory. The Committee would like to hear more about the 2017 amendments to the Act on Asylum and the compatibility of those amendments with the State party's obligations under international law. It would also be useful if the delegation could provide information on refugees' and asylum seekers' access to education, social and psychological support, legal aid and other services and on the funding available for such services.

20. Two of the issues raised in 2002 in the Committee's concluding observations on the State party's previous periodic report ([A/57/18\(SUPP\)](#)), paras. 367–390) were still of concern, namely discrimination against the Roma community and xenophobic manifestations against immigrants, refugees and asylum seekers. Such manifestations were often associated with the so-called refugee crisis in Europe in 2015, but they were clearly a more persistent phenomenon. She was aware of the enormous effort put forth by the Government to deal with problems of discrimination, but discrimination was not easy to eliminate. That was why article 7 of the Convention emphasized the need for education to combat prejudices that led to racial discrimination. She would be grateful if the delegation would provide information on measures already taken or planned for the near future to promote human rights education and dialogue, understanding and tolerance among the various groups in the State party.

21. **Mr. Kut** (Follow-up Coordinator) said that, since the submission of the State party's last report in 2002, the Committee had adopted a procedure for follow-up to concluding observations. In accordance with that procedure, the Committee would ask the State party to provide information, within one year, on certain matters that the Committee considered particularly important. The Committee attached great importance to the follow-up procedure, which allowed it to see whether there was political will to take action on urgent matters identified in the course of its dialogues with States parties.

22. **Mr. Avtonomov** said that, although the Fundamental Law of Hungary guaranteed fundamental rights without discrimination on the basis of a number of characteristics, it did not include two possible reasons for discrimination: ethnicity and descent, both of which were included in the definition of racial discrimination in article 1 of the Convention. He would appreciate a comment from the delegation regarding that disparity. The information in the State party's report relating to the Equal Treatment Act referred to "positive discrimination". While he welcomed the fact that the law had such provisions, he considered the choice of wording unfortunate. In the Committee's view, discrimination was always negative. The term "special measures", used in the Convention, was preferable. "Affirmative measures" was another possibility.

23. He was pleased to see that the State party recognized 13 national minorities, but was surprised that the Jewish community was not among them. Jews were considered a religious minority, but they were also ethnically different from other groups. Could the

delegation explain why Jews were not among the recognized national minorities? He was also pleased that Rusyns/Ruthenians were recognized as a national minority, but he noted that their population had decreased by about 10 per cent between 2001 and 2011. Could the delegation comment on the possible reasons for that decrease? Official statistics on the Roma population differed from statistics from other sources, which indicated that there could be as many as 10,000 more members of the Roma community in Hungary. Noting that such discrepancies could be indicative of hidden discrimination, he asked the delegation to comment.

24. Noting that a section of the revised Criminal Code of 2012 criminalized human trafficking, an issue of concern to the Committee because it was often ethnic minorities that were the victims of trafficking, he asked about cases prosecuted under that section. He would also welcome information on the impact of the National Strategy against Trafficking in Human Beings 2012–2016. Had the objectives of the Strategy been achieved, and had any other strategy on human trafficking been adopted since 2016?

25. *Mr. Murillo Martínez (Vice-Chair) took the Chair.*

26. **Ms. McDougall** said that, despite the Government's recent initiatives to combat hate speech and discrimination, there had been a significant number of incidents of racist hate speech vilifying migrants and refugees over the previous three years, often emanating from the highest levels of Government. What measures had the Government taken to tackle that issue directly? With regard to the situation of the Roma community in Hungary, she would be grateful for the State party's comments on the outcomes and shortcomings of the Decade of Roma Inclusion. In addition, it would be interesting to learn whether the State party had considered addressing the intersection between poor quality housing and low levels of education and achievement in its attempts to ensure equal access to high-quality education for all children. Lastly, she would be grateful if the State party could clarify whether representatives of national minorities continued to be elected at the local level. Could persons who were not members of a national minority be elected to represent national minorities?

27. *Mr. Amir resumed the Chair.*

28. **Ms. Dah** said that it would have been useful to have a common core document that retraced the history of Hungary and described the national character, as outlined by the head of delegation in his opening statement. Although self-identification was to be encouraged, it was often the case that members of national minorities chose not to identify themselves as such. With that in mind, she was interested to know whether any national minorities were represented in the delegation and, if so, which ones. The Committee would be grateful for examples of national policies and measures that the State party had adopted to put an end to the segregation of the Roma community. The delegation could also provide further information regarding the representation of national minorities, particularly the Roma, in the national parliament, the Government, the judiciary, the armed forces and law enforcement bodies. Had the State party planned to take measures to ensure that primary, secondary and tertiary education were egalitarian and inclusive? In relation to the Christian Roma College Network, it would be useful for the Committee to receive further information regarding the role of church schools in the national education system. She also wished to know whether children at all schools had access to the recently published textbooks on Roma history and culture and whether Roma history was taught as a subject at all schools. In general terms, it would be useful for the Committee to receive more information regarding the role of the national human rights institution in providing human rights education for children. She was also interested in hearing more from the Office of the Deputy Commissioner for the protection of the interests of future generations regarding human rights education and how it could contribute to the elimination of segregation and xenophobia in the country's future.

29. It was not enough for States to promote human rights. Political leaders must go beyond that. They must work for peace and to ensure the right to development. It was necessary to look beyond the wave of refugees and migrants that had flowed into Europe. They had come from countries afflicted by the scourges of war and poverty.

30. **Mr. Calí Tzay** said that he wished to clarify that the Committee's questions should not be construed as accusations levelled against the Government. It was possible for racism and racial discrimination to exist within a society, despite public policies being put in place to combat them. One way to tackle that problem was to educate the public about the positive contributions of minority cultures to society. He would welcome disaggregated data regarding the national prison population. It would be interesting to know whether the State party's 13 recognized minority languages were spoken at the national level and whether they were taught in schools or spoken only in family settings. In addition, he would be grateful for clarification regarding the incorporation of international conventions in the Fundamental Law. It was important for the Committee to have some sense of whether the population trusted the State to address discrimination effectively. In that regard, he would appreciate information regarding the number of cases of discrimination brought before the courts and the outcomes of such cases.

31. **Mr. Diaby** said that he would be grateful for clarification as to why Hungarian civil society organizations were absent during the Committee's discussion of the implementation of the Convention. He was interested to know whether any Hungarian or Roma NGOs worked on the issue of racial discrimination, and if so, what legal framework governed their formation and activities. He also wished to know how minorities such as the Roma and Jewish communities were represented in the media, especially the State media, and whether the authorities applied any sanctions when discriminatory or racist positions appeared there.

32. Welcoming the 2013 reform of the Criminal Code, which had provided a framework for better addressing and punishing all acts of discrimination, he asked how the Government evaluated the Code's implementation. In January 2018 Hungary had closed its border to virtually all persons seeking international protection, and any asylum seekers who had since then tried to cross the border were automatically turned back. The State party was requested to provide further information on that policy. The Committee would like specifically to know the number of persons thus refused entry. Some sources estimated that about 50,000 had been turned away.

33. **Mr. Murillo Martínez** said that he wished to know whether the Government had conducted or planned to conduct perception surveys on racism and racial discrimination. Such surveys were a useful mechanism for studying public attitudes and for devising policies to implement the Convention. He was also interested to know whether Hungarian civil, labour and administrative law provided for the reversal of the burden of proof in cases involving racism or discrimination.

34. The world was facing huge political challenges and tensions associated with racism and racial discrimination. European history illustrated how xenophobia and extremism could lead to war. In that context, he wondered what steps the State party had taken in the context of the European Union to contribute to a common regional approach to combating xenophobia and extremism. Lastly, he asked whether Hungary implemented any policies or programmes in the context of the International Decade for People of African Descent, which was an important multilateral initiative. If so, had the Government identified a target population, and what services or benefits did it provide?

35. **Mr. Albuquerque e Silva** said that it was impossible to ensure the rule of law, which was a precondition for the realization of human rights, without competent, independent and impartial courts to resolve disputes. Without the rule of law, equality before the law obviously could not exist. In December 2018, the Hungarian parliament had adopted legislation creating a separate legal order in the area of administrative law. The European Commission for Democracy through Law, or Venice Commission, had been asked to give its opinion on whether the new legislation fell within the sovereign right of the national legislature and was fully in line with European standards and practices. It had found that many aspects of the new law were commendable, but it had also expressed concern that "very extensive powers" would be concentrated in the hands of a few stakeholders and that there would be "no effective checks and balances to counteract those powers". Accordingly, the Commission had made concrete proposals to address the inconsistencies in the legislation, and the proposals had received some support in the Hungarian parliament. The Committee would welcome further information on efforts to

ensure the independence of the judiciary and on developments regarding the legislation, which was due to enter into force in January 2020.

36. **Mr. Bossuyt** said that he was grateful to the State party for submitting its report under the simplified reporting procedure, which was a good practice that he believed provided the Committee with more relevant information than it received under the traditional procedure. He would welcome an explanation of discrepancies in the reported size of the ethnic minority population, which the report put at over 600,000, but which various other sources estimated as low as 50,000, or as high as 800,000 for the Roma community alone. He was interested to note that nationalities were defined, in part, as “any ethnic group resident in Hungary for at least one century”. That was in line with a recommendation of the Parliamentary Assembly of the Council of Europe, which stated that groups of persons in a State who “maintain longstanding, firm and lasting ties with that State” constituted national minorities. However, such a policy drew a distinction between groups that had a long history in the country, who were entitled to preserve their own characteristics, and new migrants, who were expected to integrate into society.

37. Hungary had a Commissioner for Fundamental Rights, who had two deputies. One protected the rights of national minorities, and the other protected the interests of future generations. Was there a definition of “the interests of future generations”? How did the system for the protection of the rights of national minorities work in practice, given that the report described overlapping powers of the Commissioner and the relevant deputy commissioner? He invited the delegation to specify the age at which compulsory education began and to explain the figures provided in the report on the attendance rate of Roma children in different types of schools. He would also appreciate clarification of the steps taken in respect of the assignment of school district boundaries with a view to avoiding segregation.

38. According to the report, in order for hate speech to be considered a criminal offence, it must be “committed in front of a large public audience”. While recognizing that the State party might wish to exclude private conversations from its hate speech laws, he asked why the public audience had to be large and whether it would not be sufficient simply to state that hate speech should be condemned and punished whenever it was committed in a public environment.

39. **Mr. Yeung Sik Yuen** said that it was commendable that Hungary had granted refugee status to a number of Afghan, Syrian, Pakistani and other nationals. Unfortunately, though, it appeared that people who had fled their homes in war-torn countries would no longer be welcomed, as the parliament had in 2018 passed a law making asylum applications inadmissible if applicants arrived via a country where they did not risk persecution. Given that Hungary shared borders only with States that were quite stable, he wondered whether the purpose of the law was to all but eliminate the right to asylum in the country. With regard to the new administrative courts, he asked whether it was correct that the administrative judges would be appointed by the Minister of Justice and, if so, whether such appointments were consistent with the principle of the separation of powers.

40. **Ms. Chung** said that she would like to know more about the framework and procedures for conducting national consultations on human rights issues and whether civil society groups were included in that process. She requested examples of the type of fake news that was purportedly being spread by civil society organizations and asked how the Government addressed that problem. Lastly, she asked for an explanation of the sizeable discrepancies in the size of the Roma population as reported through official statistics or other sources.

41. **Mr. Bóka** (Hungary), remarking that Ms. Izsák-Ndiaye had received praise for her work on the Committee and said that she symbolized both his Government’s commitment to the elimination of racial discrimination and the knowledge and expertise that all governments strived to attain. His delegation valued the dialogue with the Committee and firmly believed that an exchange of views based on mutual respect and an understanding of common objectives would greatly contribute to achieving the goals of the Convention. The complex issues that the Committee had raised would be addressed in full at the subsequent meeting.

Solemn declaration by the newly elected member of the Committee under rule 14 of the rules of procedure

42. At the invitation of the **Chair, Ms. Verdugo Moreno**, who replaced Mr. Marugán following his resignation, made the following solemn declaration: “I solemnly declare that I will perform my duties and exercise my powers as a member of the Committee on the Elimination of Racial Discrimination honourably, faithfully, impartially and conscientiously.”

The meeting rose at 5.45 p.m.