

HUNGARY

Follow-up - State Reporting

Action by Treaty Bodies, Including Reports on Missions

CCPR A/58/40 vol. I (2003)

CHAPTER VII. FOLLOW-UP TO CONCLUDING OBSERVATIONS

...

Overview of the application of the follow-up procedure

265. At its seventy-first session, in March 2001, the Committee began its routine practice of identifying, at the conclusion of each set of concluding observations, a limited number of priority concerns that had arisen in the course of the dialogue with the State party. The Committee has identified such priority concerns in all but one of the reports of States parties examined since the seventy-first session. Accordingly, it requested that State party to provide, within one year, the information sought. At the same time, the Committee provisionally fixed the date for the submission of the next periodic report.

266. As the Committee's mechanism for monitoring follow-up to concluding observations was only set up in July 2002, this chapter describes the results of this procedure from its initiation at the seventy-first session in March 2001 to the close of the seventy-eighth session in August 2003. These are described session by session, but in future reports this overview will limit itself to an annual assessment of the procedure.

<u>State party</u>	<u>Date information due</u>	<u>Date reply received</u>	<u>Further action</u>
...			
<i>Seventy-fourth session (March 2002)</i>			
...			
Hungary	3 April 2003	9 April 2003	At its seventy-eighth session, the Committee decided to take no further action.

Follow-up - Reporting
Action by State Party

CCPR CCPR/CO/74/HUN/Add.1 (2002)

Replies of the Government of Hungary to the concerns expressed by the Human Rights Committee in its concluding observations (CCPR/CO/74/HUN). *

Additional information provided by the Government of The Republic of Hungary relating to the Concluding Observations (CCPR/CO/74/HUN) of the Human Rights Committee

1. The Government of the Republic of Hungary submits the following additional information requested by the Human Rights Committee as outlined in the Concluding Observations (CCPR/CO/74/HUN) adopted on 19 April 2002. In its Concluding Observations, the Human Rights Committee had requested the Government of the Republic of Hungary to furnish within one year information on any action it has taken in light of the Committee's observations and recommendations on the situation of the Roma people (para. 7), and pre-trial detention in police premises (para. 8).

2. As regards the situation of the Roma people, several initiatives, both administrative and legislative, have been adopted since the report by Hungary was presented to the Human Rights Committee on 22 March 2002. The official program of the new Government of Hungary which entered into office 16 June 2002, contains a chapter titled "Tasks relating to the social and political integration of the Roma living in Hungary". The program provides the framework for measures relating to the enhancement of the situation of the Roma. It undertakes, inter alia, to launch an overall counter-poverty program to provide equal opportunities for all, most of all the Roma population. The Government also undertakes to submit to the National Assembly and to adopt a complex and overall law on anti-discrimination. This law, which is currently underway for adoption, will provide sanctions for actions aimed at the social exclusion of the Roma, as well as providing effective remedies on occurrences of hate speech and other racially motivated crimes.

3. Since the present Government of Hungary took office, several major structural changes have also been initiated regarding the institutional framework dealing with the Roma minority. Within the Office of the Prime Minister a new State secretariat for Roma integration policy issues was established under the leadership of Mr. László Teleki, President of the National Alliance of Roma Organizations. A new 21-member Council of Roma Affairs, led by the Prime Minister has also been established, composed of outstanding Roma leaders and some non-Roma personalities as well who are committed to the cause of the Roma. The Prime Minister of the Republic of Hungary has offered Mr. Aladár Horváth, President of the Foundation of Roma Civic Rights, former MP between 1990-1994, the post of his personal adviser in Roma policy. Special Ministerial Roma commissioners have been appointed to ministries such as education, employment and others to facilitate coordination within and between the ministries and to give appropriate weight to the Roma issue. For the same purpose, ministries without Roma commissioners are creating specific Roma departments.

4. The Government is already working on the elaboration of a comprehensive anti-discrimination act as well as the necessary legal provisions against hate speech. Inter-agency consultations on the amendment of the Criminal Code started at the beginning of August last year, in which Minorities Ombudsman is also taking part. According to the draft, hate speech will be considered as a crime and punished with imprisonment of up to three years.

5. Furthermore it is also to be noted that the Ministry of Education is planning to set up a nationwide integration network to implement programs reducing the inequality of opportunities.

6. In spite of the undeniable achievements, a considerable amount of problems and conflicts arise in everyday life which could be remedied right at the roots with a good chance if the members of the Roma community had access to experts specialized in the given field of activity. The difficulties are deepened by the fact that the information does not or just partly reaches the target group and people of Roma origin are often unable to find their way in the cobwebs of administration. With full knowledge of the facts described above, the Ministry of Justice, in cooperation with the National Gypsy Self-Government and the Office for National and Ethnic Minorities is operating a Client Service Network for Anti-Discrimination. The objective of the Network is to operate a legal aid service that has explicit competence in cases where the client suffered grievance owing to his or her Roma descent. The Ministry of Justice concluded a retainer contract for a prolonged period of time with the attorneys acting in the Network. The retainer contract covers the following activities: legal advising, institution of actions at law in administrative cases, representing the client before the court.

7. Hungary's concept is to work simultaneously at three different time levels. This means that the medium-term measures are framed by a long-term strategy, and they are concretized by yearly governmental action plans. The social integration of the Roma population can only be fully achieved in the long run. This necessitates the elaboration of a long-term strategy that outlines long-term perspectives, the strategic goals, the main priorities and the principles that require basic consensus from the whole society. Three main priorities are stressed in the strategy. These are education, employment and the well-being of Roma families. From 2000, yearly action plans have been compiled to promote the concrete implementation of the medium-term measures.

8. Roma communities are more and more involved in shaping these policies. Their consultation has been facilitated by the establishment of the system of minority self-governments. Some 420 local Roma self-governments worked between 1994 and 1998 and their number has almost doubled after the elections in 1998. In the recent minority self-government elections in October 2002, 1,007 local Roma self-governments have been elected which is 30 per cent higher than in the previous period.

9. The budget for 2003 allocates double the amount of money for supporting the Roma population than that of 2002. The Public Foundation for the Roma is able to use 1.1 billion HUF for the education of the Roma children, compared to the average 300-500 million HUF allocated for this purpose in the previous years. The crisis intervention fund established by the Office for National and Ethnic Minorities is operated in 2003 with 68.5 million HUF, compared to 48 million in 2002. In 2003 18,402 Roma children receive scholarship, compared to 12,000 in 2002. Special attention

is devoted to the enhancement of the involvement of Roma children in nursery school education, identified as one of the most important points for the Roma children in education.

10. The aim of the PHARE program for the social integration of the Roma is to strengthen the social cohesion, improve the relationship of, and the communication between, the non-Roma and Roma parts of society and to work out micro-regional development models for anti-discrimination activities. The program contains four projects: innovative project for well-being, institution building for anti-discrimination, project for education and vocational training and information services. The PHARE funding amounts to 740 million HUF, whereas the co-financing provided by the Government of Hungary is 275 million HUF.

11. As to the concerns raised by the Human Rights Committee (para. 8) regarding the retaining of the short-term arrest in the criminal procedure, as well as the length of the initial pre-trial detention phase, the following comments are made:

12. The legislative changes initiated by the Ministry of Justice upon recommendations made by the Human Rights Committee are twofold. Firstly, by making the current criminal regulation more stringent the intention is to reduce the period of the pre-trial detention in police premises to the minimum necessary. Secondly, the enhancement of the physical capacity of the law-enforcement institutions also contributes to providing decent detention conditions for detainees. According to paragraph 131 (1) of the new Criminal Procedure Act, pre-trial detention shall last up to maximum one month. Under regulations of paragraph 135 (1) of the new Criminal Procedure Act pre-trial detention shall be implemented in law-enforcement agencies as a general rule. The provisions of the new Act will take effect on 1 January 2005 according to Act I of 2002, until then the present regulations shall apply. An action plan to fulfil obligations arising from the new Criminal Procedure Act will be finalized by May 2003, by a joint working group comprising of representatives of the National Police Headquarters and the National Law Enforcement Agencies Headquarters.

13. During 2002 several initiatives had been undertaken to widen prison detention facilities. The renovation of the Szeged prison provided additional 230 prison places, in Szolnok a new wing had been added to the existing facilities, thereby creating 70 detention places. The law-enforcement institution for juvenile offenders in Miskolc had been enlarged by 115 places. In the first half of 2003 the new prison in Veszprém will be completed adding 156 places to the current facilities.

14. Government Decree 2147/2002 contains the action plan for establishing new prison facilities in the term 2003-2008. The action plan foresees the enlargement of the existing prison facilities by 850 places of detention, and building 1,400 new places as well. The juvenile detention institution in Pécs will be enlarged by 50 additional places by the support of PHARE. Renovation of law enforcement institutions is also under way: 500 prison cells in Sopronkőhida are being reconstructed, as well as the overall renovation of the Budapest Law Enforcement Institution.

15. Short-term arrest lasting up to 12 hours is not contained in the new Criminal Procedure Act, therefore amendment of this regulation is not required. Act XXXIV of 1994 on the Police stipulates that personal freedom may be restricted for eight hours. This period can be enlarged by four hours if the aim of the short-term arrest had not been achieved.

* Note: This document is being released as received and without editing.