

GOVERNMENT COMMENTS ON THE REPORT ON HUNGARY

APPENDIX

The following appendix does not form part of ECRI's analysis and proposals concerning the situation in Hungary

ECRI wishes to point out that the analysis contained in its report on Hungary, is dated 20 June 2008, and that any subsequent development is not taken into account.

In accordance with ECRI's country-by-country procedure, ECRI's draft report on Hungary was subject to a confidential dialogue with the authorities of Hungary. A number of their comments were taken into account by ECRI, and integrated into the report.

However, following this dialogue, the authorities of Hungary requested that the following viewpoints on their part be reproduced as an appendix to ECRI's report.

“Observations from the Hungarian authorities

as to point 18

In the Criminal Code there are other facts which regards to incitement to racial hatred, but only indirectly. These crimes are: Defamation, Libel, Desecration.

Beyond that there are other crimes which can be committed „for another malicious motive or purpose”. The definition of *committed for another malicious motive or purpose* covers also the acts which are committed with hate motivation. In these cases the punishment shall be more serious than in general. Such crime is for example Homicide.

The acts of the fourth group can be admitted as racially motivated crimes by judges if the racist motivation is proven. In these cases the judges have discretion to impose harsher penalties.

as to point 28

Complaints are being checked annually in the period from the 1st of November of the previous year to the 31st of October of the actual year. In the objected period 10 announces were registered concerning gipsy ethnical discrimination.

Criminal actions were initiated in 3 of the cases. 2 of them are still in progress, and 1 was discontinued in lack of evidence. In the remaining 7 cases the complaints resulted to be unambiguously unfounded.

In the year 2007 statistics show that 13 complaints were made in connection with racism, while in this examined year 10 cases were registered, which shows a decreasing tendency in the number of cases.

as to point 55

We consider it important to specify the composition of the participants of the legal working group of the State Secretariat for the National and Minority Policy (hereinafter: State Secretariat) in the paragraph referring to the participants. The report gives rise to

misunderstanding as it gives the impression that only the representatives of the national and ethnic minorities are included in the activity of the working group concerned while the relevant ministries, the Ombudsman for National and Ethnic Minorities' Rights and independent professionals are also involved in the work.

Nevertheless it is necessary to clarify the relationship between the working group and the State Secretariat since the „auspices” phrase is inaccurate. The legal working group operated by the State Secretariat and working beside of it is an informal deliberative body.

as to point 123

Beside the reduction of segregation in housing as a priority the main goal is to improve the housing situation of Roma. One of the priority areas of 68/2007 parliamentary resolution on the Decade of Roma Inclusion Programme Strategic Plan is housing. Some measures of implementation of this goal:

- ensuring equal access to basic public services for people living in the most disadvantaged regions.
- expansion of the potential access's to social housing for those who are in real need.
- complex development of the most disadvantaged regions densely populated with Roma people (where the existence of settlements or settlement-like environment is fairly frequent).

as to point 132

The National Programme for the Decade of Health was launched by Decision No. 46/2003. (IV.16.) OGY of the Parliament of the Republic of Hungary. The fundamental mission of the Public Health Programme is to respond to health challenges, and to assist and accelerate the life chance of the Hungarian population, so that it may approach the European Union's average as soon as possible. The continuation of the Public Health Programme is a legal obligation and an opportunity to improve the health status of the Hungarian population. Screening for breast and cervical cancer provided for in the framework of the programme, as well as equal opportunities, as a horizontal priority, are of special significance.

as to point 150

Decision of the Government on 1105/2007 on the Government Action Plan for 2008–2009 related to the Decade of the Roma Inclusion Program Strategic Plan was adopted on December 2007. Roma NGOs are involved in the implementation of the Government Action Plan in the frame of Roma Integration Council and Roma Steering and Monitoring Committee.

as to point 158

The asylum authority shall – until the initial screening process is finally closed – place the foreigner applying for recognition as a refugee or a beneficiary of subsidiary protection in reception centres which, however, cannot be regarded as detention. We do not agree with the statement that formerly persons of certain nationalities were automatically placed in detention for the maximum period on the sole ground of their nationality, irrespective of any other criteria that should normally be taken into account. Such discriminative practice has never existed. For the above reasons we do not agree with the content of point 158.

as to point 160

Decree No. 27/2007. (V.31.) IRM contains the rules pertaining to the enforcement of detention ordered in immigration proceedings. Section 6 (4) of this Decree provides that minimum 10 900 joule food shall be provided for each detainee on a daily basis, taking into account the detainee's health status and, so far as possible, the dietetic rules of his religion. Moreover, the Decree contains provisions on the diet of pregnant women and women with babies as well.

For the above reasons we do not agree with the following sentence: „Dietary arrangements are also inadequate for some groups.”

as to point 176

In accordance with ECRI recommendations human rights and anti-discrimination are subject to the curriculum and is an integral part of the professional courses.

Budapest, 5 December 2008”