ECRI REPORT ON HUNGARY

(sixth monitoring cycle)

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European Commission against Racism and Intolerance
ECRI
Commission européenne contre le racisme et l'intolérance

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FOREWORD

The European Commission against Racism and Intolerance (ECRI), established by the Council of Europe, is an independent human rights monitoring body specialised in questions relating to the fight against racism, discrimination (on grounds of "race", ethnic/national origin, colour, citizenship, religion, language, sexual orientation and gender identity), xenophobia, antisemitism and intolerance. It is composed of independent and impartial members appointed on the basis of their moral authority and recognised expertise in dealing with racism, xenophobia, antisemitism and intolerance.

In the framework of its statutory activities, ECRI conducts country monitoring work, which analyses the situation in each of the member States of the Council of Europe regarding racism and intolerance and draws up suggestions and proposals for dealing with the problems identified.

ECRI's country monitoring deals with all member States on an equal footing. The work takes place in 5-year cycles. The reports of the first round were completed at the end of 1998, those of the second round at the end of 2002, those of the third round at the end of 2007, those of the fourth round in the beginning of 2014, and those of the fifth round at the end of 2019. Work on the sixth round reports started at the end of 2018.

The working methods for the preparation of the reports involve documentary analyses, a visit to the country concerned, and then a confidential dialogue with the national authorities.

ECRI's reports are not the result of inquiries or testimonial evidence. They are analyses based on information gathered from a wide variety of sources. Documentary studies are based on a large number of national and international written sources. The in situ visit provides the opportunity to meet with the parties directly concerned (both governmental and non-governmental) with a view to gathering detailed information. The process of confidential dialogue with the national authorities allows the latter to provide, if they consider it necessary, comments on the draft report, with a view to correcting any possible factual errors which the report might contain. At the end of the dialogue, the national authorities may request, if they so wish, that their viewpoints be appended to the final ECRI report.

The sixth round country reports focus on three topics common to all member States: (1) Effective equality and access to rights, (2) Hate speech and hate-motivated violence, and (3) Integration and inclusion, as well as a number of topics specific to each one of them.

In the framework of the sixth cycle, priority implementation is requested again for two specific recommendations chosen from those made in the report. A process of interim follow-up for these two recommendations will be conducted by ECRI no later than two years following the publication of this report.

The following report was drawn up by ECRI under its own responsibility. Unless otherwise indicated, it covers the situation up to 30 June 2022; as a rule, developments since that date are neither covered in the following analysis nor taken into account in the conclusions and proposals therein.

SUMMARY

Since the adoption of ECRI's fifth report on Hungary on 19 March 2015, progress has been made and good practices have been developed in a number of fields.

In the field of inclusive education, the authorities have adopted a wide range of anti-segregation measures, including the setting-up of anti-segregation working groups in 2019 in every school district.

The first public Victim Support Service (VSS), including for hate crime victims, was opened in 2017, and was expanded to ten other services across the country. Offering a 24/7 toll-free victim helpline, the VSS also has the so-called 'opt-out' system, which provides victims with direct assistance tailored to their needs since 2021.

In order to enhance the effectiveness of investigations into hate crimes, a Hate Crime Protocol was adopted in July 2019, which is binding on all police forces. The Protocol requires the appointment of 'mentors' at every local police unit and foresees regular police training. Several other initiatives have also been taken to improve detection and investigation of bias-motivated crimes.

The authorities have invested significant efforts into improving the inclusion of Roma through its National Social Inclusion Strategy. This Strategy has been supplemented by further policy documents, such as the "Diagnosis-based Catch-up Strategy for Roma" as well as other recent initiatives, including the "Emerging Settlements", which was launched in 2019 and covered the 300 most disadvantaged settlements in the country. Progress has been made in the education of Roma pupils, in particular with the system of after-school education centres (*tanoda*).

The authorities, including at local level, and civil society organisations have made serious efforts to offer protection and support to people fleeing from Ukraine. Services provided include the setting-up of "Help Points" at all border crossings along the Hungarian-Ukrainian border where staff are available non-stop to assist people with emergency medical care, transport, accommodation meals and legal assistance.

ECRI welcomes these positive developments in Hungary. However, despite the progress achieved, some issues give rise to concern.

The Equal Treatment Authority was abolished as a stand-alone equality body and merged with the Office of the Commissioner for Fundamental Rights as of 1 January 2021, without having been preceded by appropriate consultations. To date, no information campaign for the wider public has been organised to explain the current institutional framework and available remedies.

The 2020 Law on the elimination and prevention of school violence, which establishes a new system of security staff in educational institutions through school guards, risks stigmatisation of pupils and students from difficult backgrounds and low-income families, as is the case of Roma.

The human rights of LGBTI persons have significantly deteriorated due to increasingly hostile political discourse and the adoption of a series of restrictive laws. The latter includes legislative changes concerning legal gender recognition and the propagation or portrayal of divergence from self-identity corresponding to sex at birth, sex change or homosexuality. These legislative changes were introduced through fast-track processes during the Covid-19 pandemic, when the Government declared a "state of danger" and without any meaningful public consultations.

The Hungarian public discourse has become increasingly xenophobic in recent years, and political speech has taken on highly divisive and antagonistic overtones particularly targeting refugees, asylum seekers and migrants, Muslims and LGBTI persons. Several legislative changes channelled through government-supported campaigns have created a forum for the rise of such hate speech. These trends seem to have generated sentiments of marginalisation and exclusion among several parts of the population within the Hungarian society.

The effectiveness of the legal framework on hate speech falling within criminal law remains extremely limited due to the strict judicial interpretation of legal requirements. The legislation also continues to lack provisions on racist motivation, as an aggravating circumstance.

The National Social Inclusion Strategies, especially at local level, have not been implemented fully and the situation of Roma

remains difficult. School drop-out rates are still high and Roma occupy the most disadvantaged positions in the labour market. The shortage of social housing persists and forced evictions of Roma continue, often without any re-housing solutions being provided. Segregation in education is still widespread. Roma women are particularly vulnerable in access to health.

State integration support was terminated for refugees and persons granted subsidiary protection in 2016 and there is no specific integration strategy for these persons.

After the introduction of a "state of crisis due to mass migration" in 2015, fundamental changes have come into effect regarding the asylum system through a complex set of legislative amendments, which have curtailed access to asylum in the country.

In this report, ECRI requests that the authorities take action in a number of areas and makes a series of recommendations, including the following.

The authorities should bring the competences, independence and effectiveness of the Equality Treatment Directorate (ETD) of the Office of the Commissioner for Fundamental Rights fully in line with ECRI's (revised) General Policy Recommendation No. 2 on equality bodies to combat racism and intolerance at national level and in accordance with the relevant advice provided by the Council of Europe's Venice Commission. In addition, the authorities should organise a nation-wide awareness-raising campaign on the avenues of complaints available to victims of discrimination.

The authorities should commission an independent review of the legislative measures adopted during the period of "state of danger", their impact on groups of concern to ECRI, including LGBTI persons, and their compliance with Council of Europe and other human rights standards in the fields of equality and non-discrimination.*

Urgent steps should be taken at legislative level to ensure the legal recognition of a person's gender through procedures that are quick, transparent and accessible to all and based on self-determination and to prevent any stigmatisation of LGBTI communities in light of the case law of the European Court of Human Rights and the advice provided by the Council of Europe's Venice Commission. In this context, the amendments introduced by Act LXXIX of 2021 on taking more severe action against paedophile offenders and amending certain Acts for the protection of children (which refers to "the propagation or portrayal of divergence from self-identity corresponding to sex at birth, sex change or homosexuality") should be repealed.

Public figures, including political leaders on all sides, should be strongly encouraged to take a prompt, firm and public stance against the expression of racist and LGBTI-phobic hate speech and react to any such expression with counter-speech and alternative speech.

The authorities should enhance the capacity of law enforcement agencies in effectively identifying and addressing racist and LGBTI-phobic hate speech and hate crime by providing more targeted and practical training on the 2019 Hate Crime Protocol.*

The authorities should ensure that all forms of de-facto segregation affecting Roma children in schools are ended. The authorities should in particular draw inspiration from the General Comment on the situation of education and training of Roma children in Gyöngyöspata published by the Deputy Commissioner for Fundamental Rights for the Protection of the Rights of Nationalities and from ECRI's General Policy Recommendation No. 13 on combating antigypsyism and discrimination against Roma.

The authorities, in close cooperation with local authorities and civil society organisations, should adopt a comprehensive integration strategy for migrants, including persons under international protection, covering among others the issues of readily available Hungarian language classes, special support in education, equality in employment, health and housing, with goals and targets, timeframes, funding, success indicators and a monitoring and evaluation system.

The legislation should be amended with a view to ensuring fair and effective access to the asylum procedure in the territory of the country, in line with Council of Europe and other international human rights standards

* The recommendations in this paragraph will be subject to a process of interim follow-up by ECRI no later than two years after the publication of this report.

FINDINGS AND RECOMMENDATIONS

I. EFFECTIVE EQUALITY AND ACCESS TO RIGHTS

A. Equality bodies[1]

1. In Hungary, the Equal Treatment Authority (hereafter the Authority), which was established by the Act on Equal Treatment and Promotion of Equal Opportunities (hereafter the ETA) and had been functioning since February 2005, was the designated equality body for combating discrimination in all sectors and on all grounds. In its last report (§22), ECRI satisfactorily noted that the structure and powers of the Authority were in line with the principles set out in its General Policy Recommendation (GPR) No. 2 dealing with equality bodies to combat racism and intolerance at national level and the key components of its GPR No. 7 on national legislation to combat racism and racial discrimination and that the general legal framework for a national equality body in the country was complete.

2. With the adoption of two omnibus bills[2] by the Hungarian Parliament in December 2020, the Authority was abolished as a stand-alone equality body and merged with the Office of the Commissioner for Fundamental Rights (hereafter the CFR), which is the national human rights institution (NHRI) in the country, as of 1 January 2021. ECRI was informed by various interlocutors, including those who were directly concerned at the time, that the adoption of these bills was not preceded by consultations, neither with the institutions in question and other stakeholders nor at public level. ECRI also notes that these legal amendments were adopted during the Covid-19 pandemic when the Hungarian government declared a "state of danger" (see also § 31 of this report and the recommendation made in § 32). ECRI underlines that in times of crisis and exceptional circumstances, it is vital to build trust in public institutions, including by strengthening independent oversight bodies and engaging with the whole of civil society in a meaningful way.

3. ECRI notes that in October 2021, the Council of Europe's Venice Commission (European Commission for Democracy through Law) adopted an Opinion[3] on the legal amendments concerning the merger of the Authority with the CFR with a view to assessing their compatibility with international standards on equality bodies/national human rights institutions, in which it extensively referred to ECRI's GPR No. 2 (revised). ECRI fully endorses this Opinion and its recommendations. Against this background and in the absence of comprehensive information on the operational situation of the Equality Treatment Directorate (ETD),[4] which is the new organisational unit of the CFR designated to perform the tasks of the Authority, ECRI limits itself to the following analysis, which focuses mainly on the concerns brought to ECRI's attention during its contact visit.

4. ECRI recalls that as a quasi-judicial body, the Authority had an important decision-making function (as per § 17 of GPR No. 2) and was tasked with making legally binding decisions in cases of alleged violation of the ETA, either at the request of an injured party or *ex officio*. As a result of the merger, the CFR has a mandate to conduct two types of proceedings that are different in nature and outcome. Under the ETA, complaints are investigated as part of an administrative procedure with

[1] The term "national specialised bodies" was updated to "equality bodies" in the revised version of GPR No. 2, which was published on 27 February 2018.
[2] Act CLXV of 2020 amending Certain Laws in the field of justice) and Act CXXVII of 2020 Amending Certain Laws to Ensure More Effective Enforcement of the Requirement of Equal Treatment.
[3] Council of Europe (CoE), Venice Commission, Opinion on the amendments to the Act on Equal Treatment and Promotion of Equal Opportunities and to the Act on the Commissioner for Fundamental Rights as adopted by the Hungarian parliament in December 2020, adopted on 15-16 October 2021, Opinion No.1051 / 2021, CDL-AD(2021)034. Among others, this Opinion recommends ensuring that the CFR effectively implements its new mandate under the ETA.
[4] ECRI regrets to note that, to the best of its knowledge, the Director of the Equality Treatment Directorate has still not been appointed and the General Secretary of the Office of the Commissioner for Fundamental Rights fulfils the functions of this post. A large number of the Authority's staff decided to leave their jobs after the merger.

clear deadlines, as well as the possibility to impose fines and other legally binding sanctions, and the possibility to seek judicial review. In the case of proceedings under the law on the CFR (hereafter the CFR Act), no timelines are prescribed, and no legally binding decision is eventually issued. It is up to the complainant to choose which procedure to use (under the ETA or the CFR Act). The CFR initiates proceedings under the ETA only in cases where no preference is given or when the initiation of proceedings under both laws is requested. The only exception concerns cases pertaining to minority rights (rights of nationalities), such as Roma. In such cases, the CFR shall take a decision based on the proposal of the Deputy Commissioner for Fundamental Rights for the Protection of the Rights of Nationalities.

5. In practice, under this two-track system, the same institution may now deal with complaints regarding the same rights violations on the basis of two different set of rules with different outcomes (i.e., non-binding decisions against binding decisions, including sanctions). In ECRI's view, this compromises efforts made in the past to offer the same level of protection to victims of discrimination. Furthermore, this sudden institutional change has left victims in confusion as to where, when and how they should come forward, thereby making their access to justice less effective. It quickly emerged during ECRI's visit that there was very limited awareness among the population about the current institutional framework and available remedies, as confirmed by many interlocutors. Regrettably, to date, no information campaign for the wider public has been organised to explain the scale of change or related practicalities.

6. Concerns have also been expressed about the adverse impact of the abolition of the network of equal treatment consultants across the country, which was crucial in efficiently fulfilling the support and litigation by assisting the victims of discrimination as well as the promotion and prevention functions of the Authority (as per § 13 and §14 of GPR No.2). Although it was not possible to provide ECRI with the number of cases dealt with by the ETD at the time of the visit, the ETD reportedly only received 462 complaints in 2021 (compared to 868 for the whole year of 2019).[5] This seemingly significant drop in the number of discrimination cases was partly attributed to the lack of clear information on the website of CFR. In this regard, ECRI was surprised to learn that the extensive know-how of the Authority, including its publications and surveys and its vast body of case-law, which were available on its user-friendly website, was not fully made accessible on the website of the CFR.

7. ECRI recommends that the competences, independence and effectiveness of the Equality Treatment Directorate (ETD) of the Office of the Commissioner for Fundamental Rights be brought fully in line with ECRI's revised General Policy Recommendation No. 2 on Equality Bodies to combat racism and intolerance at national level and in accordance with the relevant advice provided by the Council of Europe's Venice Commission. In addition, the authorities should organise a nation-wide awareness-raising campaign on the avenues of complaints available to victims of discrimination. Furthermore, both the ETD and the Deputy Commissioner for Fundamental Rights for the Protection of the Rights of Nationalities should receive the necessary financial and staffing resources to carry out their mandates adequately.

B. Inclusive education

8. This section deals with education policies[6] aiming at combating exclusion and marginalisation through an inclusive education devised for all and through appropriate teaching in a "multicultural environment" in line with sections II and III

[5] Háttér Society (2021).
[6] This section relates to education for all children and young people. Specific measures for the education of migrants and Roma are dealt with under the heading of integration and inclusion.

of ECRI's GPR No. 10 on combating racism and racial discrimination in and through school education.

9. ECRI notes that the authorities adopted a new Public Education Strategy (2021-2030) in August 2020, which includes equitable education tailored to individual needs as one of its five strategic pillars. The basic learning and education objective in the latest National Core Curriculum (NCC) from 2020 is defined as "developing national and European identity, patriotism and active citizenship and democracy".[7] The framework curricula of the NCC contain the topic of "the rights of the child, democracy and citizenship" in a cross-cutting manner and its content appears in the subject of citizenship education. Research[8] indicates that this subject, which in reality covers numerous areas, is only taught for one hour a week and does not involve the students actively in the process. ECRI strongly encourages the authorities to take measures more dedicated to human rights education and considers that introducing compulsory human rights education[9] as part of citizenship education into all school curricula, especially as regards the right to equality and the prohibition of discrimination, would be an appropriate step forward. These subjects should also be made an integral part of initial and in-service training for teachers. Good practices from different schools should also be mainstreamed.

10. ECRI is pleased to note that Hungary has taken a wide range of anti-segregation measures, including the setting-up of anti-segregation working groups in 2019[10] in every school district to provide advice in educational matters and to initiate desegregation measures, which ECRI notes as a **promising practice** (see also, in this connection, measures taken in the Budapest 8th District referred to in § 80). Church schools, however, do not participate in system-level desegregation measures, thereby limiting the measures' impact. ECRI notes this exemption with concern in view of the growing increase of the proportion of church schools in the basic education system.[11]

11. According to a 2019 report by UNESCO, 30.8% of Hungarian pupils and students reported being bullied.[12] Teachers are also not spared, mostly of verbal abuse, from students. The authorities informed ECRI that while there is no system in place to monitor racist incidents at schools, several programmes, such as the anti-bullying programme KiVa and a peer support programme ENABLE have been introduced, which ECRI considers as a positive development.

12. However, in July 2020, the Hungarian Parliament adopted a new Law on the elimination and prevention of school violence.[13] This act establishes a system of security staff in educational institutions through school guards, who are supervised by the police and may use coercive measures on the territory of the schools. Furthermore, it punishes any crime by a pupil by suspending their family allowance for 12 months. Although it is not mandatory, there are already over 500 schools[14] implementing this practice. While a safe school environment is a fundamental condition for teachers and students to function properly, ECRI strongly believes that the most effective way to address school violence would be to take preventive

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[7] Eurydice (2022).
[8] European Parliament (2021):80-82. ECRI notes that this subject will be taught in grades 8 and 12 as of 2023/2024 academic year.
[9] See similar considerations, UN Committee on Racial Discrimination (CERD) (2019): para.26-27.
[10] Various types of stakeholders and organisations are participating in the work of the 60 anti-segregation working groups, organisations such as NGOs, foundations, local representatives of the social and child protection sector (family and child welfare centres), nurses' networks, vocational training centres, church maintainers, ethnic and national minority self-government, municipalities, universities, pedagogical education centres. They also monitor "segregation" trends. See EU, FRA (2020a):16.
[11] EU Commission Education and Training Monitor 2020 on Hungary, in 2001-2016, the proportion of church schools in basic education increased from 5% to 15.8% and from 10.4% to 22.8% in upper-secondary education; see also EU Commission (2019b):143. The majority of these schools are Christian schools.
[12] UNESCO (2019): 62. See also EU Commission Education and Training Monitor 2021 on Hungary
[13] Act LXXIV of 2020 on amendments necessary to eliminate and prevent school violence. ECRI notes that the Act also reduces the age of criminal prosecution to 12 years-old for acts against people in public service (teachers). See also FRA (2021a): 59.
[14] ECRI was informed by the authorities that between September 2020 and October 2021, school guards had to intervene 474 times, mostly by issuing warnings to prevent conflicts.

action rather than sanctions. These may be, for instance, through increasing the number of support staff such as teaching assistants, social workers, and school psychologists. In contrast, a purely security approach would result in further stigmatisation of pupils and students from difficult backgrounds and low-income families, already living in disadvantaged regions, as is the case of Roma.

13. ECRI recommends that the authorities, in cooperation with all relevant professionals, including teachers and social workers, develop and implement programmes against bullying in schools across the country and in disadvantaged regions in particular. An in-depth evaluation of the impact of the school guard system in school environments should also be carried out.

14. On a related note, civil society representatives informed ECRI that the bullying of LGBTI pupils and students remains an issue. In a survey conducted among LGBTQI students in 2019[15], 82% of participants stated that they were verbally harassed due to their personal characteristics, while 66% of participants who had experienced abuse and assault never reported it to school authorities. Following several controversial legislative changes that severely impacted the human rights of LGBTI persons in the country (some of which having been initiated shortly after parliamentary confirmation of the "state of danger"[16] due to the Covid-19 pandemic), the Public Education Act[17] now deprives individuals under 18 years of age of access to adequate sex education and objective information, appropriate to their age and development, about different forms of sexual orientation, gender identity and sex characteristics, as also expressed by the Venice Commission of the Council of Europe.[18] ECRI stresses that providing factual, non-stigmatising information on sexual orientation and gender identity is imperative to preventing and combating homophobia and transphobia, at school and beyond, and to creating a safer and more inclusive learning environment for all. Reference is made in this context to section I.D.

C. Irregularly present migrants

15. In its GPR No. 16[19] on safeguarding irregularly present migrants from discrimination, ECRI calls for the creation of effective measures ("firewalls") to ensure the fundamental human rights of irregularly present migrants in fields such as education, health care, housing, social security and assistance, labour protection and justice. Such firewalls should separate the activities of immigration control and enforcement from the provision of services, so that irregularly present migrants do not refrain from accessing their rights due to fear of deportation (see in particular §§ 3, 11 and 12 of GPR No. 16).

16. According to Eurostat, in 2016, 41 560 persons (non-EU citizens) were found to be "illegally" present in Hungary, while in 2017, 25 730 cases were recorded; in 2018, 18 915; in 2019, 36 440 and in 2020, 89 370.[20]

17. Since ECRI's last report, fundamental legal and policy changes came into effect regarding the asylum system in Hungary, which have severely restricted access to

[15] The experience of LGBTQI students in Hungarian schools based on the National School Climate Survey, Háttér Society(2019a).

[16] ECRI notes that, after the 'state of danger' was declared, some legislative changes were made in a speedy manner and without adequate public consultations. See further under paragraph 31.

[17] In 2021, a new paragraph 12 was added to Section 9 of the Public Education Act, which reads as follows: "In the conduct of activities concerning sexual culture, sex, sexual orientation and sexual development, special attention shall be paid to the provisions of Article XVI (1) of the Fundamental Law. Such activities cannot be aimed at the propagation of divergence from self-identity corresponding to sex at birth, sex change or homosexuality." Furthermore, a new Section 9/A was added, limiting the possibility of schools to provide registered programmes/lectures (by persons other than the teachers) on sex education, drug prevention, internet usage, or any other topics relating to mental and physical development only through organisations/individuals registered with a "state agency defined by law", with the possibility of infringement proceedings against the head of the school and the member of the unregistered organisation.

[18] CoE, Venice Commission, Opinion on the compatibility with international human rights standards of Act LXXIX of amending certain Acts for the protection of children, 13.12.2021, Opinion no.1059 / 2021,CDL-AD(2021)050, in particular §§ 73-87.

[19] See §§ 3, 4, 11 and 12 of the GPR and §§ 3, 4, 11 and 12 of its Explanatory Memorandum.

[20] Eurostat (2021).

asylum (see section IV). A quasi state of exception has been introduced into Hungarian law in September 2015 – "state of crisis due to mass migration" (in effect until 6 September 2022) – resulting in the suspension of certain provisions of the Asylum Act with regard to third-country nationals irregularly entering and/or staying and to those seeking asylum in Hungary (for more details, see §101).

18. Some reports suggest that irregularly present migrants only have the right to emergency health care.[21] In general, health professionals are not required to inform immigration enforcement authorities of the migration status of their patients. In practice, however, having a social security number remains a pre-condition to receiving medical treatment beyond emergency health care.[22]

19. Regarding access to education, there is no firewall in the law. On the contrary, children who do not have a residence permit do not have any access to public education.[23] In this regard, ECRI encourages the authorities to ensure access to all children to education irrespective of their immigration status.

20. While no data are available on the employment of irregularly present migrants, a decree adopted by the Ministry of National Economy in June 2017 improved the conditions of job seekers from neighbouring countries Serbia and Ukraine, who might also be in an irregular situation, by lifting the work permit requirement for certain sectors where there is a workforce shortage[24], which ECRI notes as a **good practice**.

21. ECRI notes that in 2018, Hungary introduced restrictive measures through so-called 'Stop Soros' legislative package (§ 44),[25] including criminal sanctions, against individuals and organisations providing assistance[26] to refugees and asylum-seekers. These cover supporting persons entering or residing in Hungary illegally, for example, for them to obtain a residence permit[27] or to distribute information material. In November 2021, the Court of Justice of the European Union (CJEU)[28] held that these provisions breach EU law. During the contact visit, ECRI's interlocutors stated that although this law has not been applied in practice so far, it had had a chilling effect[29] on civil society organisations providing such services. Recalling §14 of its GPR No.16, ECRI underlines that the criminalisation of assistance to irregularly present migrants encourages racism as it punishes people for helping others on the basis of their immigration status. In this respect, ECRI very much hopes that action will be taken without delay in light of the judgment of the CJEU and that the authorities will refrain from putting the vital work of NGOs at risk.[30]

D. LGBTI equality[31]

22. There are no official data on the size of the lesbian, gay, bisexual, transgender and intersex (LGBTI) population in Hungary. On the ILGA-Europe Rainbow Map and Index reflecting European countries' legislation and policies guaranteeing LGBT rights, Hungary ranks 30th out of 49 countries scored, with an overall score of

[21] World Health Organisation (2016): 13.
[22] PICUM (2021).
[23] Section 92 of Act CXC of 2011 on Public Education.
[24] Horizon 2020 Project- RESPOND: Multilevel Governance of Mass Migration in Europe and Beyond (2018): 324.
[25] Amending the Criminal Code (Section 353/A) as part of the Act VI of 2018, known in its draft form as the "Stop Soros" package. See details, Council of Europe, Commissioner for Human Rights (CommDH)(2019): §§ 53-60 and Ökotárs Alapítvány et al (2021).
[26] In a ruling of 25 February 2019 (3/2019. (III. 7.) AB), the Hungarian Constitutional Court upheld the constitutionality of Section 353/A (facilitating illegal immigration) but noted that activities aimed only at diminishing the suffering of those in need and treating them humanely and the provision of humanitarian aid could not be penalised under the legislation.
[27] The violation of the law foresees custodial arrest or, in aggravated circumstances, imprisonment up to one year (e.g., in case of material support to irregularly present migrants). See AIDA (2022), *op.cit,* 71-72.
[28] C-821/19, Commission v Hungary, 16 November 2021, Grand Chamber of the CJEU.
[29] See also CoE, Venice Commission/OSCE-ODIHR, 'Joint Opinion on the Provisions of the So-Called "Stop Soros" Draft Legislative Package which Directly Affect NGOs', CDL-AD(2018)013, 25 June 2018: § 85, 91-93; CommDH (2019), *op.cit*, §§ 45-86.
[30] Recommendation 35 of ECRI's GPR No. 16 and Explanatory Memorandum thereto.
[31] See ECRI's Glossary

29.58%.[32] According to the latest EU FRA survey,[33] 32% of the participants were often or always open about being LGBT, whereas the EU average was 47%. The same survey showed that 49% of participants had experienced discrimination in the previous twelve months while this number for transgender respondents was 64%. Only 5% of the participants believed that the government effectively combats anti-LGBTI bias compared to the EU average of 33%. In addition, the special Eurobarometer Survey in 2019 revealed that Hungary was one of a handful of EU countries where the social acceptance of LGBTI people has decreased since 2015.[34]

23. ECRI notes that, since its last report, the human rights of LGBTI persons have significantly deteriorated due to increasingly hostile political discourse (see section II.A), the adoption of restrictive laws and the dismantling of the Equal Treatment Authority (the Authority) (§2). Until its dissolution in December 2020, the Authority, which had a broad mandate to investigate cases of discrimination on grounds of sexual orientation and gender identity, had issued several decisions ensuring LGBTI equality. These include cases regarding a municipality run swimming pool refusing to rent out lanes to an LGBT sports club in 2017[35]; the Budapest Mayor's Office blocking LGBTI websites on its local network in 2019[36] and a hotel refusing to host an event of a local NGO that organised Pécs Pride in 2020.[37]

24. ECRI's interlocutors stated that since 2019 the Commissioner for Fundamental Rights (CFR) has neither been vocal on the human rights of LGBTI people nor responded to official petitions submitted by LGBTI organisations.[38] In this regard, ECRI is pleased to note the decision of the Equality Treatment Directorate of the CFR (the successor of the Authority) in 2021, which pointed to discrimination on the ground of gender identity following the complaint of a transgender woman employee who had been denied access to the women's toilet.[39]

25. The series of restrictive laws that have severely impacted LGBTI equality in the country started in May 2020, when the 'state of danger' was in force due to the Covid-19 pandemic[40], and with the adoption of the omnibus bill (hereafter "Act XXX of 2020"),[41] which replaced the category of "sex" on the civil registry with one of "sex of a person recorded at birth (birth sex)." This law further established that the "birth sex", once recorded, cannot later be changed, thus rendering legal gender recognition impossible. ECRI shares the grave concerns expressed by other international bodies, including the Parliamentary Assembly of the Council of Europe,[42] as well as civil society groups[43] about the adoption of this law. In ECRI's view, legal gender recognition is a matter of human dignity and an essential step

[32] https://rainbow-europe.org/country-ranking
[33] EU, FRA (2020b): EU LGBTI survey II, A long way to go for LGBTI equality, Hungary country data.
[34] Eurobarometer on Discrimination 2019: the social acceptance of LGBTI people, Factsheet
[35] European Equality Law Network (EELN) (2018), Legal developments, Hungary
[36] Háttér Society (2019b); ILGA Europe (2020a).
[37] ILGA Europe (2021).
[38] See also EU, FRA (2021a): 6.
[39] EELN (2021a), Legal Developments, Hungary , See Decision (in Hungarian) from July 2021. In this regard, ECRI notes with interest a decision of the CFR from August 2021, in which it found the permanent exclusion from plasma donation of homosexual men as direct discrimination on grounds of sexual orientation.
[40] See also footnote 16. For an extensive account of the use of emergency powers during the Covid-19 pandemic, see International Commission of Jurists (2022), A Facade of Legality: COVID-19 and the Exploitation of Emergency Powers in Hungary.
[41] Section 33 of the Act XXX of 2020 on the Amendment of Certain Laws Related to Public Administration and on Donating Property, 2.7.2020. The law defines "sex" as the "biological sex based on primary sex characteristics and chromosomes". Since legislation requires that first names are chosen from a closed list of male and female names, and that the name has to be in line with the sex of the person at birth, the changing of first names to one associated with the other sex is forbidden. This is at odds with the decision of the Constitutional Court of 19 June 2018, in which the Court held that the recognition of transgender people and their potential name change relate to the fundamental right to dignity and requires establishing a legislation that guarantees the recording of both sex and name change in the official registration without discrimination (IV/570/2017). Later the European Court of Human Rights (ECtHR) also found that the lack of such procedure violates the right to respect for private life under Article 8 of the European Convention on Human Rights (see Rana v. Hungary, no. 40888/170, §§ 40-42, 16 July 2020).
[42] Council of Europe (CoE), Parliamentary Assembly (PACE) (2020).
[43] ILGA Europe (2020b); Transgender Europe (2020).

to ensure respect for the human rights of transgender and gender diverse persons in all areas of life. In this respect, ECRI refers to the international standards on legal gender recognition,[44] such as those referred to in Resolution 2048 (2015) and Recommendation 2116 (2017) of the Council of Europe's Parliamentary Assembly[45] and other relevant standards[46] as well as the case law of the European Court of Human Rights[47].

26. In March 2021 the Hungarian Constitutional Court annulled the provision in Act XXX of 2020 that foresaw the application of the law in a retroactive manner.[48] ECRI is seriously concerned about reports[49] regarding the growing challenges faced by transgender people in access to trans-specific health care (gender affirmation surgeries and hormone therapy) for those procedures already initiated beforehand due to the reluctance of the authorities.

27. Restrictions in the legislative framework have been further introduced with amendments of the Fundamental Law[50] and concurrent changes to the Civil Code and the Child Protection Act in December 2020, which have the effect of restricting adoption to married couples,[51] de facto banning adoption for persons living in same-sex partnerships and single and non-married individuals, unless special permission is granted by the Minister for Family Policy.[52] In this connection, several interlocutors mentioned during the contact visit that the lack of recognition for same-sex parents creates legal and practical problems for the growing number of children living with such parents in some areas, such as inheritance.[53] On a related note, ECRI welcomes the decision of the Supreme Court (Kúria)[54] in 2020, which found that the government's omission of references to "rainbow families" on its information site "csalad.hu" (family.hu) was discriminatory, confirming the earlier decision of the Equal Treatment Authority.

28. Following the public controversy over the publication of a children's book that featured LGBTI characters in October 2020,[55] yet another legislative change significantly affecting LGBTI persons was voted in June 2021, introducing prohibitions and/or restrictions on any depiction or discussion of diverse gender identities and sexual orientations in the public sphere, including schools and the media, by prohibiting or limiting access to content that "propagates or portrays

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[44] See Parliamentary Assembly of the CoE, Resolution 2048(2015): § 6.2 and www.Yogyakartaprinciples.org 2017: Principle 31.
[45] Parliamentary Assembly of the CoE (2015), § 6.2.1; Parliamentary Assembly of the CoE, Recommendation 2116 (2017), § 7.3.
[46] CoE, Committee of Ministers (2010): §§ 20-22.; CoE, Sexual Orientation and Gender Identity Unit (2015); CoE, CommDH(2009).
[47] See - *inter alia*, Christine Goodwin v. the United Kingdom [GC] (no. 28957/95), §§ 72-73 and 89-91, 11 July 2002; S.V. v. Italy (no. 55216/08), §§ 54-59; 11 October 2018; X v. the former Yugoslav Republic of Macedonia, (no. 29683/16), §§ 38-39 and 66-71, 17 January 2019; Rana v Hungary (no. 40888/17), *op.cit*, 16 July 2020.
[48] In a ruling of 12 March 2021, the Constitutional Court considered that the legal ban on changing gender that was adopted by the 2020 law does not apply retroactively and its application to ongoing proceedings was unconstitutional. ECRI notes however that the applications for gender marker and name change were suspended as from July 2018. ILGA (2019): 137.
[49] Hungarian LGBT Alliance (2021), § 30. ECRI also notes that there are no national clinical guidelines for trans-specific health care in Hungary. For cases regarding legal gender recognition and the impact of Act XXX of 2020 on those cases, see Háttér Society.
[50] The 9th Amendment to the Fundamental Law, amending Art. L, (15.12.2020) inserted the phrase: "the mother is a woman, the father is a man," which had already excluded the marriage of same-sex couples and restricted the notion of family. Furthermore, the phrase "Hungary shall protect the right of children to a self-identity corresponding to their sex at birth and shall ensure an upbringing for them that is in accordance with the values based on the constitutional identity and Christian culture of our country" was added to Article XVI paragraph (1). The latter insertion echoes the previous legislative change in May 2020 and complements it as restricting children's gender identity to their sex as "registered at birth". The Venice Commission of the Council of Europe adopted an Opinion on these amendments and "noted with concern" that this situation may result in discrimination on the basis of sexual orientation and gender identity, in violation of applicable international human rights norms. See CoE, Venice Commission, Opinion on the constitutional amendments adopted by the Hungarian parliament in December 2020, 2.7. 2021, Opinion 1035/2021, CDL-AD(2021)029.
[51] ECRI notes that joint adoption has always been limited to (different-sex) spouses, but those living with their same-sex partners were allowed to adopt individually until this latest amendment.
[52] Index (2021); Hungarian LGBT Alliance (2021), *op.cit,* § 36.
[53] Hungarian LGBTI Alliance (2021), *op.cit.* § 38.
[54] Hungarian Supreme Court, (Kúria), court order of 21 January 2020, Kfv.III.37.881/2018/6 and see more Kfv.37156/2021/3.
[55] Following the publication of a fairy tale book "Wonderland Is for Everyone", the Hungarian Consumer Protection Authority ordered book publishers to print disclaimers on the book, as containing 'behaviour inconsistent with traditional gender roles'. Following this decision, in July, 2021, the European Commission launched an infringement procedure against Hungary.

divergence from self-identity corresponding to sex at birth, sex change or homosexuality" for individuals under 18 years of age (hereafter "Act LXXIX of 2021 on taking more severe action against paedophile offenders and amending certain Acts for the protection of children). Administrative sanctions that could include fines are foreseen in case of violation. These amendments were tacked on to a popular bill to increase the criminalisation of paedophilia[56] and their adoption ignited an international outcry across several bodies,[57] including the Council of Europe's Commissioner for Human Rights, and the United Nations (UN) as well as protests[58] in the country. Immediate action has been taken at the EU level, including through a resolution[59] adopted by the European Parliament and the initiation of infringement proceedings by the EU Commission.[60] The authorities brought certain elements of this law to referendum during the general elections in April 2022, in which it failed to reach the required valid votes.[61] The outcome of the referendum had no impact on the application of this law.

29. ECRI has been informed by civil society organisations that Act LXXIX has had a strong bearing on the life of LGBTI persons in Hungary. Although the provisions have not been applied so far, their ambiguity and potential broad reach has had a chilling effect on groups working with and for LGBTI persons, including those engaged in psycho-social support, awareness-raising and the provision of medical information.

30. Recalling the case law of the European Court of Human Rights (ECtHR),[62] ECRI notes that the attempts to draw parallels between homosexuality and paedophilia are totally unacceptable. The adoption of such laws reinforces stigma and prejudice and encourages LGBTI-phobia. Furthermore, as thoroughly analysed in the recent Opinion[63] of the Venice Commission of the Council of Europe on the Act LXXIX, ECRI considers that the amendments introduced with the Act LXXIX stigmatise LGBTI persons and discriminate against them.

31. As stated earlier, the above legislative changes were introduced during the Covid-19 pandemic, after the Hungarian government declared a "state of danger". ECRI is of the opinion that such far-reaching legislative provisions, particularly constitutional amendments, should not be introduced through fast-track processes when a state of emergency is in force as the Venice Commission and the Commissioner for Human Rights pointed out,[64] given that opportunities for public scrutiny are significantly restricted during such periods. It clearly appeared during the contact visit that the authorities had not engaged in meaningful public consultations.

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[56] Act LXXIX of 2021 on taking more severe action against paedophile offenders and amending certain Acts for the protection of children (primarily on 1997 Act on the Protection of Children and the Administration of Guardianship), 8.7.2021. ECRI notes that the language surrounding this ban has been introduced also into the following Hungarian legislation: the Family Protection Act, the Act on Business Advertising, the Media Act, and the Public Education Act. This is also reflected in the Act on Business Advertising and the Media Act, that requires advertising and content featuring of LGBTI people must be rated as Category V (not recommended for minors), which means that they can only be shown after 23h00. See also European Equality Law Network (EELN) (2021b), Legal developments, Hungary

[57] CoE, CommDH (2021a); UNAIDS (2021).

[58] Human Rights Watch (2021).

[59] European Parliament Resolution of 8 July 2021 on breaches of EU law and of the rights of LGBTIQ citizens in Hungary as a result of the legal changes adopted by the Hungarian Parliament (2021/2780(RSP), (2022/C 99/25), Official Journal of the EU, C 99/218.

[60] EU Commission, December Infringements Package: Key Decisions (2021).

[61] In the context of this referendum, questions were posed regarding sex education programmes in schools as well as the availability of information for children on gender reassignment, including in the media. ECRI notes that several civil society organisations, who organised a campaign against the referendum, were fined by the National Election Committee after the referendum. See Euractiv (2022); Amnesty International (2022); Human Rights Watch (2022).

[62] Bayev and others v. Russia (no. (nos. 67667/09, 44092/12 and 56717/12, 20.6.2017), § 69, §§ 83-84. This case concerned the legislation banning the promotion of homosexuality, also known as the 'gay propaganda law'. ECtHR found a violation of Article 10 (freedom of expression) and Article 14 (prohibition of discrimination) of the European Convention on Human Rights (ECHR) for having reinforced prejudice against LGBTIQ people, which is incompatible with the values of a democratic society.

[63] CoE, Venice Commission, Opinion no. 1059/2021, in particular §§ 62-72.

[64] Venice Commission, Opinion no.1035/2021, *op.cit.,* §13, 84; Opinion no.1059 / 2021, *op.cit,* §§ 8, 14-20; CommDH (2020).

32. ECRI recommends, as a matter of priority, that the authorities commission an independent review of the legislative measures adopted during the period of "state of danger", their impact on groups of concern to ECRI, including LGBTI persons, and their compliance with Council of Europe and other human rights standards in the fields of equality and non-discrimination.

33. ECRI further recommends that urgent steps be taken at legislative level to ensure the legal recognition of a person's gender through procedures that are quick, transparent and accessible to all and based on self-determination and to prevent any stigmatisation of LGBTI communities in light of the case law of the European Court of Human Rights and the advice provided by the Council of Europe's Venice Commission. In this context, the amendments introduced by Act LXXIX (which refers to "the propagation or portrayal of divergence from self-identity corresponding to sex at birth, sex change or homosexuality") should be repealed.

34. Under the present monitoring cycle, ECRI also covers the situation of intersex persons, who are born with chromosomal, hormonal or anatomical characteristics that do not match strict medical definitions of male or female.[65] Many of these persons suffer as a result of medical interventions, which are in most cases non-consensual and medically unnecessary, and have irreversible consequences. Civil society organisations brought to the attention of ECRI that there is a lack of research on the issue that renders the assessment of the situation difficult.[66] It is therefore crucial to raise awareness of the existence of intersex persons and identify their specific situation and needs in Hungary. Furthermore, reports[67] indicate that so-called "normalising" surgeries performed on intersex children are still common and there is no medical protocol regarding their treatment. The ban on legal gender recognition (§25) also applies to intersex persons, and experts have misgivings that this may incite parents to approve "normalising" surgeries. In this connection, ECRI particularly supports and recalls the position of a growing number of international bodies that children's right to physical integrity and bodily autonomy should be effectively protected and that medically unnecessary sex-"normalising" surgery and other treatments should be prohibited until the child is able to participate in the decision, based on the right to self-determination and on the principle of free and informed consent. [68]

35. ECRI recommends that intersex children's right to physical integrity and bodily autonomy be effectively protected and that medically unnecessary sex-"normalising" surgery and other treatments should be prohibited until such time as the child is able to participate in the decision, based on the right to self-determination and on the principle of free and informed consent.

36. Despite ECRI's recommendations in its fifth report (§§ 121, 133), no steps have been taken to carry out research and collect data nor draw up and adopt an action plan to combat discrimination and intolerance against LGBTI persons. Due to the Act LXXIX of 2021 on taking more severe action against paedophile offenders and amending certain Acts for the protection of children (which refers "the propagation or portrayal of divergence from self-identity corresponding to sex at birth, sex change or homosexuality"), it is not possible to carry out awareness-raising activities for youngsters on LGBTI issues, for example in schools. NGOs attempting to organise such events face obstacles due to recent legislation. ECRI has no information about any awareness-raising activities targeting the general public concerning LGBTI issues organised by the authorities. In view of the blatant regression which has grown stronger in recent years of the protection of LGBTI

[65] EU FRA (2015): 2.
[66] In this respect, ECRI welcomes the ongoing EU financed project "Bring-In: Building professional capacity to combat discrimination against and better meet the needs of intersex persons" which is implemented by LGBTI NGO Háttér Society which aims to build professional capacity to combat discrimination against and better meet the needs of intersex persons.
[67] Hungarian LGBT Alliance (2021),*op.cit*, § 31. It is legally required to certify and register births in 30 days as either male or female.
[68] European Parliament (2019); CoE Parliamentary Assembly (2017); CoE, CommDH (2015).

persons' human rights and the increasing stigmatisation against them, immediate action is required to promote tolerance towards LGBTI persons in all areas of everyday life, as well as to combat LGBTI-phobia.

37. ECRI recommends that the authorities prepare an action plan concerning LGBTI issues. The primary objectives of the action plan should be to raise awareness about the human rights of LGBTI persons and their living conditions, to promote understanding of LGBTI persons and to enact legislation aimed at protecting LGBTI persons from discrimination and intolerance.

II. HATE SPEECH AND HATE-MOTIVATED VIOLENCE

A. Hate speech[69]

Data

38. According to the information provided by the authorities, charges were brought under Article 332 of the Criminal Code (incitement to hatred and violence against a community) in five cases in 2016 and only in one case in 2019 and another case in 2020. No case was registered in 2017 and 2018. The authorities have not provided any information regarding remedies available under the provisions of the Civil Code (under Article 2:54 § 5 on hate speech against a community).

39. Unofficial data on racist incidents are gathered by civil society organisations.[70] Mazsihisz, the Federation of Hungarian Jewish Communities, recorded 20 incidents in 2019 and 31 cases in 2020.[71] As for online hate speech, the EU Commission's sixth evaluation of the Code of Conduct on Countering Illegal Hate Speech Online indicated 108 reports, with a 36,1% removal rate by social media platforms, pointing to a significant decrease compared to the previous evaluation when this rate reached 95% in 99 cases.[72]

Public discourse

40. ECRI notes with serious concern that Hungarian public discourse has become increasingly xenophobic in recent years, and political speech has taken on highly divisive and antagonistic overtones particularly targeting refugees, asylum seekers and migrants, Muslims and LGBTI persons. The arrival of asylum seekers in large numbers in 2015 also saw an escalation of anti-immigrant and anti-Muslim sentiments, portraying newcomers as a threat to security, national identity or culture. This adversarial discourse has been especially intense during election periods,[73] by representatives of the Fidesz ruling party in particular. Several legislative changes channelled through government-supported campaigns,[74] along with media outlets which operates in an increasingly concentrated market,[75] have created a forum for the rise of such hate speech. These trends seem to have generated sentiments of marginalisation and exclusion among several parts of the population within the Hungarian society.

41. In the April 2022 national election, Mi Hazánk (Our Homeland) Movement, a far-right party,[76] which is openly anti-Roma and antisemitic, and expressed hostility towards refugees, asylum seekers and migrants as well as LGBTI persons, gained 5,71 % of the votes and entered into parliament. Reports suggest that numerous racist statements, including on the internet, were made by members of Mi Hazánk, such as the chanting of hateful slogans in an anti-Roma demonstration in May

[69] See definitions of hate speech and hate crime in ECRI's Glossary.
[70] According to the annual report 2020 of the Action and Protection Foundation (TEV), 22 cases of antisemitic hate speech were recorded in this year while this number was 27 in 2019 and 19 in 2018. See annual reports here
[71] Mazsihisz (2020), Antisemitism report 2019-2020, §§ 2-5, §§16-27. It is estimated that around 100 000 Jews are living in Hungary.
[72] EU Commission (2020a) and European Commission (2021a).
[73] OSCE (2022): 1, 11-12; OSCE (2018): 1, 14.
[74] See similar, UN, CERD (2019): 16-17.
[75] While private, opposition-aligned media outlets exist, national, regional, and local media are increasingly dominated by progovernment outlets and hence, media ownership is heavily concentrated. See CoE, CommDH (2021b); Freedom House (2022).
[76] For more information on Mi Hazánk, see Balkan Insight (BIRN) (2022a); ERRC (2022).

2020[77] (see also § 60) and the display of a crudely anti-Roma poster on the front door of their office in 2021 in Budapest.[78]

42. The rhetoric stigmatising Roma, mostly portraying them as a burden to the country, remain prevalent in Hungary.[79] Public figures, including political leaders, have continued to invoke anti-Roma rhetoric time and again. By way of illustration, the Prime Minister criticised a court decision awarding damages to Roma children segregated in special schools in Gyöngyöspata (§ 81) and described it as "money for nothing".[80]

43. Anti-migrant and anti-Muslim narratives have become commonplace. On many occasions, statements by high-ranking officials have shown significant intersectionality, for instance referring to migrants as "Muslim invaders".[81] A 2019 poll showed that 58% of Hungarians expressed negative sentiments toward Muslims.[82] These sentiments were stirred up during the pandemic, with various groups and political figures blaming migrants ('Corona Arabs') as well as foreign students ('Virus-infected Iranians') for the spread of Covid-19.[83]

44. Antisemitic hate speech is also present in the political discourse[84], albeit to a lesser extent recently. This discourse was stoked up particularly during a campaign on the so-called 'Stop Soros' legislative package in 2018 (§21). Primarily spearheaded by the Prime Minister, the campaign that featured on billboards showing pictures of the Hungarian born Jewish businessman George Soros laughing and telling Hungarians that they should not let Soros "have the last laugh", a reference to government claims that Soros wanted to oblige Hungary to allow in migrants.[85] According to ECRI's interlocutors, this campaign contributed to stereotyping Jewish communities against the background of an antisemitic conspiracy theory.[86]

45. LGBTI persons have also been the subject of increasing stigmatisation and a high level of offensive language by political leaders, including the Speaker of the Parliament, who compared same-sex adoption to paedophilia in 2019,[87] and a Mi Hazánk member of parliament who made hateful remarks about an LGBTI children's book (§ 28) in 2020.[88] ECRI regrets to observe that LGBTI people have generally been targeted for political gain.

46. Lastly, ECRI is alarmed about the persistent public criticism levelled by senior politicians and high-ranking officials against civil society organisations working for the human rights of persons of concern to ECRI, such as migrants and LGBTI persons, and their stigmatisation in the media, both online and offline.[89]

Responses to hate speech

47. ECRI considers that states should raise awareness of the dangers posed by hate speech and its unacceptability by combating misinformation, negative stereotyping and stigmatisation; developing educational programmes for children and youth, public officials and the general public; supporting NGOs and equality bodies

[77] EU Observer (2020a).
[78] ERRC (2021a).
[79] CoE FCNM (2020): para. 85
[80] Ibid and see also ERRC (2020a); ERRC/Rosa Parks Foundation (2021); EU, FRA (2021a), *op.cit*:22.
[81] Politico (2018); DW (2018).
[82] Pew Research Center (2019).
[83] EU, FRA (2020e): 25.
[84] DW (2020).
[85] Euractiv (2017) and The Guardian (2020). See also EU, FRA (2018a): 79.
[86] In a survey published in 2018, 42% of participants in Hungary said they thought Jews held too much sway over the worlds of finance and international affairs. See CNN (2018); The Guardian (2019a); UN, Human Rights Committee (2018): para. 17-18.
[87] The Guardian (2019b); ILGA (2020a), *op.cit*.
[88] ILGA (2021).
[89] See CoE, CommDH (2019): para.71-74.

working to combat hate speech; and encouraging speedy reactions by public figures to hate speech.

48. Although a limited number of initiatives, including on social media, provide a platform for counter-speech, they are not able to reach a significant section of the population. ECRI takes positive note of the interactive methodology of the D.A.D.A. programme, which is used by the police crime prevention service and implemented with school pupils to promote mutual respect while tackling violent behavioural patterns. In this regard, ECRI encourages the authorities to include specific measures in the next National Crime Prevention Strategy, which is due in 2023, with a view to underlining the importance of creating counter and alternative narratives as a means of reducing the underlying causes of hate speech and related phenomena, including hate-motivated violence.

49. In its fifth report, ECRI recommended that political leaders on all sides take a firm and public stance against the expression of racist and homophobic hate speech and react to it with a strong counter hate speech message. Regrettably, the problem has since persisted,[90] if not worsened. Immediate and public condemnation of hate speech is still not common. Rare good examples include the condemnation the anti-Roma demonstration by a Minister[91] (§41) and the termination of the lease contract of Mi Hazánk's office by the Józsefváros Municipality in Budapest's 8th district after an anti-Roma poster was displayed on the front door of the office (§41).

50. ECRI recommends that public figures, including political leaders on all sides, be strongly encouraged to take a prompt, firm and public stance against the expression of racist and LGBTI-phobic hate speech and react to any such expression with counter-speech and alternative speech. Elected bodies and political parties should adopt appropriate codes of conduct that prohibit the use of hate speech, call on their members and followers to abstain from engaging in, endorsing or disseminating it, and provide for sanctions. In this respect, ECRI refers to its General Policy Recommendation No. 15 on combating hate speech, Recommendation CM/Rec(2022)16 of the Committee of Ministers to member States on combating hate speech and the Charter of European political parties for a non-racist and inclusive society as endorsed by the Parliamentary Assembly of the Council of Europe in its Resolution 2443 (2022).

51. Victim support, including for victims of hate crimes, is provided by the public Victim Support Service (VSS). The Ministry of Justice opened the first VSS in Budapest in 2017 and ten other services across the country, aiming to expand the VSS into a national network. Offering a 24/7 toll-free victim helpline, other available services include psychological support, and financial assistance and legal aid. ECRI notes with satisfaction the setting-up of the so-called 'opt-out' system,[92] which entered into force on 1 January 2021 and provides victims with direct assistance tailored to their needs. While it is early to evaluate the impact of this new system, ECRI considers that further training is needed[93] and could be provided to police on victim support service officers, with the involvement of members of specialised NGOs. In this context, ECRI is pleased to note the incentives used by the Ministry of Justice for boosting the motivation of police officers, such as the "Victimia Protector" award.[94]

52. As for self-regulation, ECRI notes that there is no code of ethics or formal rules of conduct for members of parliament in Hungary. In the media, the Editors' Forum, which has representatives from major electronic, print, and online media, set up a

[90] See similar UN, CERD (2019): para. 16-17; UN, Human Rights Council (2021).
[91] EU Observer (2020b).
[92] According to this system, the victim's data is shared by the police with the VSS, who will proactively reach out to the victim.
[93] According to data by the Ministry of Justice, between January 1, 2014 and December 31, 2019 only two victims of hate crimes accessed the public victim support service. See Working Group against Hate Crimes (2021): 5.
[94] This award is designed for the best ten police officers in charge of victim support.

system called 'Korrektor', that allows for a free complaint mechanism before the Forum's Committee of Experts. Reportedly, this system has proved effective and strengthened ethical standards.[95] There are other initiatives aiming at addressing hate speech on social media. For example, the Internet Hotline Service, operated by the National Media and Communications Authority (Media Authority), offers a platform for reporting "illegal and harmful content", including "online harassment, racism, and xenophobia",[96] which ECRI notes as a **good practice**.

53. Article 332 of the Criminal Code (§ 38) appears to be the main remedy against the use of hate speech in the public sphere. However, very few cases seem to be successful before courts, due to the strict judicial interpretation requiring a clear and present danger of violence, as indicated in ECRI's last report (§37). ECRI regrets to note that this restrictive approach remained.[97] As underlined by the NGO-led Working Group against Hate Crimes (GYEM),[98] the narrow interpretation renders this criminal offence practically ineffective in practice. In this regard, referring to the 2017 judgment of European Court of Human Rights (ECtHR) in the case of Király and Dömötör v Hungary,[99] ECRI strongly encourages the authorities, through appropriate channels, to review the practical implementation of Article 332 of the Criminal Code in order to ensure that hate speech is effectively prosecuted and sanctioned.

54. The Media Council, which supervises compliance with the Hungarian media regulation (Act CIV of 2010)[100] has the authority to investigate cases of infringement, both ex officio and in response to complaints in hate speech cases, and to impose administrative sanctions. Various interlocutors indicated that the Media Council has been passive in monitoring and intervened very rarely in response to violations of the Act CIV of 2010, rendering this body largely ineffective in addressing the concerns of potential victims of hate speech and stigmatised groups in the media. This is possibly due to its highly politicised composition, thereby curbing its independence.[101] ECRI considers that any leniency to sanction intolerant speech sends a wrong signal to media services and ultimately create a culture of impunity. It invites the Hungarian authorities to ensure that there is no political interference on the functioning of the Media Council.

55. Lastly, despite ECRI's recommendation in its last report, Hungary has neither signed nor ratified the First Additional Protocol to the Cybercrime Convention concerning the criminalisation of acts of a racist and xenophobic nature committed through computer systems.

56. ECRI reiterates its recommendation to sign and ratify the First Additional Protocol to the Cybercrime Convention concerning the criminalisation of acts of a racist and xenophobic nature committed through computer systems.

B. Hate-motivated violence

Data

57. Data on hate crimes are collected by the Ministry of Interior, the Prosecutor's Office and the Criminal Police Department of the National Police Headquarters as part of

[95] http://korrektor.hu/ ; Article 19 (2018a):43-44; Article 19 (2018b): 26- 27.
[96] The authorities informed ECRI that 75 reports (racist, hateful content) lodged in 2021, 116 in 2020, 29 in 2019 and 111 in 2018.
[97] Article 19 (2018): 20-21.
[98] This Working Group is composed exclusively of civil society organisations (currently four human rights NGOs: Amnesty International Hungary, Háttér Society, Hungarian Helsinki Committee and the Hungarian Civil Liberties Union), and academics who take part in the activities of the group as individual experts. Working Group against Hate Crimes (2021), *op.cit,* 2.
[99] Király and Dömötör v Hungary (no. 10851/13, 17.1.2017), §§71-78, §§80-82. The Court found that the cumulative effect of the shortcomings in the investigations, especially the lack of a comprehensive law enforcement approach into the events, was that an openly racist anti-Roma demonstration, with sporadic acts of violence remained virtually without legal consequences and the applicants were not provided with the required protection of their right to psychological integrity (Article 8).
[100] Section 17 paragraph 1-2 of the Act CIV of 2010 on the Freedom of the Press and the Fundamental Rules on Media Content.
[101] ECRI (2015), §§42-43. See similar UN, Human Rights Committee (2018): para. 57-58; CoE, CommDH (2021), *op.cit*: para.6-10.

general crime statistics.[102] ECRI notes that the police recorded 100 hate crime incidents in 2020; 132 in 2019, 194 in 2018, 233 in 2017 and 33 in 2016. These cases primarily concerned threats, physical assault and violation of public order. Hate speech cases of a criminal nature, apart from those falling under the above-mentioned Article 332 of the Criminal Code, are not recorded separately.

58. ECRI is pleased to note that in July 2018, a new criminal statistics system was established within the Unified System of Criminal Statistics of the Investigative Authorities and of Public Prosecution (ENyÜBS), introducing the facility to flag hate crimes and identify protected characteristics, including the grounds of nationality, ethnicity, religion, sexual orientation and gender identity.[103] ECRI nevertheless observes that ENyÜBS data are limited to cases under investigation and prosecution and do not cover sentencing, as the latter is subject to separate data under the Ministry of Justice. ECRI therefore encourages the authorities to increase their efforts with a view to setting up a comprehensive data collection system offering an integrated and consistent view of cases of racist and LGBTI-phobic hate crime, with fully disaggregated data by category of offence, type of hate motivation, target group, as well as judicial follow-up and outcome and that this data is made available to the public.

59. ECRI notes that hate crime is generally under-reported by victims due to a lack of trust in the willingness or ability of the authorities to investigate and prosecute these cases effectively.[104] A recent FRA survey revealed that only 5% of LGBTI persons went to the police to report physical or sexual attacks (EU-28 average 14%).[105] The reporting rate of incidents of discrimination against Roma was 6% (EU-28 average 12%).[106] As expressed by several interlocutors, ECRI considers that conducting regular victim surveys would be an appropriate tool to measure under-reporting while empowering victims of hate crime to come forward.[107] Confidence-building measures should also be implemented to enhance the relationship between the police and vulnerable groups, in particular Roma and LGBTI communities.

Manifestations of hate-motivated violence

60. ECRI notes with particular concern that Roma continue to be the targets of racially-motivated violence.[108] Such violence is committed both by extremist groups and by individuals motivated by racial hatred. For instance, in 2020, the far-right party Mi Hazánk organised a demonstration (§ 41) on so-called "Gypsy criminality" next to the National Roma Self-Government in Budapest despite a police ban, which led the police to take action against individuals for related misdemeanours.

61. Concerns have been expressed[109] about the setting up of new paramilitary groups, such as the National Legion *(Nemzeti Légió)*, which is organically linked to Mi Hazánk. Several sources suggest that this group harasses and intimidates Roma under the pretext of fighting "Gypsy crime".[110] In this respect, ECRI is pleased to note the decision of the Hungarian Government on banning the annual Neo-Nazi gathering in Budapest in February 2022.[111]

62. Incidents of anti-Muslim racism were also reported, mostly in the form of verbal attacks against women wearing visible religious symbols. As for antisemitic hate crimes, an EU-FRA survey revealed that 35% of Jewish respondents experienced

[102] OSCE-ODIHR, Hate Crime Reporting: Hungary, https://hatecrime.osce.org/index.php/hungary
[103] See further details in Perry, J. Tamás Dombos, T., Kozáry, A (2019); Working Group against Hate Crimes (2021), *op.cit*, 8-9.
[104] CoE, FCNM Advisory Committee (2020): para.15, 94; The Hungarian Civil Liberties Union (2021): 11.
[105] EU, FRA (2020b): EU LGBTI Survey II. *op.cit.* : 46.
[106] EU, FRA (2018c): 40.
[107] Working Group against Hate Crimes (2019):9.
[108] See also UN CERD (2019), para. 14.
[109] Ibid, para.18-19.
[110] ERRC (2019a).
[111] BIRN (2022b).

some form of antisemitic harassment in the last five years.[112] In September 2019, the Jewish Auróra Community Centre in Budapest was attacked during a closed LGBTI event by members of *Legio Hungaria*, a group widely described as neo-Nazi. Regrettably, no charges were filed by the authorities.[113] On a different note, ECRI takes positive note of the general comment[114] adopted by the Deputy Commissioner for Fundamental Rights in 2020 following vandalism at the Roma Holocaust Memorial, in which she drew attention to the need for strong action against hate crimes.

63. Civil society actors pointed out that the hostile atmosphere towards LGBTI persons renders them targets of violence.[115] Incidents include the disruption of an event on LGBTI Roma people in Szeged and several attacks during the Budapest Pride in 2019.[116]

Responses to hate motivated violence

64. In its fifth report, ECRI noted that the Criminal Code does not specifically provide that racist motivation constitutes an aggravating circumstance for all criminal offences (as per § 21 of its GPR No. 7 on national legislation to combat racism and racial discrimination) and recommended expressly including such a provision. ECRI regrets that this has not yet been done.[117] Certainly, the authorities indicated to ECRI that in practice, the Opinion No. 56 of the Criminal Section of the Hungarian Supreme Court (Kúria) allows for such motivation to be taken into account. However, recalling the importance of legal certainty, ECRI reiterates that the criminal law provisions must be sufficiently clear to provide individuals with the means to regulate their own conduct and to protect against any arbitrary use of the law. Furthermore, ECRI refers to the case law of the ECtHR, which points to the obligation of states to take all reasonable steps to establish whether violent incidents are racially motivated.[118]

65. ECRI reiterates its recommendation to include in the Criminal Code racist motivation as a specific aggravating circumstance for all criminal offences.

66. Regarding hate crime investigations, ECRI welcomes the adoption of the Hate Crime Protocol in July 2019, which is binding on all police forces. The Protocol incorporates a list of bias indicators to facilitate the identification of hate crimes and expands the institutional framework of the Hate Crime Special Network (set up in 2012) by requiring the appointment of 'mentors' at every local police unit. The Protocol also foresees the organisation of trainings for police staff on a regular basis. During the contact visit, the authorities informed ECRI about the extensive plans to providing such training on a systemic basis, of which ECRI takes positive note.

67. However, it has frequently been stressed that the police, the state prosecution service and the judiciary continue to experience problems in identifying and addressing hate crime and that the in-service training to remedy this situation is often insufficient. In the light of a group of judgments[119] of the European Court of Human Rights against Hungary that concern the authorities' failure to carry out effective investigations into the question of possible racial motives behind violent

[112] EU, FRA (2018b), Factsheet Hungary.
[113] ECRI notes that the lack of action on part of the police was found by the Metropolitan Court of Budapest in November 2020 as a violation of their duty to responding against an extremist group immediately (Court Order. 11.K.704.923/2020/15).
[114] General Comment No.6/2020 of the Minority Ombudsman, Deputy Commissioner for Fundamental Rights.
[115] UN Human Rights Committee (2018), op.cit, para.19.
[116] ILGA (2020a), *op.cit.*
[117] ECRI notes that the EU Commission initiated infringement proceedings for lack of such a provision in the Criminal Code on account of incompatibility with Council Framework Decision 2008/913/JHA. See EU Commission (2021b).
[118] ECtHR (2015) Natchova and others v. Bulgaria [GC] (nos. 43577/98, 43579/98), §§ 160-168.
[119] Balasz case group (Balázs v Hungary, no. 15529/12, 20.10.2015; M.F. v. Hungary, no. 45855/12, 31.10.2017; R.B. v. Hungary, no. 64602/12, 12.4.2016; Király and Dömötör v Hungary (no. 10851/13, 17.1.2017), is currently under standard supervision before pending before the Committee of Ministers of the Council of Europe. See the status of execution.

incidents, it is vital that the authorities improve the knowledge and expertise among members of the responsible law enforcement agencies in understanding and recognising hate crime dynamics. ECRI considers that training for police officers on the 2019 Hate Crime Protocol needs to be significantly improved and that more should be done to ensure that the Protocol is part of the daily police practice.

68. ECRI recommends, as a matter of priority, that the authorities enhance the capacity of law enforcement agencies in effectively identifying and addressing racist and LGBTI-phobic hate speech and hate crime by providing more targeted and practical training on the 2019 Hate Crime Protocol.

69. On a related note, the National Police have recently endorsed the reporting platform UNI-FORM,[120] which is coordinated by the leading LGBTI NGO Háttér Society. The application allows for direct reporting of hate crimes by victims and others to the police, which ECRI considers a **promising practice**.

III. INTEGRATION AND INCLUSION

70. Hungary recognises thirteen national minorities.[121] In this context, ECRI refers to the work of the Council of Europe's Advisory Committee of the Framework Convention for the Protection of National Minorities (FCNM)[122] for details on the protection of minority rights, in particular with regard to national minorities' expression of a separate identity. In this section, ECRI focuses on two specific groups and their integration and inclusion into Hungarian society: Roma and migrants including refugees and beneficiaries of subsidiary protection.

A. Roma

Data

71. Roma remains the most vulnerable and marginalised group in Hungary, estimated to be around 8% of the general population. The situation of many Roma is characterised by a vicious circle of poor education, leading to limited opportunities in the labour market, and frequent de-facto residential segregation, which also has a negative impact on access to health care and other social services. The inter-related problems of poverty, discrimination and stigmatisation also persist. According to a FRA survey,[123] the rate of household members at risk of poverty was 15% for non-Roma compared to 75% for Roma. The Covid-19 pandemic has also taken a toll on Roma communities. Working often in already precarious sectors and with no savings to buffer the loss of income, many Roma faced increasing unemployment, which pushed them into deeper poverty. In this regard, ECRI takes positive note of measures taken by the authorities to mitigate the situation, including the delivery of food packages to the recipients of social aid benefits in 2020.[124]

Policy framework and measures taken by the authorities

72. Hungary has invested significant efforts into improving the inclusion of Roma through its National Social Inclusion Strategies (hereafter the Strategy). The latest one which covers the period from 2021 to 2030 was adopted in August 2021 together with the first Action Plan for its implementation (2021-2024). ECRI understands that, in Hungarian policy-making, social inclusion is conceived as a broad process primarily aiming at poverty reduction. The Strategy therefore emphasises the situation of Roma but also addresses other groups affected by

[120] UNI-FORM - Help stop the hate
[121] Armenians, Bulgarians, Croats, Germans, Greeks, Poles, Roma, Romanians, Rusyns, Serbs, Slovaks, Slovenians, Ukrainians.
[122] For its last report, please see the Fifth Opinion on Hungary (2020) of the CoE Advisory Committee on the Framework Convention for the Protection of National Minorities (FCNM).
[123] EU, FRA (2018c), *op.cit,* : 14. The latest Strategy indicates that the proportion of Roma at risk of poverty or social exclusion was 52.9% in 2019, 37 percentage points lower than in 2013, but still three times more than the national average.
[124] EU, FRA (2020e), *op.cit* : 20.

poverty. In contrast to its earlier versions,[125] the current Strategy has an explicit emphasis on Roma children and young people, which ECRI welcomes.

73. The Strategy sets out lines of action in nine areas, including four crucial ones - education, employment, health and housing - as well as other fields such as community building and rights enforcement. Despite having well-defined measures, ECRI observes that the first Action Plan for its implementation (2021-2024)[126] lacks concrete timeframes and indicators of success to measure progress. In addition, most of the measures do not clearly specify sources of funding, which makes it hard to calculate the financing available for Roma integration measures and to ensure their long-term sustainability. In this regard, ECRI invites the authorities to take these important aspects into account while drawing up the second Action Plan on the Strategy.

74. The Strategy is supplemented by further policy documents, such as the "Diagnosis-based Catch-up Strategy for Roma"[127] as well as other recent initiatives, including the "Emerging Settlements", which was launched in 2019 and covered the 300 most disadvantaged settlements[128] in the country. ECRI notes these instruments as **good practices** that have had a positive impact on Roma inclusion.

75. The main institutional body designated for the integration of Roma was for a long time been the Ministry of Human Capacities.[129] In May 2019, an organisational change took place and the sector came under the competences of the Ministry of Interior. During its contact visit, ECRI was informed by the representatives of the Roma community, including the Roma Coordination Council and the National Roma Self-Government, that this decision, which was not welcomed symbolically, had neither been discussed with the representatives of the community nor its consequences assessed properly. ECRI also notes with concern the short consultation procedure[130] that was conducted before the adoption of the Strategy, an issue which was also raised by a number of civil society representatives met by ECRI's delegation.

76. Several reports indicate that the problems experienced by Roma people are rarely and poorly channelled into the work of the local authorities.[131] Although the law requires the local authorities to draw up equal opportunity plans (for education and employment), they often lack expertise for planning and identifying the real needs of their immediate environments. In this respect, ECRI takes positive note of the specific objective in the Strategy of strengthening local interventions to ensure its implementation. Recalling the crucial role that municipalities play in ensuring the inclusion of communities as being the key actors at the forefront, the authorities should take further steps to create effective cooperation channels between the central authorities and local bodies while providing the latter with continuous support and adequate resources.

[125] EU Commission (2018):26.
[126] A Magyar Nemzeti Társadalmi Felzárkózási Stratégia 2030 első intézkedési terve
[127] Felzárkózás – romagov
[128] The authorities informed ECRI that this initiative provides intensive social work and improves access to services in these 300 least developed municipalities, which accommodate some 3% of the population, mostly Roma families. In these municipalities, infrastructure is poor and significant shortage of professionals persists.
[129] This body has been indicated by civil society reports as "properly positioned", see EU Commission (2018):15.
[130] The Ministry of Interior launched the social consultation on the Strategy in December 2020. The deadline for submissions was 5 January 2021. See EU, FRA (2021a): 27.
[131] EU Commission (2018), *op.cit*: 18.

77. ECRI recommends that the authorities improve the level of implementation of the National Social Inclusion Strategy (2021-2030) at the local level. This should be done in particular by i) conducting an impact assessment of the Strategy to identify the implementation gaps at the local level; ii) ensuring sustainable and sufficient financial resources to local authorities; iii) launching grassroot pilot programmes to address local challenges for Roma inclusion with the full involvement of all stakeholders; and iv) identifying good practices and mainstreaming them.

78. As regards education, while general rural-urban disparities, Roma exclusion and staff shortages in education often overlap, ECRI takes positive note of the progress made in the educational inclusion of Roma children[132] through various measures in recent years. These include providing scholarships for pupils in secondary and vocational schools; free transportation for primary school pupils from remote places; lowering the mandatory pre-school age to three years old as well as good practices such as the "Bari Shej" programme for Roma girls, "Roma College Network", "Arany János" and "Second Chance" programmes. ECRI considers that pursuing active desegregation measures to provide good quality education to Roma children in a mainstream setting should be a priority, a practice it was pleased to observe during the visit of its delegation to Gandhi School in Pécs.

79. However, in spite of these efforts, a FRA survey shows that the share of early school leavers out of all persons aged 18-24 years in Roma households remains at 68 %[133] while the same data set shows that the rate of Roma children enrolling in compulsory education (98%) is almost as high as in the general population. Despite the early warning system to prevent early school leavings, the problem persists. Reportedly, the lowering from 18 to 16 of the compulsory school age has further aggravated the situation.[134] At the same time, many interlocutors of ECRI referred to the severe impact of the Covid-19 pandemic on Roma pupils and students. Distance-learning measures have excluded many children from school due to lack of internet and/or computer access. The loss of social aid, which is conditional on school attendance, has also made it increasingly difficult for affected Roma to secure their subsistence.[135] In this challenging period, the system of after-school education centres (*tanoda*) proved again its crucial role in enhancing Roma pupils' access to education by providing support to bridge the digital literacy gap. The delegation of ECRI was able to witness the positive impact *tanodas* make on pupils as well as communities during its visit to such a centre in Gilvánfa. Considering them as a **good practice**, ECRI strongly encourages the authorities to strengthen their support to *tanodas* and mainstream them across the country.

[132] See also CoE, FCNM (2020): §§ 121-136.
[133] EU, FRA (2018c), op.cit :27.
[134] EU Commission (2019b): 143.
[135] ERRC (2020b): 17; ERRC/Rosa Parks (2021), *op.cit*:: 23.

80. Despite several steps taken by the authorities, segregation in education is still widespread.[136] A 2018 FRA survey revealed that the proportion of Roma children aged 6-15 years in the schools they attend is still high.[137] The principle of "free choice of school" by parents has often been pointed out[138] as the primary source of segregation, resulting in schools with a high concentration of underprivileged children, most of whom are Roma. For instance, in a project run by the Council of Europe, the INSCHOOL, this tendency was observed for lower grades,[139] while non-Roma parents were often found to be prejudiced against Roma. In this regard, ECRI takes positive note of the amendment made to the Act on Public Education in 2017 in order to allow educational district centres to modify school district borders if a risk of segregation arises. During its contact visit, the ECRI delegation heard accounts of such practices in the Budapest 8th District Municipality, Józsefváros. Redrawing of the borders that includes some 12 kindergartens have born fruitful results and created a dialogue among inhabitants in the district. Noting such practices as **promising**, ECRI also considers them as indicative of the impact of measures taken at the local levels.

81. Cases of segregation in schools were brought before domestic courts. In 2019, the Debrecen Appeal Court ordered the authorities to pay damages for the segregation of Roma and non-Roma students at a primary school in Gyöngyöspata between 2004 and 2017.[140] The Supreme Court[141] (Kúria) upheld this judgment and rejected the authorities' appeal for a compensation in kind (special tuition or courses) rather than in money. However, soon after this judgment, a new legislative proposal was adopted in 2020 excluding the future possibility of claiming any monetary compensation for the act of discrimination if committed by an educational institution,[142] which is seemingly a politically driven change. In this connection, in 2021, the Deputy Commissioner for Fundamental Rights for the Protection of the Rights of Nationalities adopted a general comment[143] on the education and training of Roma children in Gyöngyöspata.

82. ECRI notes that the execution of the Horvath and Kiss judgment of the ECtHR from 2013,[144] which concerns the discriminatory misplacement and overrepresentation of Roma children in special schools for children with mental disabilities, is regrettably still pending before the Committee of Ministers of the Council of Europe.[145] The Hungarian authorities have submitted an updated action plan[146] in May 2022. In this respect, ECRI is pleased to note that in a 2020 judgment,[147] the Debrecen Appeal Court obliged the authority responsible for the sectoral management of education to examine for five subsequent years whether children

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[136] Segregation manifests itself in three common patterns: 'auxiliary schools' for children with mental disabilities predominantly attended by Roma students; segregated 'Gypsy schools' (often reflecting segregation in housing); and segregated classes within 'mixed' schools, usually offering a lower quality of education. In January 2020, the Institute of Economics in Hungary published its indicators on public education, concluding that segregation has been growing for the past years in the country, mostly because disadvantaged students usually go to different schools than their non-disadvantaged counterparts. See EU, FRA (2021a):23.

[137] EU, FRA (2018c), *op.cit*,28. The data was divided into following categories: all of them are Roma (8%); most of them are Roma (53%); some of them are Roma (38%) and none of them is Roma (0%).

[138] Kertesi-Kézdi (2014):7.

[139] See INSCHOOL project. In half of the participating schools, the percentage of Roma students in 1st and 2nd grades were up to 70-90%. In some regions, the re-distribution of Roma children from closed schools got vetoed by the parents, leading to continued segregation. The implementation of this project was suspended by the Hungarian authorities in 2020 due to the Covid-19 pandemic. ECRI was regrettably informed that in October 2022, the authorities decided not to continue participating in this project.

[140] Debrecen Regional Court of Appeal; no. Pf.I.20.123/2019/16, 18.9.2019. See here the details of the case.

[141] Kúria, Decision No. Pfv.IV.21.556/2019/22, 12.5.2020. Kúria also issued a communiqué rejecting the idea of in-kind compensation (which is a legal remedy only available upon the agreement of the parties).

[142] Instead, moral damages will be granted by the court in the form of educational or training services. EELN (2021c): 6.

[143] General Comment No. 5/2021 on the situation of education and training of Roma children in in Gyöngyöspata. This comprehensive comment identifies the general and specific social and educational policy circumstances leading to the practice of segregation, analyses related court judgments, professional and legal standards, and proposes policy and integration measures.

[144] Horváth and Kiss v. Hungary (no. 11146/11, 29.1.2013); ECRI (2015): §§ 111-113.

[145] See the latest decision of the Committee of Ministers, 16.9.2021, CM/Del/Dec(2021)1411/H46-17.

[146] See the action plan submitted by the Hungarian authorities in May 2022.

[147] Debrecen Regional Court of Appeal, no. Pf.I.20.214/2020/10, 24.9. 2020.

perceived as Roma are disproportionately classified as children with special needs and to report about it. ECRI hopes that the increasing case law before domestic courts will bring out significant changes and put a stop to this long-standing practice.

83. ECRI recommends that the authorities ensure that all forms of de-facto segregation affecting Roma children in schools are ended. The authorities should in particular draw inspiration from the General Comment on the situation of education and training of Roma children in Gyöngyöspata published by the Deputy Commissioner for Fundamental Rights for the Protection of the Rights of Nationalities and from ECRI's General Policy Recommendation No. 13 on combating antigypsyism and discrimination against Roma.

84. As regards employment, available data indicate that only 49% of the employable Roma population (between 20-64 years) are in paid work (compared to 69% of the general population) while worryingly 51% of young persons (16-24 years old) are neither in employment nor in education (compared to 12% of the general population).[148] There is a strong employment gap between Roma women and men, which is explicitly addressed in the Strategy. In a similar vein, the Strategy also points out the participation gap between Roma and non-Roma in the public works scheme with Roma being overrepresented, which has been frequently brought to ECRI's attention. On the other hand, research indicates[149] that while this scheme helps to lower the rate of long-term unemployment, it creates a permanent unskilled workforce, offering no prospects to gain skills nor to join the active labour market. On a positive note, ECRI welcomes the Growing Chance programme, which has provided training and employment opportunities to 1100 Roma women. Nevertheless, ECRI considers that the authorities should take a more targeted approach to break the vicious circles of unemployment of Roma. In this regard, endorsing more innovative measures, particularly in reaching out to private employers through subsidies or incentives, for example in the field of taxation, would help to increase the economic empowerment of Roma.

85. As regards healthcare, some progress[150] has been made to overcome territorial inequalities and specialist outpatient care in rural areas was improved. For instance, by 1 March 2017, 11 200 adults of whom nearly 40% were Roma had been medically screened. However, many interlocutors raised concerns about the revised Social Security Act that risks excluding a great number of Roma from state health care.[151] Several cases in Roma women's access to health, especially maternity care,[152] were also reported, including the one in which the Equal Treatment Authority found the treatment of a hospital in Miskolc as an ethnicity-based discrimination against the Roma woman in 2016. ECRI recalls that Roma women are particularly prone to experience intersectional discrimination based on their gender and ethnicity as well as poverty.

86. Lastly, ECRI notes that the housing situation of Roma remains a matter of concern at several fronts.[153] This includes overcrowded and poor housing conditions, de facto residential segregation, shortage of social housing, forced evictions and ineligibility to benefit from family housing allowance scheme. While the authorities halted forced evictions during the Covid-19 pandemic, this practice was quickly resumed and in May 2021, 80 persons faced evictions in the municipality of

[148] EU, FRA (2018c), *op.cit*,: 19,21.
[149] Hungler,S/Kende, A.(2018). See also ERRC (2019b) and CoE, FCNM (2020): §§ 163-174.
[150] EU Commission (2019b), op.cit: 133; EU, FRA (2020a): 20-21.
[151] Those who are unemployed but are not entitled to either unemployment benefits or other forms of social allowance must pay a certain amount of contribution (a tax) to the national healthcare. Often, this monthly contribution represents a significant financial outlay which is difficult to afford for Roma families and hence, many of them have built up significant debts. Due to the amendment, people who have accumulated a certain amount of unpaid taxes, have been excluded from free healthcare as of 12 February 2021. This does not include emergency health care.
[152] ERRC (2020c).
[153] CoE, FCNM (2020): §§ 175-186.

Hajdúhadház.[154] ECRI understands that despite some measures taken, notably through the Presence Programme, housing is still an area requiring urgent intervention.[155]

87. ECRI reiterates its recommendation that the central authorities take action in all cases where the local authorities attempt to force Roma out of social housing, evict them from their homes without ensuring suitable alternatives or subject them to directly or indirectly discriminatory rules in respect of housing. In this context, the authorities should consider housing of Roma as a matter of priority in the implementation of the National Social Inclusion Strategy (2021-2030).

B. Migrants including refugees and beneficiaries of subsidiary protection

Data

88. Hungary has been primarily a country of transit for migrants and persons in need of international protection. During the "migration crisis" in 2015 an unprecedented number of asylum seekers (177 135 persons) entered Hungary, representing close to 14% of all first-time asylum seeker applications in the EU. On 1 January 2021, 118 534 (non-EU) third-country nationals (TCNs) were living in Hungary, amounting to 1.2% of the overall population.[156] Those who asked for a first-time residence permit were mostly Ukrainian (42,3%), Chinese (8,8%) and Serbian (5,1%) nationals. 63% of these permits were issued based on work reasons.

89. According to UNHCR data,[157] from 1 January 2015 to 31 December 2020, Hungary granted refugee status to 573 persons, subsidiary protection to 2 084 persons and other forms of protection to 100 persons. ECRI notes that following the gradual introduction of restrictive border management measures since 2015, the number of registered asylum applications significantly dropped. In 2020, for instance, 117 asylum applications were registered, 126 people were granted international protection (83 refugee and 43 beneficiary of subsidiary protection status). The main countries of origin of asylum-seekers were Afghanistan (21%), Pakistan (21%), Iraq (14%), and Syria (8%). Data suggests that, in 2021, 40 asylum applications were lodged, and 21 persons were granted refugee status whereas 17 persons were granted subsidiary protection.[158] The state authorities informed ECRI that, as of 30 June 2021, a total of 3 062 refugees and beneficiaries of subsidiary protection have been issued an identity card in the country.

Policy framework and measures taken by the authorities

90. As indicated in ECRI's last report (§ 75), while the Migration Strategy (2014-2020) called for the adoption of an integration strategy for migrants including beneficiaries of international protection, with earmarked funds for its implementation, no such document has been adopted. In June 2016, the authorities terminated a targeted integration support system based on an integration contract.[159] This system included support such as a monthly cash allowance, a school enrolment benefit and financial support for housing for a period of maximum two years. ECRI was informed that the reason for termination was the beneficiaries' lack of motivation and intention to stay in Hungary.

91. In the absence of a specific integration strategy and the termination of the integration contract, the integration of beneficiaries of international protection is based on national legislation. More specifically, beneficiaries of international protection are as a rule entitled to the same rights as Hungarian nationals.[160]

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[154] Reportedly, these persons were evicted after their tenancy agreements had expired. ERRC (2021b).
[155] See also ECRI (2018).
[156] EMN (2021): 3.
[157] UNHCR (2021), *op.cit*, 1.
[158] See Eurostat (2021) and AIDA (2022), *op.cit*, 8. For an overview of asylum trends in the last three years, see EASO (2020).
[159] The contracts already concluded before 1 June 2016 were in force until mid-2018. The authorities informed ECRI that there were 74 cases in 2018, 190 cases in 2017, 53 cases in 2016 where the integration support/agreement was cancelled or terminated.
[160] Sections 10 and 17 of the Act LXXX of 2007 on Asylum.

However, there are exceptions. For instance, in 2018, beneficiaries of international protection were excluded from the scope of state financial support (CSOK) to families in purchasing or (re)constructing their homes. This adversely affected their access to housing,[161] which is already a problem in itself due to the scarcity of social housing in the country. There are also administrative burdens, such as a lack of information from local authorities, schools and employers.[162]

92. Currently, state integration support is very limited for refugees and persons granted subsidiary protection and constrained to stay in a reception facility for 30 days following their recognition, which was mentioned by the authorities to the delegation of ECRI as allowing sufficient time to conclude administrative procedures. The period for access to free health care, on the other hand, has been reduced to six months (from one year) in 2016. No further measure is in place.

93. ECRI notes that the lack of state integration support after its termination in 2016 was to a certain extent compensated by an "informal social contract" between state authorities and civil society and church-based organisations,[163] through which integration programmes[164] for beneficiaries of international protection were facilitated. These programmes, which were mostly financed by the EU Asylum, Migration and Integration Fund (AMIF) and distributed by the Government, implemented projects in several areas considered to be crucial for integration, such as housing, labour market integration, access to social assistance and health care. Hungarian language courses were also provided free of charge, while individual mentoring for pupils facilitated the access and entry of refugee children to the public education system. However, in 2018, the Government withdrew the AMIF funding for non-governmental organisations. Simultaneously the Ministry of Interior suspended calls for proposals for integration-related activities. Several interlocutors met by ECRI's delegation underlined that the inability to benefit from AMIF funds further limited resources available for integration support and had a severe impact on the integration of beneficiaries of international protection.

94. Since language is a key factor in integration and inclusion, ECRI regrets that there are no publicly funded Hungarian language courses. Research[165] findings highlighted the difficulties experienced by many beneficiaries of international protection in learning the Hungarian language, which is indicative of the need to provide such courses. Furthermore, no state-run programme nor funding to support schools in facilitating the inclusion of children with a migration background is available. Support is therefore partly provided by civil society organisations. For instance, the NGO Kalunba provided an afterschool programme for children and young adults in 2020 and 2021, including online programmes during the Covid-19 pandemic.

95. ECRI notes that existing disadvantages have been amplified by online education during the pandemic, primarily due to lack of access to computers and parents' inability to support their children because of language barriers. Reportedly, a drop in school performance and Hungarian language skills among children granted international protection has been observed owing to online teaching and limited

[161] Hungarian Helsinki Committee and Menedék (2021):16. ECRI notes that in the absence of housing services provided by the state/local government, only homeless shelters and a few NGOs and church-based organisations' housing programmes remained available for beneficiaries of international protection. However, they were mostly suspended after the cut in AMIF funds in 2018.
[162] See similar, Vadasi, Vivien, National Integration Evaluation Mechanism (NIEM)(2018), Hungary National report: 8.
[163] In June 2016 the Government provided special support – HUF 50 million – to five member organisations of the Charity Council (the Hungarian Charity Service of the Order of Malta, Caritas Hungarica, Hungarian Reformed Church Aid, the Hungarian Red Cross and Hungarian Interchurch Aid). The President of the Charity Council is the Minister of State for Church, Nationality Civil Relations.
[164] ECRI notes with interest the special mention of the integration programme by the state authorities which was offered to 50 persons from Pakistan (who were prosecuted on account of their religion as Christian). This programme was provided by Hungarian Charity Service of the Order of Malta in cooperation with state authorities, which ECRI regards as a **promising practice**. ECRI was also informed that in September 2021, the authorities launched an exceptional call under AMIF for the integration of Afghan nationals evacuated by the Hungarian Government who were not channelled in the asylum procedure.
[165] UNHCR and the Institute for Minority Studies of the Hungarian Academy of Sciences (2016): 26.

social interaction with local children.[166] In this regard, ECRI notes with particular concern the results of an EU report[167] in which Hungary was found among the four countries with the largest index differences in migrant students' sense of school belonging due to lack of competence in the language of instruction.

96. As regards employment, due to lack of statistical data available on the employment of beneficiaries of international protection, the effectiveness of their access to employment in practice cannot be measured.[168] Despite the opportunities offered by the labour shortage in the country because of the increased mobility of Hungarian nationals in the European Union, refugees and other beneficiaries of international protection seemingly face challenges in access to employment, particularly because of language and cultural barriers, which make their employability limited to certain sectors such as construction and hospitality. In the absence of specific state employment programmes for migrants, ECRI takes positive note of the innovative measures adopted by civil society organisations, such as the "MentoHRing" programme of the Menedék Association as well as the skills for refugees programme together with a home furnishings retailer with a view to creating job prospects on completion.[169]

97. On a related note, ECRI commends several measures taken at local level, such as the initiatives developed in the Budapest 8th District Municipality, Józsefváros, which the delegation of ECRI visited during its contact visit. For example, non-Hungarian businesses were included among exemplary businesses and special measures were taken to diversify staff, which led to the recruitment of the first Chinese desk officer in the district with a notable Chinese population. ECRI applauds these initiatives and considers them as **promising practices**.

98. In the light of the above, the authorities should urgently increase the capacity in the area of integration of persons who have been granted international protection as well as make concerted efforts to facilitate the integration of migrants in general. This is particularly necessary in view of increasing labour migration to the country, which requires tailored measures addressing the various needs of different target groups (refugees, newcomers, temporary residents). Furthermore, the allocation of roles and competences between institutions and other partners, including local authorities and civil society organisations should be defined and well-coordinated. The long-term sustainability of integration measures must be ensured by clearly earmarking a suitable portion of the national budget for them and making other financial resources, such as AMIF funds, available for all stakeholders involved.

99. ECRI recommends that the authorities, in close cooperation with local authorities and civil society organisations, adopt a comprehensive integration strategy for migrants, including persons seeking or under international protection, covering among others the issues of readily available Hungarian language classes, special support in education, equality in employment, health and housing, with goals and targets, timeframes, funding, success indicators and a monitoring and evaluation system.

100. Lastly, many interlocutors expressed their concerns about the mandatory and *ex officio* review of refugee and subsidiary protection status at a minimum of three-year intervals following recognition, which was introduced in 2016. In UNHCR's view,[170] such reviews risk undermining integration efforts and have a negative impact on the sense of security and belonging of the persons concerned. In this respect, ECRI heard accounts of a growing number of withdrawals of status based on national security concerns. While ECRI recognises the country's discretion in this regard, it nonetheless recalls the importance of engaging positively with

[166] AIDA (2022) *op.cit*: 132.
[167] European Commission/EACEA/Eurydice (2019): 43.
[168] For legislative framework and challenges on employment, see NIEM (2021).
[169] AIDA (2022), *op.cit*: 129-130.
[170] UNHCR (2021), *op.cit*, 6.

migrant communities for the purposes of building trust, cohesion and positive intercultural interactions and embracing diversity as an asset rather than a threat.

IV. TOPICS SPECIFIC TO HUNGARY

A. Lack of effective access to asylum

101. After the introduction of a "state of crisis due to mass migration" in 2015 (§ 17), fundamental changes have come into effect regarding the asylum system through a complex set of legislative amendments,[171] which have gradually curtailed access to asylum in Hungary. Following legislative changes in March 2017,[172] along with the automatic removal of irregularly present migrants from the territory, the submission of asylum applications[173] was limited to in person applications exclusively at the two designated transit zones - Röszke and Tompa - along the border with Serbia, to which access was severely restricted by the authorities and where individuals were detained.[174]

102. In March 2020, the authorities suspended the asylum procedure at the transit zones due to the Covid-19 pandemic. Following the judgment of the CJEU in May 2020,[175] in which the Court concluded, among others, that the placement of individuals in the transit zones amounted to detention, the authorities transferred all asylum-seekers from the transit zones to open facilities and henceforth stopped operating the transit zones.[176] This judgment was followed by the introduction of a new procedure in June 2020,[177] which denies access to asylum seekers arriving in or present within the territory of Hungary to the asylum procedure, with limited exceptions,[178] and requires them instead to first travel to a designated third country (i.e. Serbia or Ukraine) and to declare their intent to seek asylum at the Hungarian Embassy there (i.e. Belgrade or Kyiv) on the basis of an appointment system.[179] The Hungarian asylum authorities have 60 days to assess the application, after which successful applicants are allowed entry into Hungary, where they may be placed in a closed facility.[180] The new procedure also provides for the immediate removal from the territory of any person who crosses the border unlawfully and indicates an intent to seek asylum.

103. According to the information provided to ECRI, from 1 June 2020 to August 2021, 77 persons submitted a declaration of intent at the Hungarian Embassy in Belgrade, out of whom, only eight people received a positive decision to single-entry permit in order to apply for asylum in Hungary. The delegation of ECRI was informed by stakeholders that this procedure is tardy and discretionary, and does not include proper legal safeguards for effective access to asylum.[181] Concerns were particularly expressed for the applications regarding unaccompanied children

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171 For a comprehensive account of these legislative amendments, see UNHCR (2021); Hungarian Helsinki Committee and Menedék (2021), *op.cit*; the UN Special Rapporteur on the human rights of migrants (2020) and CoE CommDH (2019).

172 See details in Hungarian Helsinki Committee (2017).

173 With the exception of unaccompanied minors under 14 years. The latter were transferred from the transit zones to the special shelter in Fót on the same day of their admittance.

174 See, ECRI (2018). For more details about the then transit zones of Röszke and Tompa, reference is made to other Council of Europe and other international bodies, including the European Court of Human Rights, the Commissioner for Human Rights, the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT), as well as the CJEU and the European Union Commission.

175 Joined Cases C-924/19 PPU and C-925/19 PPU., F.M.S.and Others, 14 May 2020.

176 ECRI notes that on 17 December 2020, the CJEU also found that Hungary's legislation on the rules and practice in the transit zones was contrary to EU law (Case C-808/18, Commission v Hungary).

177 Act LVIII of 2020 on the Transitional Rules and Epidemiological Preparedness related to the Cessation of the State of Danger.

178 Three categories of persons are exempted from the new procedure: 1) beneficiaries of subsidiary protection staying in Hungary; 2) family members of recognized refugees or beneficiaries of subsidiary protection staying in Hungary; 3) persons subject to a coercive measure, measure or penalty affecting his or her personal liberty, except for those who have crossed the state border of Hungary in an illegal manner. See Sub-section 271(1) of Act LVIII of 2020.

179 According to the authorities, 228 individuals have requested an appointment until 30 October 2020, but only 45 have been provided with one. See Hungarian Helsinki Committee and Menedék Association for Migrants (2021), *op.cit*,: 7.

180 In October 2020, the EU Commission opened infringement procedures against Hungary in response to these new asylum procedures. See EU Commission (2020b); EU, FRA (2021c):12. In July 2021, the EU Commission referred Hungary to the CJEU.

181 See also UNHCR (2020), UNHCR Position on Hungarian Act LVIII of 2020.

since their appointed guardians are obliged to follow the same embassy procedure for their asylum requests, which leaves these children in limbo during this time and causes delays in their access to health care and education as they are eligible only once registered as asylum seekers.[182]

104. In the view of ECRI, the legalisation of automated removals is not only in contradiction with both Council of Europe and European Union standards,[183] but it also risks having a negative impact on social cohesion, contributing to the polarisation of society through the "normalisation" of hostility against newcomers and ultra-nationalist and xenophobic public discourse instrumentalising asylum issues for political gains (see section II.A). Furthermore, such practices may result in racial discrimination[184] and racial profiling, which impede persons on the move from approaching border crossings and submitting protection claims, thus putting them at risk of "refoulement" as they are unable to access asylum procedures in the territory[185] or challenge their expulsion. In addition, as these practices have resulted, at least to some degree, in a smaller number of asylum seekers successfully entering the Hungarian territory, they affect the number of refugees, subsidiary protection status holders and asylum seekers staying in the country and the conduct of integration policies concerning them.

105. ECRI considers it vital for the asylum legislation to be revised in the light of the case law of the ECtHR[186] and the United Nations Convention relating to the Status of Refugees.

106. ECRI strongly recommends that the authorities amend the legislation with a view to ensuring fair and effective access to the asylum procedure in the territory of the country, in line with Council of Europe and other international human rights standards.

B. Persons fleeing the war in Ukraine

107. According to the information provided by the authorities (data as of 2 May 2022), since the aggression of the Russian Federation against Ukraine on 24 February 2022, 1 078 775 persons entered Hungary from Ukraine or via Romania, of whom 663 871 declared that they were fleeing the war. Pursuant to the EU Council Implementing Decision,[187] Hungary recognises Ukrainian citizens arriving from Ukraine, stateless persons, beneficiaries of international protection recognised in Ukraine as well as their family members as beneficiaries of temporary protection. It is estimated that around 200 000 people are present in Hungary.

108. ECRI commends the Hungarian authorities, including at the local levels, and civil society organisations for offering protection and support to people fleeing from Ukraine. Services provided include the setting-up of "Help Points"[188] at all border crossings along the Hungarian-Ukrainian border where staff are available non-stop to assist people with emergency medical care, transport, accommodation meals and legal assistance. By 27 April 2022, a total of 311 634 persons fleeing war were registered by the Hungarian Charity Council[189] at Help Points and railway stations.

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[182] See also AIDA (2022), *op.cit*, 43, 86.

[183] In 2021, the European Court of Human Rights found the Hungarian authorities in violation of the prohibition of collective expulsions under Article 4 of Protocol 4 and the right to an effective remedy under Article 13 of the European Convention on Human Rights (Shahzad v. Hungary, application no. 12625/17, 8.7.2021). In December 2020, the CJEU ruled that Hungary's policy breaches EU law (case C-808/18, European Commission v Hungary, 17 December 2020).

[184] See also the UN Special Rapporteur on contemporary forms of racism, xenophobia and related intolerance (2018): § 20.

[185] UN CERD (2019), *op.cit*, para.23-24; UN Human Rights Council (2021).

[186] States are required to make available genuine and effective access to means of legal entry, in particular border procedures for those who have arrived at the border. See N.D and N.T v Spain (nos. 8675/15 and 8697/15, 13.2.2020), Grand Chamber, § 209.

[187] Council Implementing Decision (EU) 2022/382 of 4 March 2022.

[188] In five different locations: Záhony, Beregsurány, Lónya, Barabás and Tiszabecs.

[189] The six major charity organisations involved (Caritas Hungary, Hungarian Charity Service of the Order of Malta, Hungarian Red Cross, Hungarian Reformed Church Aid, Hungarian Interchurch Aid, Hungarian Baptist Aid) have each received HUF 500 million (ca. 1 307 000 euros), totalling HUF 3 billion, by special government support for their work. ECRI notes that there are other civil society organisations on the ground actively working to assist the Ukrainian refugees but that they do not receive any state support.

Furthermore, a toll-free number was set up to provide information in Hungarian, Ukrainian and English. Access to healthcare is also available, while schooling for children has also been made possible, with individual Hungarian language tuition offered five times a week. Reports[190] suggest, however, that due to the high number of arrivals straining the existing capacities, civil society organisations and volunteers are rather overburdened with the provision of services. The authorities should therefore invest more resources while ensuring better coordination among the relevant bodies. In this regard, although long-term integration is not a matter of immediate concern, ECRI trusts that the authorities will take the special needs of persons who fled the war in Ukraine into account in the design of future integration policies.

109. ECRI refers to its 2022 statement on the consequences of the aggression of the Russian Federation against Ukraine[191] and, in this context, praises the level of solidarity displayed in Hungary when welcoming persons fleeing the war in Ukraine. Such solidarity with people in need should remain the norm in the management of current and future humanitarian crises. All people fleeing war and other emergencies, irrespective of their national or ethnic origin, citizenship, skin colour, religion, language, sexual orientation or gender identity, should be promptly offered adequate protection. In this connection, reference is also made to the recommendation made in paragraph 106.

[190] NBC News (2022); UNHCR (2022a) and UNHCR(2022b).
[191] See the statement of ECRI (2022).

INTERIM FOLLOW-UP RECOMMENDATIONS

The two specific recommendations for which ECRI requests priority implementation from the authorities of Hungary are the following:

- (§32) ECRI recommends that the authorities commission an independent review of the legislative measures adopted during the period of "state of danger", their impact on groups of concern to ECRI, including LGBTI persons, and their compliance with Council of Europe and other human rights standards in the fields of equality and non-discrimination.

- (§68) ECRI recommends that the authorities enhance the capacity of law enforcement agencies in effectively identifying and addressing racist and LGBTI-phobic hate speech and hate crime by providing more targeted and practical training on the 2019 Hate Crime Protocol.

A process of interim follow-up for these two recommendations will be conducted by ECRI no later than two years following the publication of this report.

LIST OF RECOMMENDATIONS

The position of the recommendations in the text of the report is shown in parentheses.

1. (§7) ECRI recommends that the competences, independence and effectiveness of the Equality Treatment Directorate (ETD) of the Office of the Commissioner for Fundamental Rights be brought fully in line with ECRI's revised General Policy Recommendation No. 2 on Equality Bodies to combat racism and intolerance at national level and in accordance with the relevant advice provided by the Council of Europe's Venice Commission. In addition, the authorities should organise a nation-wide awareness-raising campaign on the avenues of complaints available to victims of discrimination. Furthermore, both the ETD and the Deputy Commissioner for Fundamental Rights for the Protection of the Rights of Nationalities should receive the necessary financial and staffing resources to carry out their mandates adequately.

2. (§13) ECRI recommends that the authorities, in cooperation with all relevant professionals, including teachers and social workers, develop and implement programmes against bullying in schools across the country and in disadvantaged regions in particular. An in-depth evaluation of the impact of the school guard system in school environments should also be carried out.

3. (§32) ECRI recommends, as a matter of priority, that the authorities commission an independent review of the legislative measures adopted during the period of "state of danger", their impact on groups of concern to ECRI, including LGBTI persons, and their compliance with Council of Europe and other human rights standards in the fields of equality and non-discrimination.

4. (§33) ECRI recommends that urgent steps be taken at legislative level to ensure the legal recognition of a person's gender through procedures that are quick, transparent and accessible to all and based on self-determination and to prevent any stigmatisation of LGBTI communities in light of the case law of the European Court of Human Rights and the advice provided by the Council of Europe's Venice Commission. In this context, the amendments introduced by Act LXXIX (which refers to "the propagation or portrayal of divergence from self-identity corresponding to sex at birth, sex change or homosexuality") should be repealed.

5. (§35) ECRI recommends that intersex children's right to physical integrity and bodily autonomy be effectively protected and that medically unnecessary sex-"normalising" surgery and other treatments should be prohibited until such time as the child is able to participate in the decision, based on the right to self-determination and on the principle of free and informed consent.

6. (§37) ECRI recommends that the authorities prepare an action plan concerning LGBTI issues. The primary objectives of the action plan should be to raise awareness about the human rights of LGBTI persons and their living conditions, to promote understanding of LGBTI persons and to enact legislation aimed at protecting LGBTI persons from discrimination and intolerance.

7. (§50) ECRI recommends that public figures, including political leaders on all sides, be strongly encouraged to take a prompt, firm and public stance against the expression of racist and LGBTI-phobic hate speech and react to any such expression with counter-speech and alternative speech. Elected bodies and political parties should adopt appropriate codes of conduct that prohibit the use of hate speech, call on their members and followers to abstain from engaging in, endorsing or disseminating it, and provide for sanctions. In this respect, ECRI refers to its General Policy Recommendation No. 15 on combating hate speech, Recommendation CM/Rec(2022)16 of the Committee of Ministers to member States on combating hate speech and the Charter of European political parties for a non-racist and inclusive society as endorsed by the Parliamentary Assembly of the Council of Europe in its Resolution 2443 (2022).

8. (§56) ECRI reiterates its recommendation to sign and ratify the First Additional Protocol to the Cybercrime Convention concerning the criminalisation of acts of a racist and xenophobic nature committed through computer systems.

9. (§65) ECRI reiterates its recommendation to include in the Criminal Code racist motivation as a specific aggravating circumstance for all criminal offences.

10. (§68) ECRI recommends, as a matter of priority, that the authorities enhance the capacity of law enforcement agencies in effectively identifying and addressing racist and LGBTI-phobic hate speech and hate crime by providing more targeted and practical training on the 2019 Hate Crime Protocol.

11. (§77) ECRI recommends that the authorities improve the level of implementation of the National Social Inclusion Strategy (2021-2030) at the local level. This should be done in particular by i) conducting an impact assessment of the Strategy to identify the implementation gaps at the local level; ii) ensuring sustainable and sufficient financial resources to local authorities; iii) launching grassroot pilot programmes to address local challenges for Roma inclusion with the full involvement of all stakeholders; and iv) identifying good practices and mainstreaming them.

12. (§83) ECRI recommends that the authorities ensure that all forms of de-facto segregation affecting Roma children in schools are ended. The authorities should in particular draw inspiration from the General Comment on the situation of education and training of Roma children in Gyöngyöspata published by the Deputy Commissioner for Fundamental Rights for the Protection of the Rights of Nationalities and from ECRI's General Policy Recommendation No. 13 on combating antigypsyism and discrimination against Roma.

13. (§87) ECRI reiterates its recommendation that the central authorities take action in all cases where the local authorities attempt to force Roma out of social housing, evict them from their homes without ensuring suitable alternatives or subject them to directly or indirectly discriminatory rules in respect of housing. In this context, the authorities should consider housing of Roma as a matter of priority in the implementation of the National Social Inclusion Strategy (2021-2030).

14. (§99) ECRI recommends that the authorities, in close cooperation with local authorities and civil society organisations, adopt a comprehensive integration strategy for migrants, including persons seeking or under international protection, covering among others the issues of readily available Hungarian language classes, special support in education, equality in employment, health and housing, with goals and targets, timeframes, funding, success indicators and a monitoring and evaluation system.

15. (§106) ECRI strongly recommends that the authorities amend the legislation with a view to ensuring fair and effective access to the asylum procedure in the territory of the country, in line with Council of Europe and other international human rights standards.

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APPENDIX: GOVERNMENT'S VIEWPOINT

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

ECRI, in accordance with its country-by-country procedure, engaged into confidential dialogue with the authorities of Hungary on a first draft of the report. A number of the authorities' comments were taken on board and integrated into the report's final version (which, in line with ECRI's standard practice and unless otherwise indicated, could only take into account developments up until 30 June 2022, date of the examination of the first draft).

The authorities also requested that the following viewpoint be reproduced as an appendix to the report.

I. EFFECTIVE EQUALITY AND ACCES TO RIGHTS

A) Equality bodies

Point 2: The Equal Treatment Authority was not abolished, but it has been integrated into CFR. The duties and tasks of the commissioner of fundamental rights defined by law are carried out by the Equality Treatment Directorate (ETD), which operates as a separate organizational unit of the CFR.[1] The reorganization of the ETA was applicable and justified. According to the State Audit Office the accounting policies of the ETA and its billing system between 2017 and 2019 did not meet the legal requirements. In the new organizational environment, the public financial situation has improved significantly, and the CFR, which has taken over the duties of the ETA as the legal successor, can ensure more effectively the requirement of equal treatment.

Point 5: The relevant legal regulations are clear and publicly available to everyone. Moreover, all the major Hungarian media outlets have reported on the matter of the aforementioned structural changes. In addition, anyone can obtain detailed information about his rights and the course of the proceedings on the CFR website.

B) Inclusive education

Point 9: In this point on inclusive education states that the subjects of *"the rights of the child, democracy and citizenship"* and their content are only included in the subject of citizenship education, which is taught only one hour per week.

In contrast, the National Core Curriculum (NCC), as the report points out, defines the development of national and European identity, patriotism, active citizenship and democracy as a fundamental learning and educational goal. According to the Article 2 of Government Decree 110/2012 (VI.4.) on the Issuance, Introduction and Implementation of the National Core Curriculum, the principles, objectives, development tasks and literacy content of the NCC are ensured by framework curricula, which are the next level of content regulation and are adapted to the specificities of the stages of pedagogical work.

Both the NCC and the framework curricula provide for the teaching of human rights in a number of other subjects, which are taught at different times of the day, such as ethics, which is taught two hours a week, or history, which is taught four to seven hours a week.

Point 10: The statement, that church schools do not participate in system-level desegregation measures, is not correct, on the one hand, a number of church-run institutions participate in the provision of public education under the public education contract, and in this case they are also subject to the guarantee rules applicable to compulsory admission schools, including the application of desegregation requirements. On the other hand, religious institutions without a public education contract guarantee the exercise of fundamental rights such as the right to freedom of choice of religion under Article VII of the Fundamental Law and parental rights under Article XVI (the right of parents to choose the upbringing of their children). In this context, it should also be underlined that, in accordance with Article XV of the Fundamental Law, Articles 27 and 28 of Act CXXV of 2003 on equal treatment and the promotion of equal opportunities clearly stipulate that in such cases, the organisation of education on the basis of religious or other beliefs shall not lead to unlawful segregation. The public education authority examines whether this is the case within the framework of a legality control.

[1] Forrás: https://www.ajbh.hu/ebff

Point 12: The statement that the most effective way to deal with school violence is to take preventive measures rather than sanctions ignores the fact that the institution of the school guard does not replace but complements the work of the support staff listed as examples. In view of this, the use of a school guard is neither exclusive nor compulsory, but optional, as opposed to the compulsory basic number of support staff. In addition, account should be taken of the fact that the introduction of the school guard is not only triggered by verbal and physical assaults by pupils in school, and that it is not only assaults by pupils in relation to whom the work of support staff can be interpreted, but also by peers outside the school, or even adults.

Point 14: In this point the report claim that the "*Public Education Act now deprives individuals under 18 years of access to adequate sex education and objective information, appropriate to their age and development, about different forms of sexual orientation, gender identity and sex characteristics"* is not correct, since factual, objective information is not prohibited by any law, and is in fact part of the curriculum under NCC and the Public Education Act also makes it an obligation of the teacher [Public Education Act § 62 (1) (g)].

In contrast, the provision of the Public Education Act prohibits "promotional" occupations, rather than information based on factual, objective factual disclosure, and imposes a restriction, a registration requirement, on persons or organisations other than their own employees or public bodies, which, however, does not constitute a total ban either.

The Public Education Act does not deprive individuals under 18 years of access to adequate sex education and objective information, appropriate to their age and development, rather it specifies that sex education cannot be aimed at the promotion of gender reassignment and homosexuality.[2]

C) Irregularly present migrants

Point 17: The crisis situation caused by mass immigration has been declared until 7 March 2023 under the relevant Government Decree currently in force.
Point 20: Hungary is doing the utmost to help refugees fleeing from the conflict zone. In relation to the war in Ukraine, Hungary welcomes all refugees and has launched one of its largest humanitarian relief operations.

D) LGBTI equality
Point 23: The report state that there has been a significant deterioration in the human rights of LGBTI persons in Hungary. With regards to the prison service it should be noted that point 4 of its Code of Conduct (hereinafter: CoC) establishes strict framework for the conduct of staff dealing with inmates, it states that *"staff members must refrain from all kinds of discrimination in the performance of their work, and must use all available means to prevent others from using discriminatory practices"*. Point 7 of the CoC should be also underlined as it states that *"all staff members must be ready to help their coworkers in need to carry out their duties, especially in the event of an act of violence or other exceptional occurrences"*.

[2] 2011. évi CXC. törvény a nemzeti köznevelésről 9. § (12). Forrás: https://net.jogtar.hu/jogszabaly?docid=a1100190.tv

In line with the above particular emphasis should be given to the basic principle of the Act CCXL of 2013 on the execution of punishments, criminal measures, certain coercive measures and confinement for administrative offences, which is already set out in § 1:

"§1 (1) the task of the prison service is to enforce the correctional aims trough the execution of punishment or measure with the objective of ensuring the aspects of individualization are taken into account during execution in order to serve the individual aims of prevention".

With regards to sexual orientation and gender identity, it should also be noted that these are subject to strict constitutional protection in Hungary. According to Article XV (2) of the Fundamental Law, Hungary guarantees fundamental rights to all without discrimination. § 10 (1) of Act CXXV of 2003 on equal treatment and the promotion of equal opportunities states that *"a conduct of sexual or other nature that violates human dignity shall constitute harassment if it is related to a characteristic specified in section 8 of the person concerned and has the purpose or effect of creating an intimidating, hostile, degrading, humiliating or offensive environment for a person."* Since 2004, the Hungarian legal system explicitly prohibits discrimination on the basis of sexual orientation and gender identity. The Hungarian legal framework – starting from Act C of 2012 on the Criminal Code, through Act V of 2013 on the Civil Code, to Act CLXXXV of 2010 on media services and mass media – provides effective protection for the rights of LGBTI persons.

Points 28. 29. 33: As mentioned in the report, there is currently an infringement procedure pending against Hungary before the EU Commission regarding whether Act LXXIX of 2021 is compatible with EU law, in which a final decision has not yet been reached. For this reason, in our opinion, the assumptions related to the regulation in question (which in many cases have no objective basis) are incorrect.
The basic purpose of the provision is to limit the accessibility of programs and advertisements for minors that may adversely affect the minor's development. The section on question of the Media Act modified by the Act LXXIX of 2021 does not apply to any program in general, but inherently to programs that are suitable for adversely affecting the physical, mental or moral development of minors. In this context, the phrase "so in particular" of the Media Act basically typifies the programs that may fall under this restriction in an exemplary way - thus not exhaustively.
According to Hungary's point of view, the child may not be able to interpret the content affected by this controversial amendment to the media law due to age, or only to a limited extent. Thus, his access to such content may be able to adversely shape his image of himself or the world, thus violating the child's right to appropriate intellectual and moral development guaranteed by the Constitution. Therefore, in order for children to have an environment that is suitable for protecting their physical, intellectual or moral development, the state is also obliged to create a legal environment that supports and enforces this. Based on all of this, the existing program classification regime is in accordance with the above provision of the Charter and the Constitution.
Point 30: Act LXXIX of 2021 aims to amend other laws to ensure that children are not harmed in their psychosexual development. The text of the Act does not contain any references that would point to a parallel between paedophilia and homosexuality. It not only acts against the promotion of homosexuality to children, but also prohibits making all pornographic content available to them.[3]

[3] 2021. évi LXXIX. törvény a pedofil bűnelkövetőkkel szembeni szigorúbb fellépésről, valamint a gyermekek védelme érdekében egyes törvények módosításáról. Forrás: https://njt.hu/jogszabaly/2021-79-00-00.1

Point 33: In this point ECRI recommends that amendments relating to gender non-conformity, gender reassignment or homosexual propaganda or representation should be repealed to prevent stigmatisation of LGBTI communities. In this context, it should be stressed that the rights of the LGBTI community are restricted by the relevant laws only to the extent that this is strictly necessary for the fulfilment of children's rights (physical and psychological development of the child), there are no restrictions on factual information, including within schools, and anyone can participate freely in extracurricular activities and events. Therefore, the repeal of the amendment is not justified, precisely in view of the protection of children's rights. It should be pointed out that the report itself proposes to ban gender reassignment surgery in points 34 and 35 on the basis of the same rights.

The above mentioned position is relevant 36-37, in addition to the human rights of LGBTI persons, the overriding interest and right of the child (protected by the Fundamental Law and international conventions) must be guaranteed, which is ignored in point 37, which recommends that the primary objective of the action plan should be to raise awareness about the human rights and living conditions of LGBTI persons'. It should also be emphasised that the provision of factual information in schools, rather than propaganda, is not intended to promote intolerance and discrimination, but to promote tolerance and neutrality by enabling children and pupils to make an age-appropriate, unpressurised choice on the basis of the information provided.

II. HATE SPEECH AND HATE-MOTIVATED VIOLENCE

A) Hate speech

Data

Point 39: Though the Hungarian Government agrees that the "acceptable" number of such incidents should be zero, the amount of recorded incidents is still significantly below the European average. According to the latest report of the European Union Fundamental Rights Agency (FRA), Hungary is amongst the countries with lower risk of anti-Semitism, and the number of hate crimes against Jewish people clearly displayed a decreasing tendency throughout the 2010s.[4] Furthermore, a report presented in June 2022 by the European Jewish Association in partnership with the Institute of Jewish Policy Research finds Hungary the second safest and „friendliest" place for Jews to live in Europe. Furthermore, Hungary ranks first in the occurence of the lowest numbers of anti-Semitic incidents and in the field of the freedom of religious observance, Hungary has been positively evaluated in the research. The research is based on studies that combine polling data and Governments' policy information to create a single quality-of-life metric for Jews in the European Union countries with sizable Jewish communities. According to this research, Hungary was ranked at the second place behind Italy concerning the quality of life of the Jewish community.

Public discourse

Point 40: Freedom of speech in Hungary is an essential part of the media and political landscape. Furthermore, the report fails to present any evidence that would suggest that the general political discourse became hostile towards any community in Hungary.

Point 44: None of the public information campaign tools - explicitly or implicitly - made any reference to George Soros' origin or religion, which was irrelevant to the campaign. The campaign itself was aimed at reflecting on the difference of approach to illegal migration between the Hungarian Government and George Soros, who has actively criticized the Hungarian Government. Moreover, Hungary places significant emphasis on

[4] https://fra.europa.eu/sites/default/files/fra_uploads/fra-2022-antisemitism-overview-2011-2021_en.pdf

supporting local Jewish communities, heritage and cultural activities. Consequently, these accusations are unfounded.

Responses to hate speech

Points 49-50: The Hungarian Government condemns all forms of hate speech, whether it is directed towards religious, minority or any other groups. The ECRI claims that immediate and public condemnation of hate speech is still not common, however, the report brought only positive examples of that.

Point 51: The victim support system in Hungary includes Victim Support Services (VSS), Victim Support Centers (VSC) and toll-free victim support hotline run by the Ministry of Justice. The VSS has been operational since 1 January 2006, the day the Act CXXXV of 2005 on Crime Victim Support and State Compensation entered into force.

The first victim support center, on the other hand, was opened in Budapest in 2017, as the text rightly point out. The Hungarian government's priority is to bring the victim support system as close as possible to those in trouble, so victim support centers are already operating in several large cities, in addition to the victim support services available in the capital and county government offices. Currently there are eleven victim support centers (in Budapest, Kecskemét, Miskolc, Pécs, Szeged, Szolnok, Szombathely, Veszprém, Debrecen, Nyíregyháza and Eger) and three victim support points (Salgótarján, Érd, Siófok) operating across the country. The government is continuously expanding the network, so that by 2025, all county capitals will be able to receive clients seeking help and information who have been victims of crime.

Point 53: The Hungarian Government respects the independence of the courts, and since the interpretation of the law is the competence of the judicial system, the Government - in accordance with the principle of separation of powers and the rule of law - rejects any pressure on the „correct" interpretation of the law.

Point 54: The claim that the Media Council was passive in monitoring and taking action against violations of media rules on the prohibition of hate speech/incitement of hatred and exclusion is unfounded. The Media Council between 2015-2022. examined the enforcement of the rules on incitement of hatred and exclusion in media services in a total of 78 cases. In 10 of these cases, a violation of the law was established.

There are generally two reasons why the Media Council does not initiate proceedings regarding allegedly exclusionary or hateful media content:

- The program indicated in the announcement does not contain a hateful expression against a community, but against certain individuals, but the Media Council cannot act in such a case, given that the subjects protected by the relevant provisions of the law are social groups and communities.
- The submission or report is aimed exclusively at redressing an individual grievance, however, in such a case, there is no place for a public law procedure, but for a private law claim enforcement. The freedom of expression extends to everyone's opinion, therefore there is no way for official intervention or action based on individual feelings of grievance. The Media Council can only use the means of restricting freedom of speech in truly serious, illegal cases.

It is important that the above data should also be interpreted in the light of the fact that the supervision of relevant media law provisions in relation to press products and on-demand media services is the task of self-regulatory organizations within the framework of the co-regulatory system regulated in the Media Act. Therefore, in the case of media content of press products and media services that are available on demand, the Media Council can only act if the media content provider is not a member of any self-regulatory organization. Since 2015, the Media Council has forwarded 21 complaints to co-

regulatory organizations on the subject of inciting hatred and exclusion, and in one of these cases, a violation of the law was established.

B)Hate-motivated violence

Point 58: Statistical data collection on sentencing, including data on the motivation of the offender, national background/ethnicity/religion/sexual orientation or gender identity of the offender or the victim from which one could conclude that a bias motivation was inherent during the commission of the offence, are not managed by the Ministry of Justice. This is the duty of the National Office of Judiciary.

III. INTEGRATION AND INCLUSION

Point 70: On this point it must be highlighted that Hungary offers an extremely high level of protection to its national minorities and provides them with a broad range of competences even in comparison to other Council of Europe member states. The Fundamental Law of Hungary defines the nationalities of Hungary as part of the political community and as constituent elements of the state. The current legislation in force provides opportunity for the minorities to obtain a seat in the Hungarian Parliament through a preferential quota. If a certain group of minority cannot make use of this opportunity they can still deliver a national minority representative who is endowed with the right of deliberation. Moreover nationalities living in Hungary may also set up local and national minority self-governments, which represents an unprecedentedly broad empowerment of minorities.

A. Roma

Data

Point 71: The Hungarian Government is committed to the inclusion of the Roma minority, and maintains several scholarship programs to support Roma youth in secondary and higher education. Such programs are among others the Roma Nationality Study Scholarship Program, the Czinka Panna Scholarship, the Arany János Program for underprivileged people, and the Bursa Hungarica Scholarship. Young people of Roma origin with outstanding talent are supported by a special program of the state-granted talent management institution Mathias Corvinus Collegium (MCC). Underprivileged students who are not outstandingly talented are helped by the state-owned non-profit Student Loan Centre's (Diákhitel Központ Zrt.) personal student loan, while those who do not get a government scholarship can draw on the zero-interest Student Loan 2. Moreover, the employment level is at record high in Hungary with more than 4,7 million active people on the labour market, with a 4,1 % all-time low unemployment rate. In the last decade hundreds of thousands of Roma people managed to enter the Hungarian labour market, which has significantly improved the income of Roma families and facilitated integration.

Policy framework and measures taken by the authorities

Point 79: In October 2019, the Ipsos research institute surveyed the device penetration of households with children in Hungary, which revealed that 98% of households have access to the internet at home, nine out of ten families have a desktop computer or laptop, and half of the families have a tablet. The 98.5 percent internet access rate among Hungarian families with children is well above the OECD average of 96 percent. And where no digital equipment was available, the school district managed to lend families a tablet or laptop, and the school authorities purchased new equipment for this purpose. To ensure that the curriculum was explained, the M5 channel was converted into a school television channel, helping families who could not afford private tutoring.

Point 81: The statement of the report *"a new legislative proposal was adopted in 2020 excluding the future possibility of claiming any monetary compensation for the act of*

discrimination if committed by an educational institution, which is seemingly a politically driven change" is an unsupported claim based on assumptions. On the other hand, it should be noted that compensation in the form of educational services, rather than monetary damages, is fair and just, as it provides compensation for access to an adequate level of quality education that can make a real, lasting, long-term difference and improvement in the life of the person who has been wronged.

It should be noted that the report itself explicitly highlights the link between education and labour market opportunities and their impact on living standards and access to services in point 71.

IV. TOPICS SPECIFIC TO HUNGARY

B. Persons fleeing the war in Ukraine

Point 108: The Hungarian state operates Help Points in Záhony, Beregsurány, Lónya, Barabás and Tiszabecs, while MÁV issues solidarity tickets to help Ukrainian refugees to flee. With more than one million refugees arriving at the border crossings, which were designed for much lower traffic, in the first three months after the outbreak of the war, there were obviously some disruptions despite the best efforts of the government and NGOs, but overall coordination was successful despite the exceptional circumstances. The smooth and professional management of the Ukrainian refugee crisis by the Hungarian authorities has been recognized by several international bodies.

The Hungarian authorities (in cooperation with the civil organizations) are handling the tasks arising in relation to the waves of the refugees coming from Ukraine.

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The European Commission against Racism and Intolerance (ECRI) is a unique human rights monitoring body which specialises in questions relating to the fight against racism, discrimination (on grounds of "race", ethnic/national origin, colour, citizenship, religion, language, sexual orientation and gender identity), xenophobia, antisemitism and intolerance in Europe; it prepares reports and issues recommendations to member States.

European Commission against Racism and Intolerance
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