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COMMISSION ON HUMAN RIGHTS
Thirty-eighth session

IMPLEMENTATION OF THE INTERNATIONAL CONVENTION ON THE
SUPPRESSION AND PUNISHMENT OF THE CRIME OF APARTHEID

Reports submitted by States parties under
article VII of the Convention

Addendum

HUNGARY^{1/}

[6 October 1981]

The Government of the Hungarian People's Republic wishes to take this occasion to reaffirm once again that any form or manifestation of racism, racial segregation and racial discrimination is incompatible with the socialist system of society in Hungary.

The citizens of the Hungarian People's Republic, including all the nationalities living in the country's territory, enjoy equal rights and equality before the law by virtue of the legislative provisions of the highest level (Art. 61 of the Constitution).

The period since the second periodic report of Hungary has seen no change in the Hungarian legal system with regard to the implementation of the International Convention on the Suppression and Punishment of the Crime of Apartheid.

In accordance with the Guidelines adopted by the Group of Three of the Commission on Human Rights, the present report by the Government of the Hungarian People's Republic is intended to reaffirm the measures taken with a view to implementation of the International Convention:

^{1/} The initial and second reports submitted by the Government of Hungary (E/CN.4/1277/Add.16 and E/CN.4/1353/Add.6) were considered by the Group of Three at its 1979 and 1980 sessions respectively.

Add. Paragraph 1(a) of the Guidelines

The legal definition of, and the penalties for, the crime of racial discrimination are laid down in Article 157 of the Hungarian Penal Code (Chapter XI of Act IV of 1978 on Crimes against Humanity), which entered into force on 1 July 1979 reflecting the fundamental provisions of the Convention (legislative text attached).

It should be noted that, as is stated in the motivation to the relevant Article of the Bill, if racial discrimination resulted also in the commission of a graver crime, such as genocide (Art. 155 of the Penal Code), the graver crime shall be deemed to have been committed (legislative text attached).

At the same time, in addition to racial discrimination (Art. 157) and genocide (Art. 155), Chapter XI of the Penal Code on Crimes against Humanity contains the definition of, and the penalties for, the crime against a national, ethnic, racial or religious group (text of Art. 156 attached).

In the period since the second periodic report there has been no change in the legal coverage of the above-mentioned crimes.

Add. Paragraph 1 (b)

The Government of the Hungarian People's Republic wishes to reaffirm that in the Hungarian concept of criminal law only natural persons, and no legal entities, can be subjects of a crime. Accordingly, it is the human behaviour that is prohibited or considered by the Hungarian criminal law in establishing the legal definitions of crimes. While this principle is not spelled out in the Penal Code, it follows from the spirit thereof and from the Hungarian concept of law, and references to it are found in domains other than criminal law of the legal system of Hungary, such as Act VI of 1977 on State Enterprises, Act I of 1968 on Minor Offences and Law-Decree No. 10 of 1979 on the latter's modification.

In the Hungarian concept of law, however, the human behaviour is liable to punishment in the case of organizations and institutions as well. Thus, and pursuant to the provisions of the Convention in question, individuals working within the ambit of entities can likewise be held criminally responsible.

Add. Paragraph 2 (a)

In Article 4, paragraph 1 (c), the Penal Code provides that the Hungarian Law shall also apply if the perpetrator is a non-national, the act is committed abroad and the act is a crime against humanity or any other crime whose persecution is provided for in an international treaty.

Add. Paragraph 2 (b)

In accordance with the provisions of the General Part of the Penal Code, liability to punishment is shared by the perpetrator, the accomplice and the abettor alike (Articles 19 to 21).

Add. Paragraph 2 (c)

Extradition is governed by Art. 9 of the Penal Code in accordance with the requirements of the Convention in question.

Add. Paragraph 3 (a)

The aforesaid and other provisions of the Penal Code contain the legislative measures necessary to suppress the crime of apartheid and to punish persons guilty of that crime.

Add. Paragraph 3 (b)

Ever since the adoption of the Convention the provisions thereof have been disseminated as widely as possible in the Hungarian People's Republic using mass information media, special celebrations, national programmes and educational institutions and keeping the public informed of the shameful policy of apartheid as well as of the international documents adopted in the world-wide struggle against apartheid.

Add. Paragraph 4

Acting fully in keeping with its foreign policy principles, the Hungarian People's Republic comes out consistently and resolutely for the complete, effective and final elimination as early as possible of all forms of racism, racial segregation and racial discrimination. It strongly condemns the cruel terror of the racist régime of South Africa and its acts of aggression against the neighbouring independent States in Africa, manifestations which pose a grave threat to international peace and security. It lends political, material, moral and diplomatic support to the peoples and liberation movements in their just and legitimate struggle against the vestiges of the colonial system, neocolonialism and racism.

The Hungarian People's Republic as a founding member of the United Nations Special Committee against Apartheid has endorsed and has consistently complied with the resolutions of the General Assembly and the Security Council on the prevention, suppression and punishment of apartheid and is actively co-operating in the implementation of those resolutions. The Hungarian People's Republic is firmly in support of the relevant decisions by other competent organizations of the United Nations, such as the Declaration on the apartheid policy of South Africa adopted by the International Labour Organisation at its sixty-seventh session in 1981. It similarly gives firm support for the Declaration of the Conference on Sanctions against South Africa, which was held in Paris in May 1981.

In compliance with the relevant resolutions of the United Nations forums, the Hungarian People's Republic applies the envisaged sanctions against South Africa and maintains no contact whatsoever with the racist fascist régime of Pretoria. It consistently urges the implementation of the resolutions of the United Nations concerning the need to end forthwith the co-operation between international monopolies and the régime in South Africa as well as the military-nuclear collaboration between western imperialist powers and South Africa.

The Hungarian People's Republic has become a party to all international conventions which have been elaborated and adopted by the United Nations as an integral part of the international struggle against racism and apartheid. It attaches paramount importance in particular to the International Convention on the Suppression and Punishment of the Crime of Apartheid and to the International Convention on the

Elimination of All Forms of Racial Discrimination, which it was among the first to adhere to. It considers that an increase in the number of States parties to those conventions is of great timeliness and urgency, which would considerably enhance the effectiveness of the international struggle against apartheid and racial discrimination.

Add. Paragraphs 5 and 6

During the current reporting period no such crimes as are covered by the international convention in question and the Hungarian legislation discussed above were committed in the Hungarian People's Republic and hence no court decisions were passed in such cases.

Add. Paragraph 7

The legislative texts discussed are attached hereto.

Annex 1

Penal Code of the Hungarian People's Republic - Chapter XI

Genocide

Article 155

1. Whosoever, with intent to destroy in whole or in part a national, ethnic, racial, or religious group:

(a) kills a member of the group;

(b) inflicts on the group conditions of life likely to result in the destruction of the group or some of its members;

(c) imposes measures intended to prevent births within the group;

(d) forcibly transfers children of the group to another group,

shall be deemed to commit the crime of genocide and shall be punished with imprisonment for a term of ten to fifteen years or for life, or by death.

2. Whosoever commits acts of perpetration with intent to genocide shall be punished for a crime with imprisonment for a term of two to eight years.

Offence against a National, Ethnic, Racial or Religious Group

Article 156

Whosoever causes serious bodily or mental injury to members of a national, ethnic, racial or religious group on account of their belonging to such a group shall be deemed to commit a crime and shall be punished with imprisonment for a term of two to eight years.

Racial Discrimination

Article 157

Whoever, commits an offence prohibited by international law, with intent to ensure that a racial group will gain or maintain domination over, or systematically oppress, another racial group, shall, provided no offence of greater gravity was consummated, be deemed to commit a crime and be punished with imprisonment for a term of one to five years.

Annex 2

Constitution of the Hungarian People's Republic

Article 61

1. The citizens of the Hungarian People's Republic are equal before the law and enjoy equal rights.
2. The law severely punishes any prejudicial discrimination of the citizens by sex, religious affiliation or nationality.
3. The Hungarian People's Republic guarantees the equality of rights to all nationalities living in its territory, the use of their mother-tongue, education in their mother-tongue, preservation and cultivation of their own culture.