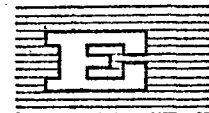


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COMMISSION ON HUMAN RIGHTS  
Thirty-fourth session

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

[14 February 1978]

The segregation and discrimination of citizens on any ground whatever are alien to the political system, the State and the law-system of the Hungarian People's Republic.

Guided by its principles, the Hungarian People's Republic takes a stand most firmly at all the international forums against racism, particularly against its most extreme manifestation - apartheid - and supports actively the struggle for the elimination of all forms of racism and racial discrimination.

Hungary is a founding member of the United Nations Special Committee on Apartheid and was among the first to adhere to the International Convention on the Suppression and Punishment of the Crime of Apartheid.

The instrument of ratification of the Presidential Council of the Hungarian People's Republic was deposited on 20 June 1974; thus, the Convention has become an integral part of our domestic law after its entry into force on 18 July 1976. The Presidential Council of the Hungarian People's Republic promulgated the Convention by Law-Decree No. 28/1976 and made it accessible to the State and social organizations as well as to the large circle of the citizens.

The Constitution and other relating rules of law are forbidding not only racial segregation and discrimination but also any other form of prejudicial discrimination of the citizens. Article 61 (2) of our basic law No. I/1972 on the Constitution of the Hungarian People's Republic declares: "The law severely punishes any prejudicial discrimination of the citizens by sex, religious affiliation or nationality".

Our Penal Code provides for the punishment of acts defined as crimes of apartheid under Chapter II of the Convention.

These provisions are the following:

- (a) Whoever commits an act liable to incite others to hatred directed against any people, nationality, denomination or race, is guilty of incitement (§ 127);
- (b) Any Hungarian citizen who joins voluntarily an armed unit organized for suppressing peoples, commits a crime against the liberty of peoples (§ 136);
- (c) Whoever, for the purpose of complete or partial extermination of a group of nation, people, race or religion,
  - (1) kills a member of the group,
  - (2) forces the group into living conditions which threaten it or some of its members with destruction,
  - (3) takes measures intended to prevent births within the group,
  - (4) forcibly transfers children of the group to another group, commits the crime of genocide (§ 137);
- (d) Commits a crime whoever causes grave bodily or mental harm to a member of a national, ethnic, racial or religious group because of his belonging to the group (§ 138).

The new Penal Code is under preparation. In the course of preparation it will be carefully considered what further penal provisions should be added in order to prevent racial discrimination.

The constitutional basic principle that declares the equality of citizens and forbids any prejudicial discrimination, is consequently implemented by both our rules of law and legal institutions. Our laws regulating the political, economic and cultural life are guaranteeing equal rights for every citizen.

According to § 18 (3) of Law No. II/1967 on the Code of Labour, when establishing Labour relations no prejudicial discrimination is permissible on the ground of sex, age, nationality, race and origin of the employees. A governmental decree (17/1968(IV.14) lays down that any employer who illegitimately denies the employment of a worker on the basis of sex, age, nationality, race and origin, or takes these into consideration when remunerating the work, or applies any form of discrimination by the advancement of the worker, commits a summary offence and may be punished with a fine.

Also in the fields of education and culture equal possibilities are offered by the Constitution and Law No. V/1976 on Public Education, article 3 of which declares: "The Hungarian People's Republic ensures the possibility for every citizen to acquire a general and professional basic education, to further develop his education, to acquire national and universal first of all socialist culture, to develop his individual creative power".

According to § 64 of the Constitution, the Hungarian People's Republic guarantees the freedom of speech, the freedom of the press and the freedom of assembly in a manner conforming to the interests of socialism and the people.

The right of free association is also guaranteed by the Constitution (SS 10 and 65). The Civil Code that contains the provisions relating to the associations determines the fundamental rules of the establishment of associations.

With the amendment of Law No. IV/1959 on the Civil Code of the Hungarian People's Republic, Art. 8 (2) has been completed and concerning the legal capacity it declares: "Legal capacity is equal without consideration of age, sex, race, nationality or denomination".

Among the basic principles guiding the functions of courts and other authorities, figures the right to use one's mother language. Our legal institutions provide also the possibilities so that nobody whose mother tongue is other than Hungarian and who does not know or does not know well enough the Hungarian language, should suffer prejudice on this account.

The Constitution ensures for every citizen the right to take part on an equal footing in the management of public affairs. Article 68 (1) declares that every citizen has the right to participation in the public affairs and it is his duty to discharge his public functions conscientiously.

The free movement of persons residing in the territory of the Hungarian People's Republic is ensured by law; they may choose freely their place of residence.

Requests concerning the Hungarian citizenship cannot be refused on the ground of race.

The Hungarian People's Republic adhered to all those international conventions that are directed in all fields of life against the prejudicial discrimination of citizens on the ground of race, sex, nationality, etc. and aimed at the assurance of the equality of the citizens' rights. These are, for instance, the Convention against Discrimination in Education adopted in 1960 in Paris, the Convention on the mutual consentment and the lowest age-limit necessary to marriage as well as on the registration of marriages adopted on 12 December 1962, the Convention on the Prevention and Punishment of the Crime of Genocide, the International Convention on the Elimination of all Forms of Racial Discrimination, the International Covenant on Civil and Political Rights, and the International Covenant on Economic, Social and Cultural Rights.