



## International Covenant on Civil and Political Rights

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### Human Rights Committee 100th session

#### Summary record of the 2754th meeting

Held at the Palais Wilson, Geneva, on Monday, 18 October 2010, at 3 p.m.

*Chairperson:* Mr. Iwasawa

### Contents

Consideration of reports submitted by States parties under article 40 of the Covenant  
(*continued*)

*Fifth periodic report of Hungary*

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*The meeting was called to order at 3.05 p.m.*

**Consideration of reports submitted by States parties under article 40 of the Covenant**  
(*continued*) (CCPR/C/HUN/5; CCPR/C/HUN/Q/5/CRP.2; CCPR/C/HUN/Q/5/Add.1)

*Fifth periodic report of Hungary*

1. *At the invitation of the Chairperson, the members of the delegation of Hungary took places at the Committee table.*
2. **Mr. Székely** (Hungary), introducing his country's fifth periodic report, said that the Government was currently engaged in managing the largest ecological disaster in its history involving a toxic-waste spill from a storage reservoir of an aluminium production plant.
3. In the eight-year interval since Hungary had last come before the Committee, it had been governed by a socialist Administration. What that meant was that the report primarily covered a period whose activities had taken place under a different Administration from the current one. As a result of the most recent elections in 2010, a new political alliance between two parties (FIDESZ and KDNP) had gained a more than two-thirds majority in parliament. Under the Hungarian Constitution, such a parliamentary majority could amend any law, and even the Constitution itself. Hungary had recently embarked on a process of preparing a new constitution with the aim of strengthening human rights protection.
4. Recent efforts by the Government to combat discrimination and racism had included the completion of a criminal investigation into a series of murders of persons of Roma origin in 2008 and 2009, and the permanent dissolution of an extreme right-wing organization known as the "Magyar Gárda" or "Hungarian guard". Under the criminal law, any person who engaged in incitement to hatred against any national, ethnic, racial, religious or other group was liable to imprisonment for up to 3 years. The Ministry of Public Administration and Justice was responsible for developing a policy for the social inclusion of the Roma and for coordinating implementation of the Government's agenda to promote social inclusion. To that end, a junior minister's Office for Social Inclusion had been attached to the Ministry. Furthermore, in August 2010, an inter-ministerial committee for social inclusion and Roma affairs had been established in order to coordinate and facilitate the activities of various ministries on Roma issues.
5. Since the submission of its previous report, Hungary had become a member of the European Union (EU), and had accordingly adopted a strong human rights policy framework. In the first half of 2011, Hungary would assume the rotating presidency of the Council of the EU. Preservation of the diversity of the common European cultural heritage and the integration of the Roma communities were expected to be among the key priorities of the new presidency.
6. The achievement of equal opportunities in education and non-discrimination were important goals for the new Government. Accordingly, it had plans to develop new programmes for the improvement of teaching methods, expansion of kindergartens and increased access to quality education.
7. Since its election as a member of the Human Rights Council in 2009, Hungary had become an active participant in the Council's sessions, inter alia, as the main sponsor of two important human rights resolutions. Those concerned cooperation with United Nations mechanisms and bodies, and the independence of lawyers and judges.
8. With a view to the forthcoming UPR of Hungary in May 2011, the Government had embarked on the preparation of Hungary's national report. Topics such as migration, civil and political rights, and the rights of the child were likely to be the main subjects of discussion during the review.

9. In 2008, Hungary had begun a series of annual conferences as part of the Budapest Human Rights Forum, where United Nations experts, diplomats, human rights activists and NGOs gathered to debate the topics to be discussed in the context of the UPR, and also the prevention of genocide, access to water and the rights of the child. In that connection, his Government had launched an initiative to establish a centre for the international prevention of genocide and mass atrocities with the aim of contributing to the international promotion of human rights and fundamental freedoms. Following two years of preparatory work, the centre would be inaugurated during the Third Budapest Human Rights Forum, and indeed during Hungary's current dialogue with the Human Rights Committee.

10. **The Chairperson**, noting that the written replies had been provided in English only, invited the delegation to summarize briefly its replies to questions 1 to 18 of the list of issues for the benefit of Committee members who did not work in English. The delegation should also supply the answers to questions to which the Government had not yet replied.

11. **Mr. Csuhány** (Hungary), responding to question 1 of the list of issues, said that the Constitution provided for the election by parliament of parliamentary commissioners, or ombudspersons, who were responsible for the protection of civil rights and the rights of national and ethnic minorities. It also provided for the election of special parliamentary commissioners for data protection and for the rights of future generations, the latter being responsible for environmental protection issues. Grouped together, the parliamentary commissioners could be regarded as a consolidated national human rights institution, given that their powers were in keeping with the requirements of the Paris Principles. For example, the parliamentary commissioner for civil rights had the authority to carry out inquiries, enter the premises of the bodies and authorities under examination, and access the documents possessed by those bodies. If the commissioner concluded that a violation of a fundamental right had occurred, he or she could recommend a solution to the authority itself or to its supervisory authority.

12. The commissioner also had the right to initiate proceedings before the Constitutional Court. On the basis of the commissioner's initiative, the Court had competence to ensure that domestic laws were consistent with the Constitution and with international treaties ratified by Hungary. When the breach of a fundamental right was considered to stem from a lack of appropriate legislation, the commissioner could propose to the competent legislative body that it expand, amend or repeal the law, regulation or decree in question. The commissioner was required to present an annual report to parliament on his or her activities, including cases in which its recommendations had been rejected by the relevant authorities. If the commissioner believed that the violation of human rights was particularly serious or affected a large group of persons, he or she could request parliament to place the issue on its agenda for discussion.

13. The budget of the parliamentary commissioners was considered as a separate chapter of the State budget; in 2010, it had stood at approximately 5,870,000 euros. That represented a slight decrease from its 2008 level and could be attributed to the effects of the global financial crisis.

14. In reply to question 2 of the list of issues, he said that Hungary did not currently envisage undertaking a review of the scope of the Equal Treatment Act as it was considered by the Government to be sufficiently broad. Moreover, it covered the acts and omissions of all public actors relevant to the field of activity in question, and also applied to a number of private actors. The persons required to observe the principle of equal treatment included those who offered contracts or issued invitations to tender; those who provided services or sold goods at premises open to the public; self-employed persons, legal entities and organizations without legal status receiving State subsidies; and employers.

15. The caseload of the Equal Treatment Authority had risen steadily in recent years from 491 cases in 2005 to more than 1,000 in 2008 and 2009. The number of findings of a violation of law had also increased significantly from 9 in 2005 to 48 in 2009.

16. The number of Authority staff was below what was needed for the proper discharge of its mandate, given the increased number of complaints it received. In June 2010, the Authority had comprised 20 civil servants, of whom 9 were legal officers responsible for conducting investigations. The Authority's 2010 budget was approximately 750,000 euros.

17. **Ms. Elek** (Hungary), responding to question 3, said that the Criminal Code did not specifically define hate crimes but contained provisions for several independent offences in connection with such crimes, including genocide, violence against a member of a community and apartheid. In 2010, parliament had adopted an amendment to the Criminal Code that defined public denial of the Holocaust as a criminal offence.

18. In 2009, the Budapest High Court of Appeal had ordered the dissolution of the right-wing organization "Magyar Gárda" or "Hungarian Guard", which had promptly recast itself under the name of the "New Hungarian Guard". Reacting swiftly, the Government had enacted new legislation providing for the prosecution of persons participating in activities of a banned civil organization. If found guilty, such persons were liable to imprisonment or a fine. Parliament had also increased the penalty for the offence of the abuse of freedom of association.

19. **Mr. Ligeti** (Hungary) added that the police and other law enforcement agencies received about 24 reports of hate crimes and other hate-related extremist violence every year. However, since the Constitutional Court attached great importance to freedom of expression, very few of those complaints resulted in prosecution; there had been only one prosecution for incitement to hatred in the previous 15 years. However, the police and other law enforcement agencies were addressing hate crime vigorously, and the National Office of Investigation had set up special task forces to combat extremism. Given the continuous revival of the "Magyar Gárda", the police had been instructed to prioritize its efforts to combat such groups.

20. **Ms. Izsák** (Hungary), replying to question 4, said that her country had a long tradition of dealing with Roma rights, and had taken the lead in devising strategies on working with the Roma community in Central and Eastern Europe. Hungary had played a crucial part in the Decade of Roma Inclusion and had promoted Roma integration during its presidency of the Visegrad Group. In 2011, Hungary would put a Europe-wide Roma strategy on the EU agenda. Nonetheless, her Government acknowledged that the Roma community continued to face problems in many areas, including housing and education, and had ensured that measures were being taken to address them all. It was aware that it had encountered problems with determining the size of the Roma population and evaluating the projects that had been implemented. Between 1996 and 2006, some 120 billion forints had been spent on Roma integration.

21. In answer to question 5, she noted that in general her Government preferred not to interfere with the media in order to respect the freedom of the media and freedom of speech. Nonetheless, there had been positive developments in that area, including the banning of several talk shows that had included negative portrayals of the Roma minority. A Roma trainee programme had also been established by the Hungarian national public-service television. Many graduates of that programme had joined national radio and television teams and were now bringing Roma issues into mainstream broadcasts. In addition, the new Public Service Board of the Media Council had reserved one place for a member of a national minority, which would give minority representatives the opportunity to influence the media.

22. **Mr. Ligeti** (Hungary), turning to question 6, said that the Government had always placed great emphasis on providing services and integration programmes for refugees and other beneficiaries of international protection. The latest amendments to legislation on alien-policing and migration incorporated provisions to improve access to legal remedies for beneficiaries of international protection, including increasing from one to six the number of courts competent to deal with refugee and alien-policing cases.

23. **Ms. Makár** (Hungary), replying to question 7, said that in 2010 her Government had adopted the National Strategy for the Promotion of Gender Equality, whose long-term priorities were outlined in paragraph 58 of the fifth periodic report. Since the failure in 2007 of a bill to introduce a quota system, designed to increase the number of women in parliament, the Government had taken steps to raise public awareness of the quota system and the need for more female politicians.

24. Turning to question 8, she said that, while domestic violence was not recognized as a specific offence, there were almost 30 offences covering such violence in the Criminal Code. A free telephone hotline was available to all female victims of violence, who were put in touch with a national crisis management network that operated 11 shelters. Victims could stay in a shelter for 30 days, extendable to 60 days if necessary. While in the shelters, the women were given assistance in many areas, and thereafter they could stay in apartments for a further five years under the so-called "half-way exit programme".

25. In answer to question 9, she said that the Health Care Act provided for the possibility of carrying out emergency sterilizations with the woman's informed consent. One case of an emergency sterilization that had been performed without such consent had been officially reported. The Government had ensured that the victim had been provided with appropriate compensation and had taken all the necessary measures to prevent a recurrence.

26. **Ms. Elek** (Hungary), replying to question 10, said that the Criminal Code contained a detailed definition of the crime of terrorism, which included financing terrorism and preparing or threatening to commit an act of terrorism. The crime was punishable by 10 to 20 years' imprisonment or a life sentence.

27. **Mr. Ligeti** (Hungary) said that, while acts of terrorism had never been committed on a large scale in Hungary, the police regarded counter-terrorism activities as a top priority. The first Hungarian terrorist organization had come to light during the previous year; its members had been remanded in custody and were currently awaiting trial. Under the new Government, a counter-terrorism unit had been set up within the police, which used both regular policing activities and covert methodology.

28. Turning to question 11, he said that the Criminal Code included the offences of ill-treatment of individuals by law enforcement officials, in detention and elsewhere, and there had been several cases in which officials had been prosecuted and punished. Video-recording of interviews of suspects was not compulsory. Cases in which police officers had been the alleged perpetrators of ill-treatment were investigated by a prosecutor, not by the police.

29. In answer to question 13, he said that, since there were no official statistics on the Roma population, it was impossible to list steps that had been taken to reduce cases of ill-treatment of members of the Roma minority by the police. Nonetheless, measures had been implemented to combat prejudice against the Roma on the part of the police and other law enforcement officials, including prison staff.

30. Referring to question 14, he observed that short-term custody for up to 10 hours continued to be legal. During that time, steps were taken to establish whether any criminal or administrative action was required. If persons who had been held in short-term custody

were subsequently held in criminal detention, the duration of the short-term custody was deducted from the maximum of 72 hours of criminal detention.

31. Replying to question 15, he said that individuals who were remanded in custody were guaranteed all detainees' rights, as specified in the Code of Criminal Procedure, including the right to contact their legal counsel. Such contact was made in a place where there were no recording devices, unless there were grounds to suspect that the legal counsel and the suspect were planning to commit a crime or to prevent the suspect's criminal liability from being determined. Prisoners had the right to establish contacts with relatives or others outside the prison. Prison staff were required to record all the personal details of every visitor to the prison, which required his or her written consent under the personal data management legislation. Mechanisms were in place to enable detainees to file complaints about violations of their rights.

32. In answer to question 16, he said that foreigners who entered or stayed in Hungary unlawfully were detained prior to their return, refoulement or, as a last resort, expulsion. Such detention was subject to judicial review by six courts nationwide.

33. Replying to question 17, he said that prison overcrowding had been reduced from about 140 per cent to less than 120 per cent as a result of the opening of two new facilities. A further two prisons were due to become operational in October 2010.

34. On question 18, he said that criminals who were classified as insane were held in closed psychiatric institutions, which were prison facilities but came under the legal regime of health institutions.

35. **Mr O'Flaherty** expressed his sympathy to the people and Government of Hungary concerning the recent toxic discharge disaster, which had important human rights implications. It was unfortunate that only some of the Committee's questions had received thorough replies from the Hungarian Government, while others had received scant or no replies. The lack of information from the State party had impeded the Committee's preparations for its dialogue with the delegation.

36. Turning to question 1 of the list of issues, he said that the Committee would appreciate disaggregated statistics on budget allocations to the national human rights institutions. He would particularly like to know how what budgetary resources were allocated to the Parliamentary Commissioner for Civil Rights and the Parliamentary Commissioner for the Rights of National and Ethnic Minorities. He asked how those Commissioners communicated on issues of substance. He asked if it was true that the former Commissioner would not address Roma issues since those were the responsibility of the latter. The delegation had stated that the human rights institutions in Hungary were compatible with the Paris Principles. He therefore wished to know why Hungary had not applied for accreditation of its institutions under the United Nations framework. He asked how they could be considered compatible with the Paris Principles if there was no provision for the oversight of economic, social and cultural rights. Was the State party considering establishing a single, integrated national human rights institution? He welcomed the appointment of the Commissioner for Future Generations, which was a far-sighted initiative.

37. The State party had not provided written replies to question 3 (a), (c), or (d) of the list of issues. He wished to know how the Government met its obligations under the Covenant and the International Convention on the Elimination of All Forms of Racial Discrimination, given that it considered the disaggregation of data by race and ethnicity to be a violation of privacy. The Committee had received information from non-governmental sources on 48 attacks against members of the Roma community over the past two years. He asked what was being done to address that problem, and said it was unfortunate that the Committee was receiving information about the attacks from NGOs rather than the State

party. The State party had informed the Committee that data on the investigation, prosecution and sanctioning of violent attacks against the Roma could not be collected since that would impose unmanageable workloads on the Public Prosecutor's Office. While the Committee recognized the need to prioritize the issues addressed by the public service, violence against Roma was a particularly serious issue. He asked for further information on the Roma inclusion policy, which he hoped ensured respect for the rights of the Roma under article 27 of the Covenant. He asked to what extent the Hungarian Government was considering following the example recently set by Macedonia by including specific references to Roma rights in the revised Constitution.

38. Turning to question 4 of the list of issues, which also addressed the situation of the Roma, he said that the State party's written replies had only referred to general activities to overcome social exclusion in a narrow range of sectors: urban development, schools, and sports and leisure. The Committee wished to know what measures were being taken in the areas of employment, health, social assistance and housing. He drew attention to the findings of the European Commission against Racism and Intolerance on employment and the report of the United Nations Independent Expert on minority issues.

39. With regard to the Committee's question on combating the negative portrayal of the Roma minority in the media, the delegation's statement that the State party was reluctant to impose restraints on the media in order to protect freedom of expression was worrying, since there should be room for the protection of minorities within the boundaries of freedom of expression. The Committee welcomed the idea of referring to Roma employment in the media.

40. Question 9 on forced sterilizations had not received a written reply, but the Committee appreciated the delegation's assurance that the situation had been rectified, and that the Committee on the Elimination of Discrimination against Women (CEDAW) was satisfied with the outcome of the *A.W. v. Hungary* case. In that case, that Committee had invited Hungary to consider amending the provision in the Public Health Act whereby a physician, in given circumstances, was entitled to perform sterilization without the information procedure generally specified. He asked whether the State party had complied with that invitation. CEDAW had also recommended that the Government should monitor public and private clinics that performed sterilization to ensure that fully informed consent was given by the patient before a sterilization procedure was conducted, and that appropriate sanctions were imposed in the event of a violation. He asked whether such a monitoring system was in place, and how sanctions, if any, were imposed and regulated.

41. Turning to question 13, on police violence against the Roma and human rights training for law enforcement officials, he said that the written reply had been lacking in specific information. He therefore asked for detailed information on training for law enforcement officials, particularly measures to overcome prejudice and promote minority rights.

42. **Ms. Keller** said that the caseload of the Equal Treatment Authority had more than doubled over recent years, and she therefore wished to know whether there had been a corresponding increase in the Authority's staff. She asked whether the State party intended to increase the Authority's budget to meet the expected further increase in its work. The Committee had been informed that the first President of the Authority had been dismissed on 15 September 2010, soon after the new Government had been formed, on the basis of the Prime Minister's power of appointment and dismissal of that official at any time without justification. She asked how the State party would revise the legal regulation of those powers in order to guarantee the Authority's independence.

43. The Committee had also been informed that as of October 2009 the Ministry of Social Affairs and Labour had been vested with powers to overturn the decisions of the

Equal Treatment Authority. She wished to know whether the State party intended to take measures to ensure that members of the Executive were not in a position to amend the Authority's decisions. She asked whether any measures were being taken to raise awareness of the Equal Treatment Act and the avenues for redress it provided for the public at large and minority groups in particular.

44. Turning to question 6, she said that the State party had been unable to provide information on an integration strategy for refugees. She asked for detailed information on the composition and mandate of the body to improve integration which had been established by the Ministry of Justice and Law Enforcement.

45. With regard to gender inequality (question 7), she said that Hungary's record was behind that of countries such as Albania, Bolivia, Brunei Darussalam and Gambia. The Committee would appreciate information on actions that had been taken, or were planned, to overcome discrimination against women, particularly in the Roma community.

46. The Hungarian Criminal Code did not contain specific definitions of domestic violence and marital rape, which rendered the collection of data on cases of domestic violence particularly difficult. That information, however, must be provided for the Committee to be able to make a fair assessment of the situation in the State party. She therefore wished to know how many such cases had been reported during the reporting period, how many prosecutions had been conducted and how many convictions had been handed down. She requested information on the competence and mandate of the newly established anti-terrorism unit, and whether it cooperated with the secret service. Articles 16 and 17 of the Criminal Code defined attempted crimes, and their provisions applied to terrorism. Since the penalties for attempting to commit a terrorist act were higher than those for preparing to commit a terrorist act, she asked what the legal definitions of "attempt" and "prepare" were.

47. On question 18 of the list of issues she asked for further information on the process of judicial review available to a person directed to undergo mandatory temporary psychiatric treatment.

48. **Mr. Salvioli** noted that the State party had not ratified the extremely important Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment. The Committee against Torture had made recommendations to the State party on actions to be taken to prevent and punish torture, since few cases of torture or ill-treatment were investigated properly and very few convictions had been handed down. The State party had emphasized that there had been rulings, trials and sentences affecting the perpetrators of ill-treatment and torture, but official statistics provided by the Public Prosecutor's Office showed an imbalance: more than 90 per cent of cases of violence against police officers or public officials were followed up, whereas reports of ill-treatment by police officers or public officials were less likely to be followed up. During the protests that had taken place in Budapest in 2006, of the 200 complaints against the police 164 had been filed, 24 were awaiting follow-up and only 2 had culminated in conviction. He asked how the State party guaranteed that reports of claims of ill-treatment in detention facilities would be followed up by an independent physician rather than a prison doctor.

49. **Mr. Thelin** said that as a State member of the EU, Hungary had refined its human rights network. That notwithstanding, the Committee had been informed that Budapest was known as the anti-Semitic capital of Europe. Question 14 of the list of issues had not been answered. It remained unclear what the legal basis was for short-term arrest, and he would appreciate clarification of that issue. He wished to know when measures would be taken to ensure that a proper legal foundation was established for short-term detention. With regard to pretrial detention, the Committee had been informed that there were currently 4,578

persons remanded in custody and that that number was increasing. He asked what was being done to reduce the average duration of pretrial detention, which could be extended for up to three years. He wished to know what alternatives to pretrial detention were used, and whether the time spent in pretrial detention was mandatorily deducted from any prison sentence handed down, or whether such deduction was made at the discretion of the judge. He asked if any compensation was given to detainees who had spent more time remanded in custody than the duration of their final sentence.

50. Turning to question 15, he said that the Committee had been informed by NGOs that the lawyers assigned to suspects during the early stages of a judicial investigation operated in close collusion with the police. He understood that they were actually assigned by the police, perhaps with the support of the prosecutor, rather than by the court. When the State party's fourth periodic report had been reviewed, the Hungarian Bar Association had expressed similar reservations regarding the system of public legal defenders. Defenders themselves were apparently reluctant to accept such assignments because they were then perceived as acting on behalf of the State. He asked whether there had been any improvement in the quality of legal defenders. The written reply to question 15 mentioned both mandatory and statutory defence counsel. The distinction between the two was unclear.

51. With regard to question 17, the State party claimed that there had been some improvement in the detention conditions of foreigners who were taken into custody on entering the country. The Hungarian Helsinki Committee disagreed. He requested further information on their right to medical treatment and to fulfilment of their other basic needs.

52. The Committee would be interested in hearing about the Government's long-term plans to deal with prison overcrowding. Although there had been a decline in overcrowding from 135 to 120 per cent, the figure was still far too high. More vigorous action should be taken to introduce alternatives to imprisonment, such as electronic monitoring and extended parole schemes. In that context, the penalty of mandatory life imprisonment without parole and the "three strikes and you're out" scheme worked in the opposite direction.

53. **Mr. Bouzid**, commenting on the State party's reply to question 16, commended the positive measures taken to improve the provisions for the protection of asylum-seekers, stateless persons and refugees. For instance, Hungary had acceded to the 1961 Convention on the Reduction of Statelessness and was providing special accommodation for children of asylum-seekers.

54. However, the Hungarian Helsinki Committee and other NGOs had emphasized the need for more effective action. The detention regime for asylum-seekers was the rule rather than the exception, and holding conditions were very harsh. Nine prisons that had been closed in 2004 and 2005 on account of their poor condition had been reopened in June 2010 without having been refurbished or renovated. Hygiene conditions were extremely poor in some prisons. Detainees were locked in their cells all day and only allowed out to take a shower. No psychosocial assistance was provided. Prison guards and police officers dealing with foreign detainees had received little or no specialist training. As a result, more and more incidents such as arson and physical violence were occurring in the most crowded detention centres.

55. The Office of Immigration and Nationality allegedly continued to keep asylum-seekers in custody beyond the maximum pre-assessment period of 15 days. The Chief Public Prosecutor had called for the cessation of such practices but the Office had apparently ignored his request.

56. Foreigners who were apprehended by the police for unlawful entry were immediately detained even if they applied for asylum. Exceptions were made for families with minor children or unaccompanied minors, but pregnant women and married couples

were detained. There were also no real safeguards against refoulement, especially on the Hungary-Ukraine border, where asylum-seekers, especially those from Somalia and Afghanistan, were automatically turned away.

57. Although the possibility of judicial review of the detention of asylum-seekers existed on paper, it was reportedly merely a formal procedure. The reasoning for the decisions taken was laconic, and the facts and related risks were not adequately assessed.

58. He asked what action the Government proposed to take to address those problems.

59. **Mr. Rivas Posada** noted that the State party had referred to a provision of its Criminal Code concerning Holocaust denial in its replies to question 3 concerning racial violence and question 20 concerning incitement to racial hatred. While the denial of historical facts could certainly be motivated by racial hatred, it could not be assumed to involve incitement or to entail racial violence. A number of States parties had begun to introduce such concepts of alleged criminal behaviour although the conduct concerned often fell under the heading of freedom of expression. He enquired about the precise definition of the offence and asked whether any cases of Holocaust denial had given rise to legal proceedings.

60. **Sir Nigel Rodley** noted that, according to the State party's reply to question 3, article 269/C of the Criminal Code on public denial of the Holocaust was to be amended to include denial of the genocides committed by the communist regime. He asked which genocides would be covered by such an amendment.

61. The Council of Europe's Committee for the Prevention of Torture had recently published a report on a visit to Hungary in 2009. It had noted that criminal suspects could be held in police custody for up to 72 hours. Had the State party considered reviewing the time limits applicable to police custody?

62. That Committee had also been surprised to find that some detainees were still remanded in detention in police facilities after appearing before a judge. In that context, it welcomed the fact that judges had recently stopped authorizing the detention of remand prisoners in the Miskolc police holding facility. According to the Committee, persons who had committed misdemeanours could be detained for up to 10 days in police facilities. Were there any plans to end such practices?

63. The State party now permitted video-recording of the questioning of suspects if the latter were willing to pay for the recording. However, suspects at the lower end of the socio-economic scale, who were most likely to suffer abuse, would probably be unable to pay such fees. He pointed out that if the State assumed full responsibility for video-recording, interrogators would also benefit since they could not be improperly accused of using abusive methods.

64. **Ms. Chanet** said she agreed with Mr. O'Flaherty that the written replies were inadequate and that a parliamentary commissioner could not meet the requirement of independence laid down in the Paris Principles.

65. She asked whether persons held in police custody were informed of their right to remain silent at the time of arrest. She also wished to know whether the period of police custody varied in relation to the offences allegedly committed and whether suspects had access to a lawyer during the period prior to their appearance before a judge.

66. **Mr. Bhagwati** enquired about the legislative provisions safeguarding the independence of the judiciary. How was a judge's tenure secured and what provision was made for the removal of judges?

67. He asked how much time elapsed between a person's arrest and trial. Was there any statute or executive provision concerning access to legal aid or advice during the trial?

68. **Mr. Székely** (Hungary) said that the Committee's criticism of the written replies, which had been drafted by the previous Government, was justified. He hoped that the new Government would make every effort to provide the missing information.

69. **Ms. Izsák** (Hungary) said that Hungary was not seeking to assimilate the Roma but to integrate them. There were some areas, such as cultural and anti-discrimination policies, in which it was important to identify who belonged to the Roma community. If a programme was intended to benefit the Roma, ethnic data were clearly required. The new Government had already begun discussing the matter with the ombudsmen dealing with data collection and minority issues. Students seeking to benefit from the Roma scholarship programme also needed to identify themselves as Roma.

70. The Public Foundation for Hungarian Gypsies administered a Roma Cultural Fund and teachers were offered training courses in the Romany language. Roma were targeted not on account of their ethnic background but because of their social or economic characteristics. Many projects were being undertaken in support of socially disadvantaged Roma communities, such as the allocation of desegregated housing. Almost 400 families had been moved into an integrated environment. Funds were also provided for Roma small and medium-sized businesses, and public employment programmes offered assistance to job-seekers. If the funding programmes for disadvantaged groups were targeted too broadly, however, there was a risk that those with powerful friends would obtain the funds rather than the Roma community. More accurate monitoring and assessment were therefore necessary.

71. **Mr. Székely** (Hungary) said that the article in *Der Spiegel* referred to by Mr. Thelin was very biased. It was motivated by the political frustration of certain intellectual supporters of the former socialist Government who feared that the new Government, with its two-thirds majority in parliament, might undermine democratic standards. No evidence was provided by the person interviewed by the magazine and it was unprofessional to draw conclusions from the opinions of just one commentator without investigating the facts.

72. **Mr. Ligeti** (Hungary) said that the Police Act established the legal basis for short-term arrests, but it was not as strict as the basis for criminal detention. Short-term arrests were sometimes necessary in order to establish the identity of the suspect, who could be held in such cases for four hours initially plus two additional four-hour periods if necessary.

73. The total number of suspects remanded in custody had increased but he was unable to provide statistics immediately. The increase made it difficult to meet the requirement of a fair trial within a reasonable period.

74. The time spent in pretrial detention was invariably deducted from the penalty handed down. He was unaware of any case in which it had exceeded the duration of the penalty, but he was confident that some form of compensation would be provided in such cases.

75. The assignment of ex officio defence counsel was a difficult issue in every legal system. The terms "mandatory" and "statutory" in that context were synonymous. He assured the Committee that there was no material or legal evidence to support the charge that defence counsel were partial, even if they were assigned by the police or the prosecution. Any complaint about the quality of the services provided by mandatory counsel would be addressed by the Bar Association.

76. Prisons in the major cities were overcrowded, but the opposite was the case in other parts of the country. Moreover, the city prisons housed both convicted and remand prisoners, particularly since the latter needed to be held in a facility that was within easy reach of the authorities conducting the legal proceedings.

77. The penalty of mandatory life imprisonment without parole and the “three strikes and you’re out” scheme had no impact on the prison population. Only about 15 prisoners were serving mandatory life sentences. The “three strikes and you’re out” scheme had been adopted recently and would affect only a small proportion of offenders.

78. With regard to non-custodial sentences, he pointed out that between 120,000 and 130,000 persons were convicted of offences every year but only between 10,000 and 12,000 were sentenced to a prison term. Hence, less than 10 per cent of penalties were custodial.

*The meeting rose at 6.00 p.m.*