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Summary record of the 1994th meeting

Held at Headquarters, New York, on Friday, 22 March 2002, at 3 p.m.

Chairperson: Mr. Bhagwati

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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)*

Fourth periodic report of Hungary (CCPR/C/HUN/2000/4) (continued)

List of issues (continued)

1. *At the invitation of the Chairperson, the delegation of Hungary took places at the Committee table.*

2. **The Chairperson** invited the Committee to put further questions to the delegation concerning their replies to the list of issues.

3. **Mr. Solari Yrigoyen** said that the peaceful democratic transition in Hungary over the past decade had clearly had a positive impact on the country's human rights situation. He was concerned, however, that the Covenant had yet to be fully incorporated into domestic law and that it was viewed as being in some way subsidiary to the European Convention for the Protection of Human Rights and Fundamental Freedoms. It was not after all for the State to determine which instrument a victim should invoke. The delegation should explain what measures were being implemented by the Government to improve the participation of minorities in democratic decision-making. He wondered whether the placement of Roma children in "special schools" actually served the purposes of integration in the long term.

4. He would also appreciate further information on anti-discrimination provisions in domestic legislation since — as far as he understood — the State party had no anti-discrimination law as such. The delegation should also detail concrete measures being undertaken to combat the alarming manifestations of racial hatred by neo-Nazi groups in Hungary and explain the absence of data on the number of persons prosecuted and sentenced in that connection. Reports of racist statements on the part of Government and other officials were particularly worrying. The delegation might also clarify on what grounds an ethnic group was recognized as a minority under Hungarian law.

5. **Mr. Ando** said that he, too, would welcome further information on the status of the Covenant in domestic law. The delegation should also comment on

the fate of the bill to establish an administrative tribunal that had been mentioned in the previous periodic report. According to non-governmental sources, as many as 80 per cent of pregnancies in Hungary ended in abortion, with 50 per cent of the terminations being requested by married women. The delegation should detail measures being undertaken to promote the use of contraceptives.

6. **Ms. Medina Quiroga** expressed concern over reports of difficult access to contraceptive devices and safe abortion in Hungary. She had been alarmed to read a brochure — apparently sponsored by the Government — which contained misinformation on the deleterious effects of abortion on a woman's health. Although abortion should not be promoted as a means of family planning, it was often a necessity, especially for victims of rape, or for women whose lives were in danger. The delegation should also describe the Government's policies on domestic violence and indicate what measures were in place to deal with the associated psychological trauma. In particular, she was concerned that domestic law might actually discourage women from reporting rape.

7. **Sir Nigel Rodley** requested the delegation to comment on an apparent contradiction between the Police Act and police service regulations concerning the use of firearms against persons escaping from prison. It was not clear whether the 12-hour "detention on suspicion" was deducted from the 72-hour "administrative detention" that could be imposed without a judge's order. It appeared that poorer people would not have access to a lawyer during that critical period when detainees were at their most vulnerable. He wondered whether the Government had given any thought to recording interrogations in order to discourage abuse.

8. A further cause for concern was the persistent practice of prolonged detention in police premises, where the most serious abuses occurred. Hungarian law was clearly imperfect in that connection. It appeared that the inordinate numbers of detainees in police lock-ups in Hungary could partly be explained by prison overcrowding. It was not, however, a solution to the problem. The excessive use of the 12-hour detention period as compared to the 72-hour period suggested that it was being used by police primarily for the purposes of calling persons to account.

9. **Mr. Henkin** said that every issue appeared to relate back to the Roma, as if there were no non-Roma problems in Hungary. Over and beyond legislative initiatives, the delegation should describe concrete measures being implemented to deal with such a long-standing issue, in particular any efforts to change attitudes towards the Roma. Particularly alarmed at the reports of discriminatory language used by persons in authority, he would also welcome information on training programmes for the police and other officials in the area of non-discrimination. Details of any joint programmes being implemented at the bilateral level would also be welcome, as would clarification of the Government's position on non-refoulement. He was also concerned that measures being implemented by the Government to counter terrorism in the wake of 11 September 2001 should be consistent with human rights considerations.

10. **Mr. Shearer** asked the delegation to comment on the impact of apparent budgetary shortfalls on the judicial system. The Committee would also appreciate information on the so-called "Anti-Mafia Act" of 1999, which was reportedly being used to deal with street prostitution. He was concerned that a broad notion such as "mafia" was particularly open to abuse, reminiscent of the term "hooliganism" favoured by a former regime.

11. **Mr. Hóltzl** (Hungary), responding to the Committee's questions, said that the State party would attempt to provide more statistics in its next report, in order to give a clearer picture of the country's achievements. Although there was no anti-discrimination law as such, the courts were satisfied with the situation, since there were anti-discriminatory clauses in a variety of legislative acts, inter alia on education and labour, and in the Code of Criminal Procedure. The medium-term action plan adopted by the Government in 1999 dealt with the Roma's social, economic, cultural and educational problems. Moreover, a 10-year plan was currently being prepared with the involvement of the Roma community, non-governmental organizations and representatives of various State agencies.

12. He would convey to his Government the need for greater participation of women in political decision-making, however experience had shown that a quota system was unworkable in Hungary. The country's prison system, despite being overcrowded, remained consistent with international norms, as confirmed by

the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment. With regard to Mr. Klein's earlier question concerning article 54 of the Constitution, the Constitutional Court had often asserted that interference with human dignity constituted a deprivation of fundamental human rights.

13. As to the actual numbers of detainees, there were a total of 17,275, about 13,000 of whom had been sentenced and the remainder were being held on remand, almost one third of them in police lock-ups; in the prisons, approximately 200 were held under compulsory medical treatment and 60 in confinement. It was very difficult to estimate whether Roma detainees were overrepresented in the prisons because the State was forbidden to gather data on the basis of ethnic identity. Any figures known to the Government came from non-governmental-organization sources such as the Hungarian Helsinki Committee's shadow report.

14. The Education Act had been amended to make parental approval a pre-condition for placement in the so-called special schools, where the preponderance of Roma pupils was considered by the Roma community to be segregation. In the political process, there had been no racial slurs against the Roma during the elections, for all the political parties had concluded agreements with the representatives of Roma associations; and there had been Roma candidates from the ruling and the opposition parties. With regard to self-identification, it was possible under the law for persons to identify themselves as belonging to two different minorities — for instance, as being both Roma and German. The Government was, however, still trying to find a way of combating the "cuckoo" effect of having non-members of minorities arrogate minority prerogatives.

15. He assured the Committee that the term "level of development" used with regard to the employment of women and young people was intended to apply only to young people. In its concept of the state of emergency and its provisions governing it, Hungary's Constitution had been modelled on the Covenant, where article 14 was non-derogable. Access to the courts was at all times guaranteed, but proceedings could be suspended during states of emergency. In the interest of combating terrorism in the wake of 11 September 2001, the Government had introduced a bill imposing certain economic restrictions that did not require Parliamentary approval, such as 90-day

restrictions on transfers of money or on imports and exports, if such restrictions were ordered by the United Nations Security Council or the Council of the European Union. An amendment to the Criminal Code also extended criminal liability to persons who supported terrorism, financially or otherwise.

16. All judicial appointees were required to have a university law degree and three years of court practice, to have passed special exams and served for one year as secretary of a court. A career exam had been instituted in 1998, with recruitment by open competition. Judges were appointed for three years and, following a peer evaluation, received indefinite appointments. An independent body, the National Council for the Administration of Justice, made the evaluations and took disciplinary actions as well. Judges were relieved of their office once they reached the age of 70 or were removed if they were the subject of disciplinary or criminal penalties. The National Council also proposed the budget for the courts, which, after review and comment by the Ministry of Finance, was adopted by Parliament.

17. **Mr. Bárd** (Hungary) said that in criminal complaints against police violence, the burden of proof rested with the victim. The evidentiary standards were clearly lower in civil cases, but disciplinary judgements rarely provided redress. The Hungarian Bar Association believed that State-sponsored legal aid services were alien to the Hungarian legal culture and that the public would not trust public defenders as it did the authority of the Office of the Public Prosecutor, and therefore the idea of public defenders had been dropped. He himself disagreed with that position. All, however, were agreed on the need to improve the quality of lawyers appointed ex officio in the case of indigent defendants. All defendants had the right to defence counsel, which they could refuse; but their appointment was mandatory in certain cases on the basis of the age or the mental incapacity of the defendant, or the gravity of certain crimes.

18. He agreed that 60 days in police lock-up was a long period and, indeed, the Ministry of Justice proposal had been six days, on the basis of a court order. The 12-hour arrest period was deducted from the 72-hour period, and there had definitely been problems of access to a lawyer in those crucial 72 hours. Prison overcrowding was not due to an insufficient number of prisons. The problem was that the probationary service had collapsed, and its overhaul as an alternative to

prison would be the next order of business in the revision of the Criminal Code. In the ongoing revision of the Criminal Code, the provisions regarding violence against women were being scrutinized and proposals considered with regard to self-defence and the value of restraining orders. The current provisions on bodily injury encompassed also psychic suffering, which was taken into account in the 8-day recovery rule.

19. **Mr. Hóltzl** (Hungary) said that the Covenant and the European Convention on Human Rights had the same status: both, having been promulgated by Parliament after a thorough scrutiny of the Hungarian legal system, could be directly invoked in the courts. It should be noted that, when the Hungarian Constitution had been amended, the Covenant had been used as a model. The representation of minorities in Parliament was, again, a sensitive issue because members of Parliament could not be asked about their minority affiliation and no such statistics were kept. There were no Roma representatives currently in Parliament. A minority had to have been living for at least 100 years in Hungary to be considered a national or ethnic minority, entitling it to special status and rights such as self-government and Government funding. That did not mean, however, that there were no other minorities identified as such.

20. The proposal to establish administrative tribunals referred to in the previous report had not been adopted, and administrative cases were now tried in the civil courts. A special Supreme Court panel also dealt with certain administrative cases. Abortion was possible for married women, but it was not advertised and the laws discouraged it. In general it was considered the family planning means of last resort. Abortion was available in serious instances of physical, psychological or social crisis for the mother or danger to her. The Anti-Mafia act was intended to combat organized crime, to which prostitution was indeed related. The Government had to find a balance between society's need to have prostitution kept out of sight and its treaty obligations to prevent sexual exploitation and trafficking in women, but the provisions on prostitution might eventually need review. Questions left unanswered would be dealt with in Hungary's next periodic report.

21. **The Chairperson** invited the delegation to address the remaining issues in the list of issues.

Freedom of movement (article 12 of the Covenant)

22. **The Chairperson** read out the questions relating to article 12: cases in which restrictions could be imposed on the right to leave the country, and progress made in amending the relevant legislation (report, para. 187).

23. **Mr. Hóltzl** (Hungary) said that in the past six years Hungary's legislation had been amended because his country's accession to the European Union had required its harmonization with European Union law. In the process, Parliament had adopted Act XII of 1998 on travel abroad, incorporating the provisions of article 12 of the Covenant: a valid travel document — passport or identification card — was a formal requirement. Citizens' travel abroad could, however, be restricted if they were being tried for a crime punishable by five or more years' imprisonment, were in detention on remand or for the purpose of extradition, under arrest or under provisional compulsory therapy, under house arrest, or sentenced to serve a prison term, had significant unpaid court-assessed debts or had had their travel documents revoked when accused of committing a crime punishable by three years or more. Members of the armed forces could travel abroad but had to report such travel. The travel documents of minors could be revoked at the parents' request.

Privacy and non-discrimination (articles 17 and 26 of the Covenant)

24. **The Chairperson** read out the question relating to articles 17 and 26: the status of homosexuals in Hungarian law and practice, and whether discrimination on that ground was prohibited.

25. **Mr. Hóltzl** (Hungary) said that the Constitution provided that the human rights and civil rights of all persons in the country should be respected without discrimination on the basis of race, colour, gender, language, religion, political or other opinion, national or social origin, birth or any other grounds whatsoever. Those other grounds included discrimination on the basis of sexual orientation. The Civil Code considered discrimination a breach of the inherent rights of a person, and prohibited discrimination on the basis of sexual orientation under the concept of "any other grounds." Homosexual couples in common law marriages enjoyed the same protection as did men and women in similar arrangements.

26. A recent case had shown that the civil law provided an effective remedy for discrimination against homosexuals. In 2001, a mayor had requested the organizers of a youth festival in Budapest to refrain from carrying out information and awareness programmes on homosexuality. That had been challenged before a civil court, and by an interim order the programme had gone ahead. The court had then ruled that the intended restriction was discriminatory and unconstitutional.

Freedom of religion and conscience (article 18 of the Covenant)

27. **The Chairperson** read out the questions relating to article 18: the compatibility with article 18 of the draft amendments to the Law on Freedom of Conscience and Religion; Hungarian tax law, which granted an advantageous status to the "established churches"; and whether military service was compulsory, and whether there was alternative civil service for conscientious objectors.

28. **Mr. Hóltzl** (Hungary) said that the Law on Freedom of Conscience and Religion, adopted in 1990, established only one criterion for the registration of a church: that at least 100 people should request it. That provision had, however, been abused by groups whose activities were unrelated to religious belief. The amendments therefore offered additional criteria and attempted to define the notion of a religion, without prejudice to the freedom to manifest other beliefs collectively as long as illegal activities were not involved. It would restrict the acquisition of church status but would not restrict the manifestation of religious beliefs that did not conform to that definition.

29. The draft amendments specified that religion was an ideology or philosophy which contained systemic convictions about the supernatural, whose doctrines related to all reality, and which covered the whole human personality and set standards for behaviour which did not infringe on morals or human dignity. It further stipulated that an activity was not religious if it was primarily political, psychic, commercial, educational, cultural, social or medical, or primarily pertained to sports, children, or youth protection activities. The draft amendments also altered the registration rules in order to ensure uniform application of the law, and allowed for different treatment of certain churches based on their differing roles in

society. Its adoption would require approval by a two-thirds majority in Parliament.

30. Since January 2001, all registered churches were entitled to claim back value added tax (VAT). The phrase “those churches having a contract with the State”, which the Committee referred to as “established churches,” had been eliminated. That notion was historical and political rather than legal. The term “historical churches” applied to churches that had existed and held property before 1948 and was invoked only with a view to restoring property previously owned by them. The law also provided that all registered churches could deduct a percentage of direct contributions from their income tax, and permitted taxpayers to allocate 1 per cent of their income to the church of their choice. There were currently 104 churches on the tax list. All registered churches could request to appear on that list; in case of refusal, judicial review was available.

31. Under the Constitution, all citizens were obliged to defend the fatherland. All men who were citizens and who lived in Hungary were required to perform armed or unarmed military service or, under certain conditions, could perform alternative civilian service. Persons wishing to perform unarmed service or alternative civilian service must submit a request to the competent authorities before taking the military oath. No person could be called up for duty before a final decision was rendered. The request could be denied if it was determined that the claim of a conscientious objector was ill-founded, in the event, for instance, that the person making the request had committed a violent crime or behaved in a violent manner. If that could not be established, the request must be granted. A person whose request was denied could appeal to the courts.

32. The length of armed and unarmed military service was six months, and the length of alternative civilian service was nine months. Alternative civilian service could involve work at health and social-care institutions, child or youth protection institutions, cultural or educational institutions, environmental institutions, or fire stations. In 2001, almost 19,000 men had performed armed military service, nine had performed unarmed military service, and nearly 6,500 had performed alternative civilian service.

Freedom of opinion and expression and the right to receive information (article 19 of the Covenant)

33. **The Chairperson** read out the questions relating to article 19: measures to ensure that Hungarian television was independent from political pressure; ensuring the independence of the members of the National Radio and Television Commission (ORTT) in law and practice; more information on the State Secrets and Official Secrets Act, and the extent to which it restricted the right to receive information, in particular, information held by the public authorities.

34. **Mr. Hölzl** said that the Constitution guaranteed freedom of speech, and that the press and the Government respected that right in practice. In Hungary, a wide variety of opinions was available in the print and broadcast media, which were highly competitive. The Media Law had been adopted with a view to fostering free, independent electronic media. In addition, the Constitutional Court had ruled that the content of public service programmes could not be influenced by social groups or State organs, including parties represented in Parliament or in the Government.

35. In 1996, Parliament had adopted an act establishing public foundations for Hungarian radio and television, and setting out specific rules for the election and functions of foundation board members. It also determined that media boards were responsible for management. The members of the boards were elected by Parliament or appointed by social organizations or interest groups. Half of the members elected by Parliament represented the opposition parties, and half represented the Governing parties. Board presidents were elected by Parliament on the proposal of the governing parties, the vice-presidents on the proposal of the opposition parties. The boards, including the members elected by the social organizations, had real responsibilities in the public foundations. Since board presidents could not have direct influence on the content of public radio and television programmes, the political parties could not directly influence the programmes.

36. The act also contained provisions regarding the National Radio and Television Board, whose main task was to protect and promote freedom of expression. That body assisted new broadcasters, eliminated monopolies, fostered the independence of broadcasters and submitted an annual report to Parliament. The five members of the Board were elected by Parliament for

four-year terms, and could not be removed; nor were they permitted to be involved in the activities of political parties. Each parliamentary faction could propose a candidate; the President and the Prime Minister of Hungary presented a joint proposal for the Commission's presidency.

37. The State Secrets and Official Secrets Act defined the difference between State secrets and private secrets and provided that an authorized officer must determine whether access to them or publication of them would violate or endanger the vital interests of the State or the operational order of an organ carrying out State or public duties. The Act provided 151 categories of State secrets. There were about 500 categories of service secrets; those were transmitted to the Ombudsman for Data Protection who examined and published the list in the Hungarian official journal. The Act also specified the rules for the classification procedure and called for a review, at least every three years, of each classification to ensure that data were classified as secret only as long as was absolutely necessary.

38. The Minister of the Interior supervised the implementation of the Act on the national level. The protection of State secrets was an official administrative activity and was independent from the national security services. That was considered a constitutional achievement. Requests for information on classified data were considered by the authorized officer responsible for the classification. He could choose to permit access or deny the request for access. The person requesting the information could, if his request was denied, appeal to the courts. According to the 1999 report of the Ombudsman for Data Protection, no administrative organs had denied any request for information on the basis of State or service secrets during that year.

Right to vote (article 25 of the Covenant)

39. **The Chairperson** read out the question relating to article 25: the compatibility with article 25 of the deprivation of prisoners of their right to vote, and of the requirement that a person must be "staying in the territory of the country" in order to exercise the right to vote.

40. **Mr. Hölzl** (Hungary) said that, since article 25 provided for the right to suffrage without unreasonable restrictions, any restriction on the right to vote must be reasonable. It was important to recall that that

restriction was accepted by many States. The Hungarian Constitution provided that a person's right to liberty and right to vote could be restricted if he committed a criminal offence. That was not a matter of convenience but of principle, and was part of the punishment imposed by the court. Accordingly, detainees on remand were not prohibited from voting. In the view of the Government, that restriction was proportionate and justified, and therefore not unreasonable within the meaning of article 25.

41. The requirement of residence and presence in Hungary on election day in order to vote limited the right to vote of two categories of nationals, those who did not reside in Hungary and those who resided in Hungary but were abroad on election day. Since any person either of whose parents was Hungarian could obtain nationality, persons who did not reside in Hungary were considered to have insufficient ties with the country. Since elections were scheduled several months in advance, persons who resided in Hungary could schedule their holidays accordingly; although persons travelling on business might not have that choice, they were less likely to find the time to vote, in any event. Therefore there were relatively few people affected by the requirement to be in the country. In the view of the Government, the burden and cost of providing absentee election arrangements was disproportionate to the number of people who would consequently be able to vote.

Dissemination of information relating to the Covenant and the Optional Protocol (article 2 of the Covenant)

42. **The Chairperson** read out the questions relating to article 2: the steps taken to disseminate information on the periodic reports and on their consideration by the Committee, in particular its concluding observations; steps taken to hold consultations with non-governmental organizations and concerned members of the public during the preparatory process for the fourth periodic report; information on training and education on the Covenant and the Optional Protocol procedure provided to the judiciary and to public officials; steps taken to increase awareness of the Covenant and the Optional Protocol procedure among the general public, including minorities.

43. **Mr. Hölzl** (Hungary) said that, following the consideration of the third periodic report, the members of the delegation had held a detailed discussion with the Constitutional and Human Rights Committees of

Parliament, had informed them about the reporting system, the issues raised and the answers given, and had acquainted them with the concluding observations. The report and concluding observations had also been made available on the Internet. Education on human rights protection, including the Covenant, was part of the core curriculum of history and constitutional studies of Hungarian primary school education. History and civic education classes at the secondary level provided more detailed information about the field. At the university level, the law faculties and police academies and the University of Economics and State Administration offered comprehensive human rights programmes. In addition, members of the judiciary occasionally participated in special courses on new developments in the field of law, which included matters of human rights. The Supreme Court published special bulletins on the international application of human rights standards.

44. Furthermore, training programmes for prison staff were required to cover the subject of the international human rights instruments, including the Covenant. In addition, the Covenant was an integral part of Hungarian law, and consequently its text was available to all. In cooperation with Roma community houses, the Office for National and Ethnic Minorities had set up a national information network, whose database contained the laws and rules governing the domestic and international protection of the Roma and was also accessible to all. In conjunction with the Ministry of Foreign Affairs, the Office was also planning to hold courses to acquaint Roma with those standards.

45. **The Chairperson** invited the members of the Committee to raise additional questions and to offer their comments.

46. **Mr. Amor** said that he was impressed by Hungary's legal and political willingness to make advances that would further the protection of human rights. Much remained to be done, and the means was as important as the end. The liberal approach adopted in the Law on Freedom of Conscience and Religion was surely a reaction to the anti-religious excesses of the former regime. He would like more information on the abuses committed under that law and on the manner in which Hungary had handled those abuses. A new draft law had met with controversy; certain religious groups had found it too restrictive. As far as he knew, there was no definition of religion that had met with unanimous approval. The question arose whether it was

possible to define religion, since any definition was open to debate, and whether it fell to a State to say what a religion was or was not. It was better, in his view, not to attempt a definition so as not to cast judgement on the convictions of others. Wasn't conviction, after all, an inner matter?

47. A State should respect religion; attempting to define it caused more problems than it solved. He would like to know, in that regard, how many communities, groups or churches were registered in Hungary, and why. The delegation should also indicate what the criteria for church registration were, and whether, in the view of Hungary, those criteria were compatible with article 18. There had been reports that asylum-seekers were having difficulties observing their religious requirements with regard to fasting, prayer and food. He wondered how many people were affected by that problem and whether the situation had improved. The head of the delegation had spoken of "churches": the Committee would like to know whether that meant religions in general, and whether the notion of religion was restricted to churches. It would also be useful to know whether Hungary had taken any measures to promote the study of comparative religions, since ignorance was often a source of intolerance.

48. **Mr. Rivas Posada**, referring to paragraphs 288 to 299 of the report, wondered whether there were any firm grounds for bringing to justice those who might have been found guilty of crimes against humanity. Specifically, he wanted to know whether, since the date when the report had been written, any solution had been found to make it possible to confirm the fact that persons who were found guilty of crimes against humanity could be brought to justice without the problems described in those paragraphs, especially paragraph 299.

49. **Mr. Ando** sought clarification about the remedy referred to in paragraph 336 and information about cases where that provision had actually been applied. Turning to paragraph 357, he wanted to know why the special dispensation for trade union officials had been reduced to less than two hours.

50. **Mr. Klein** said that, while he was grateful to the Hungarian delegation for its answers to his query regarding the Kulomin case, what the Committee actually wanted to know was what had happened to

Mr. Kulomin following the Committee's recommendations.

51. **The Chairperson** asked whether the Covenant had been incorporated into domestic law and whether it could therefore be directly invoked by any citizen before the courts for the purpose of enforcing their rights under the Covenant.

52. **Mr. Hóltzl** (Hungary) said that the Covenant had been incorporated into Hungary's legal system and could be invoked before the courts in Hungary. Concerning freedom of religion, the definition of religion or religious beliefs, he noted that, because of the plethora of sects emerging in Hungary, no attempt had been made to lay down any definitions. Moreover, the law had not changed and the only requirement for a new church to be registered was at least 100 signatures. The Government was in the process of returning the property confiscated from the Catholic, Lutheran and Protestant churches as well as from the Jewish community in 1949. Most of the property, especially educational institutions, had been given back as well as some hospitals.

53. The religious requirements of asylum-seekers with regard to fasting, prayer and food were respected. Indeed, the law in that regard had been amended as of 29 May 2000, when a new office had been established and, according to information from the Office for Immigration and Naturalization, a new practice had been introduced as from 1 January 2002. His delegation would provide in writing the most recent figures on how many asylum-seekers received special diets. In 1999, 11,499 procedures had been instituted in cases of asylum-seekers; that figure in 2000 had been 7,801.

54. **Mr. Bárd** (Hungary) said that, according to the decisions of the Constitutional Court, the statute of limitations did not apply to crimes against humanity committed during the 1956 revolution. However, the Supreme Court had rendered conflicting judgements. It now had a permanent jurisprudence which had been used to convict some persons for crimes against humanity. Unfortunately, due to the advanced age and delicate health of those convicted, only suspended sentences had been handed down and no imprisonment had been imposed.

55. **Mr. Hóltzl** (Hungary) said that his delegation would provide written answers to the questions posed by Mr. Klein and Mr. Ando.

56. **The Chairperson**, in his closing remarks, congratulated the Hungarian delegation for its excellent report and its detailed and comprehensive answers to the written and oral questions posed by members of the Committee. However, had the supplementary information provided orally and in writing been included in the original report, it would have given members of the Committee a clearer understanding of the human rights situation in Hungary. The report and the answers provided by the delegation had clearly demonstrated that Hungary had made tremendous progress in strengthening its democratic institutions and had taken significant steps towards the establishment of a human rights regime by lifting a number of legal measures. However, it was not enough to make laws. It was necessary to ensure their implementation and to make human rights meaningful to the people at the grass-roots level. The Government needed to convert the rhetoric of human rights into reality.

57. While the fruitful dialogue with the delegation had revealed a number of positive achievements, it had also revealed a considerable number of concerns that should be immediately addressed by the Hungarian Government. They included ensuring that the Covenant, especially the aspects relating to anti-discrimination, was incorporated into domestic law. Hungary must strike a balance between human rights and terrorism. The fight against terrorism should not make the Government oblivious to the imperative need to respect human rights. There was also the issue of ill-treatment by law enforcement agencies. The Government should move quickly to set up an independent agency to look into complaints of ill treatment by law enforcement officials and devise ways and means of bringing the perpetrators of such ill treatment to book.

58. Moreover, the situation of the Roma was still a source of considerable concern to all members of the Committee. Despite the steps taken by the Government, that situation — particularly unemployment rates, life expectancy and access to adequate education — had remained troubling. Hungary must do its utmost to ensure that the rights of the Roma and other ethnic minorities were ensured and protected. It was also necessary for the Government to address the issue of violence against women. Enacting laws in that regard was not enough. A certain human rights culture needed to be created; that could be done

only through proper training and education in various sectors of society. He hoped that the recommendations made by the Committee would be taken into account by the Government in the context of its laudable efforts to further improve the human rights situation in the country.

59. **Mr. Hóltzl** (Hungary) thanked the Committee for its remarks, questions and observations. His delegation would share those comments with all the country's competent authorities and with the public at large. It would also discuss the results of the meeting with members of Parliament and hoped that the dialogue would continue.

The meeting rose at 5.50 p.m.