

OVERVIEW OF THE IMPLEMENTATION OF LGBTQI-RELEVANT RECOMMENDATIONS RECEIVED BY HUNGARY IN THE UPR 2ND CYCLE – 25TH SESSION

*Annex to the joint submission by the Hungarian LGBT Alliance,
Háttér Society, Transvanilla Transgender Association, and Labrisz Lesbian Association*

Recommendation	Position	Full list of themes	Assessment/comments on level of implementation
Theme: A45 National Human Rights Institution (NHRI)			
128.32 Provide adequate resources and functional independence to the Equal Treatment Authority (India); Source of position: A/HRC/33/9/Add.1 - Para. 25	Supported	A45 National Human Rights Institution (NHRI) Affected persons: - general	Not implemented, Equal Treatment Authority abolished, see Para. 3.
Theme: A46 National Plans of Action on Human Rights (or specific areas)			
128.23 Develop and implement a National Action Plan on Human Rights to further ensure systematic and comprehensive approach for the promotion and protection of human rights, with the full engagement of the civil society (Indonesia); Source of position: A/HRC/33/9/Add.1 - Para. 8-12	Supported	A46 National Plans of Action on Human Rights (or specific areas) A61 Cooperation with civil society Affected persons: - general	Not implemented, no such action plan, see Para. 3.
Theme: A61 Cooperation with civil society			
128.36 Ensure consultation processes which allow a public debate and interaction with the independent civil society, with sufficient time during the drafting of new laws and public policies (Switzerland); Source of position: A/HRC/33/9/Add.1	Supported	A61 Cooperation with civil society A41 Constitutional and legislative framework Affected persons: - general	Not implemented, important legislation adopted without public consultation, see para 8, 36.
128.40 Improve both formal and informal dialogue and public consultation between the Government and civil society, including on proposed legislation with an impact on human rights (Czech Republic); Source of position: A/HRC/33/9/Add.1 - Para. 13-14	Supported	A61 Cooperation with civil society A41 Constitutional and legislative framework Affected persons: - general	Not implemented, important legislation adopted without public consultation, see para 8, 36.

Recommendation	Position	Full list of themes	Assessment/comments on level of implementation
<p>128.38 Refrain from targeting or restricting the activities of civil society organizations based on their political affiliation or their receipt of foreign funding (Australia);</p> <p>Source of position: A/HRC/33/9/Add.1 - Para. 13-14</p>	Supported	<p>A61 Cooperation with civil society H1 Human rights defenders</p> <p>Affected persons: - human rights defenders</p>	Not implemented, smear campaign against LGBTIQ NGOs, stigmatizing law on foreign funding still in place, see Para. 24-25,
Theme: A62 Statistics and indicators			
<p>128.30 Consider developing Human Rights Indicators as suggested by OHCHR as an instrument that allows for a more precise and coherent evaluation of national human rights policies (Portugal);</p> <p>Source of position: A/HRC/33/9/Add.1 - Para. 8-12</p>	Supported	<p>A62 Statistics and indicators</p> <p>Affected persons: - general</p>	Not implemented, no indicator framework developed, see Para. 3.
Theme: B31 Equality & non-discrimination			
<p>128.52 Enact comprehensive legislation that fully guarantees the application of the principle of non-discrimination and to ensure the full enjoyment of all human rights by every member of society (South Africa);</p> <p>Source of position: A/HRC/33/9/Add.1 - Para. 25</p>	Supported	<p>B31 Equality & non-discrimination A41 Constitutional and legislative framework</p> <p>Affected persons: - general</p>	Not implemented, no improvement to existing legislation, see Para. 5-9.
<p>128.39 Adopt measures to comply with provisions of the new Constitution including on combating discrimination and ensuring equal participation in political and public affairs by all citizens (Botswana);</p> <p>Source of position: A/HRC/33/9/Add.1 - Para. 13-14, 19, 25</p>	Supported	<p>B31 Equality & non-discrimination A41 Constitutional and legislative framework D7 Right to participation in public affairs and right to vote</p> <p>Affected persons: - general</p>	Not implemented, no measures adopted regarding LGBTIQ people, see Para. 5-9.
<p>128.48 Continue efforts to sensitize the public to combat discrimination on all grounds online to ensure that all rights are respected (Croatia);</p> <p>Source of position: A/HRC/33/9/Add.1 - Para. 29</p>	Supported	<p>B31 Equality & non-discrimination A54 Awareness raising and dissemination</p> <p>Affected persons: - general</p>	Not implemented, no such campaign regarding LGBTIQ people, see Para. 9.

Recommendation	Position	Full list of themes	Assessment/comments on level of implementation
<p>128.107 Adopt a hate crime investigation protocol and ensure that victims of hate crimes have effective access to the mechanisms of justice and redress (Islamic Republic of Iran); Source of position: A/HRC/33/9/Add.1 - Para. 29</p>	Supported	<p>B31 Equality & non-discrimination B32 Racial discrimination B51 Right to an effective remedy G1 Members of minorities Affected persons: - minorities/ racial, ethnic, linguistic, religious or descent-based groups</p>	Partially implemented, police and prosecution protocol adopted, no access to tailored victim support, see Para. 13.
<p>128.108 Identify efforts to combat all forms of discrimination and to ensure that hate crimes motivated by racism, xenophobia or other forms of discrimination are effectively investigated and perpetrators are brought to justice (Italy); Source of position: A/HRC/33/9/Add.1 - Para. 29</p>	Supported	<p>B31 Equality & non-discrimination B32 Racial discrimination B51 Right to an effective remedy G1 Members of minorities Affected persons: - general - minorities/ racial, ethnic, linguistic, religious or descent-based groups</p>	Partially implemented, some improvements in data collection and adoption of police and prosecution protocol, see Para. 5-13.
<p>128.72 Step up the efforts to combat all forms of discrimination and favour equality of opportunities and treatment, with special care and attention to those who are in a more vulnerable situation, such as persons belonging to the Roma community (Argentina); Source of position: A/HRC/33/9/Add.1 - Para. 26</p>	Supported	<p>B31 Equality & non-discrimination B32 Racial discrimination G1 Members of minorities Affected persons: - general - vulnerable persons/groups - minorities/ racial, ethnic, linguistic, religious or descent-based groups</p>	Not implemented, no measures adopted regarding LGBTQI people, see Para. 5-9.
<p>128.78 Protect persons who are marginalized and most vulnerable from intolerance, xenophobia, and other forms of discrimination (Canada); Source of position: A/HRC/33/9/Add.1 - Para. 29</p>	Supported	<p>B31 Equality & non-discrimination B32 Racial discrimination G1 Members of minorities Affected persons: - vulnerable persons/groups - minorities/ racial, ethnic, linguistic, religious or descent-based groups</p>	Not implemented, no measures adopted regarding LGBTQI people, see Para. 5-9.
<p>128.111 Further strengthen measures to combat hate speech and hate crime (Norway); Source of position: A/HRC/33/9/Add.1 - Para. 29</p>	Supported	<p>B31 Equality & non-discrimination B32 Racial discrimination G1 Members of minorities Affected persons: - minorities/ racial, ethnic, linguistic, religious or descent-based groups</p>	Not implemented, bias motivation often disregarded, no constitutional / civil law protection against homophobic and transphobic hate speech, see Para. 5, 12, 22.

Recommendation	Position	Full list of themes	Assessment/comments on level of implementation
<p>128.112 Strengthen measures to avoid hate speeches of all kinds in political messages and in the media (Peru); Source of position: A/HRC/33/9/Add.1 - Para. 29</p>	Supported	<p>B31 Equality & non-discrimination B32 Racial discrimination G1 Members of minorities Affected persons: - general - media - minorities/ racial, ethnic, linguistic, religious or descent-based groups</p>	Not implemented, no constitutional / civil law protection against homophobic and transphobic hate speech, see Para. 5, 22.
<p>128.49 Continue efforts in following up and monitoring any discrimination based on sex, race or any other form (Ethiopia); Source of position: A/HRC/33/9/Add.1 - Para. 25</p>	Supported	<p>B31 Equality & non-discrimination B32 Racial discrimination G1 Members of minorities F12 Discrimination against women Affected persons: - general - women - minorities/ racial, ethnic, linguistic, religious or descent-based groups</p>	Not implemented, no measures adopted regarding LGBTQI people, see Para. 5-9.
<p>128.121 Fight against discrimination based on the origin, gender and sexual orientation, by continuing its efforts in the implementation of the existing instruments (France); Source of position: A/HRC/33/9/Add.1 - Para. 24</p>	Supported	<p>B31 Equality & non-discrimination B32 Racial discrimination G1 Members of minorities F12 Discrimination against women G2 Lesbian, gay, bisexual and transgender and intersex persons (LGBTI) Affected persons: - lesbian, gay, bisexual, transgender and intersex persons (LGBTI) - women - minorities/ racial, ethnic, linguistic, religious or descent-based groups</p>	Not implemented, no measures adopted regarding LGBTQI people, see Para. 5-9.
<p>128.103 Implement effectively its legislation and policies against hate speech and hate crimes with particular focus on the human rights protection of Roma, Jews, lesbian, gay, bisexual, transgender and intersex persons and other vulnerable groups (Czech Republic); Source of position: A/HRC/33/9/Add.1 - Para. 29</p>	Supported	<p>B31 Equality & non-discrimination B32 Racial discrimination G1 Members of minorities G2 Lesbian, gay, bisexual and transgender and intersex persons (LGBTI) Affected persons: - lesbian, gay, bisexual, transgender and intersex persons (LGBTI) - minorities/ racial, ethnic, linguistic, religious or descent-based groups</p>	Not implemented, bias motivation often disregarded, no constitutional / civil law protection against homophobic and transphobic hate speech, see Para. 5, 12, 22.
<p>128.47 Reconsider policies on family, gender equality and non-discrimination (Bahrain); Source of position: A/HRC/33/9/Add.1 - Para. 15-16</p>	Supported	<p>B31 Equality & non-discrimination D8 Rights related to marriage & family F12 Discrimination against women Affected persons: - women</p>	Not implemented, family law provisions discriminating based on sexual orientation in place, see Para. 34-37.

Recommendation	Position	Full list of themes	Assessment/comments on level of implementation
<p>128.118 Adopt and implement a comprehensive strategy and action plan to tackle discrimination based on sexual orientation and gender identity (Australia); Source of position: A/HRC/33/9/Add.1 - Para. 24</p>	Supported	<p>B31 Equality & non-discrimination G2 Lesbian, gay, bisexual and transgender and intersex persons (LGBTI) Affected persons: - lesbian, gay, bisexual, transgender and intersex persons (LGBTI)</p>	Not implemented, no such document adopted, see Para. 3, 9.
<p>128.119 Adopt a strategy and a comprehensive plan of action to counterdiscrimination based on sexual orientation and gender identity (Chile); Source of position: A/HRC/33/9/Add.1 - Para. 24</p>	Supported	<p>B31 Equality & non-discrimination G2 Lesbian, gay, bisexual and transgender and intersex persons (LGBTI) Affected persons: - lesbian, gay, bisexual, transgender and intersex persons (LGBTI)</p>	Not implemented, no such document adopted, see Para. 3, 9.
<p>128.120 Take comprehensive measures to counter discrimination on the grounds of sexual orientation and gender identity (Colombia); Source of position: A/HRC/33/9/Add.1 - Para. 24</p>	Supported	<p>B31 Equality & non-discrimination G2 Lesbian, gay, bisexual and transgender and intersex persons (LGBTI) Affected persons: - lesbian, gay, bisexual, transgender and intersex persons (LGBTI)</p>	Not implemented, no such document adopted, see Para. 3, 9.
<p>128.122 Adopt a comprehensive strategy in order to combat discrimination based on sexual orientation and gender identity (Greece); Source of position: A/HRC/33/9/Add.1 - Para. 24</p>	Supported	<p>B31 Equality & non-discrimination G2 Lesbian, gay, bisexual and transgender and intersex persons (LGBTI) Affected persons: - lesbian, gay, bisexual, transgender and intersex persons (LGBTI)</p>	Not implemented, no such document adopted, see Para. 3, 9.
<p>128.101 Take resolute measures to condemn hate speech, racial discrimination, xenophobia and intolerance against all minority groups, migrants and asylum seekers (Bulgaria); Source of position: A/HRC/33/9/Add.1 - Para. 31</p>	Supported	<p>B31 Equality & non-discrimination G4 Migrants B32 Racial discrimination G1 Members of minorities G5 Refugees & asylum seekers Affected persons: - refugees & asylum seekers - migrants - minorities/ racial, ethnic, linguistic, religious or descent-based groups</p>	Not implemented, no constitutional / civil law protection against homophobic and transphobic hate speech, hate speech not condemned, see Para. 5-6, 21-22, 24.
<p>128.99 Take action against the worrying increase and public use of hate speech, most often addressed at migrants, asylum seekers but also civil society organizations and vulnerable groups (Austria); Source of position: A/HRC/33/9/Add.1 - Para. 29</p>	Supported	<p>B31 Equality & non-discrimination H1 Human rights defenders G4 Migrants B32 Racial discrimination G1 Members of minorities G5 Refugees & asylum seekers Affected persons: - human rights defenders - refugees & asylum seekers - migrants - minorities/ racial, ethnic, linguistic, religious or descent-based groups</p>	Not implemented, no constitutional / civil law protection against homophobic and transphobic hate speech, hate speech not condemned, see Para. 5-6, 21-22, 24.
Theme: B32 Racial discrimination			

Recommendation	Position	Full list of themes	Assessment/comments on level of implementation
<p>128.77 Take effective measures to ensure the Hungarian National Police and the hate-crimes expert net improve the enforcement of laws against hate crimes, including by allocating sufficient resources; undertaking thorough investigations and prosecution; and by providing training for the front-line law enforcement (Canada);</p> <p>Source of position: A/HRC/33/9/Add.1 - Para. 29</p>	Supported	<p>B32 Racial discrimination B51 Right to an effective remedy G1 Members of minorities Affected persons: - minorities/ racial, ethnic, linguistic, religious or descent-based groups</p>	Partially implemented, some trainings have been implemented, see Para. 12-13.
<p>128.106 Cease anti-immigration campaigns and rhetoric of incitement to hatred, xenophobia and anti-Semitism and take measures to fight against hate speech and hate crimes in general (Greece);</p> <p>Source of position: A/HRC/33/9/Add.1 - Para. 31</p>	Supported	<p>B32 Racial discrimination G1 Members of minorities Affected persons: - minorities/ racial, ethnic, linguistic, religious or descent-based groups</p>	Not implemented, no constitutional / civil law protection against homophobic and transphobic hate speech, hate speech not condemned, see Para. 5-6, 21-22, 24.
<p>128.109 Further step up efforts to publicly condemn hate speech, including against Roma (Lithuania);</p> <p>Source of position: A/HRC/33/9/Add.1 - Para. 29</p>	Supported	<p>B32 Racial discrimination G1 Members of minorities Affected persons: - minorities/ racial, ethnic, linguistic, religious or descent-based groups</p>	Not implemented, no constitutional / civil law protection against homophobic and transphobic hate speech, hate speech not condemned, see Para. 5-6, 21-22, 24.
<p>128.116 Implement strategies aimed at tackling hate speech and xenophobia in all its forms (Sierra Leone);</p> <p>Source of position: A/HRC/33/9/Add.1 - Para. 29</p>	Supported	<p>B32 Racial discrimination G1 Members of minorities Affected persons: - minorities/ racial, ethnic, linguistic, religious or descent-based groups</p>	Not implemented, no constitutional / civil law protection against homophobic and transphobic hate speech, hate speech not condemned, see Para. 5-6, 21-22, 24.
Theme: H1 Human rights defenders			
<p>128.162 Take measures allowing the exercise of the lawful activities of human rights defenders, in a favourable legal and administrative environment (Colombia);</p> <p>Source of position: A/HRC/33/9/Add.1 - Para. 13-14</p>	Supported	<p>H1 Human rights defenders Affected persons: - human rights defenders</p>	Not implemented, smear campaign against LGBTIQI NGOs, stigmatizing law on foreign funding still in place, see Para. 24-25.

Recommendation	Position	Full list of themes	Assessment/comments on level of implementation
<p>128.167 Remove all administrative and legislative provisions that restrict the rights of Human Rights Defenders and ensure that civil society organizations can operate freely and without discrimination or undue restriction (Norway);</p> <p>Source of position: A/HRC/33/9/Add.1 - Para. 13-14</p>	Supported	<p>H1 Human rights defenders</p> <p>Affected persons:</p> <ul style="list-style-type: none"> - human rights defenders 	Not implemented, stigmatizing law on foreign funding still in place, see Para. 25.
<p>128.168 Take steps to ensure that civil society organizations freely can access and utilize funding, including from foreign sources (Norway);</p> <p>Source of position: A/HRC/33/9/Add.1 - Para. 13-14</p>	Supported	<p>H1 Human rights defenders</p> <p>Affected persons:</p> <ul style="list-style-type: none"> - human rights defenders 	Not implemented, stigmatizing law on foreign funding still in place, see Para. 25.
<p>128.161 Give full consideration to the recommendations of the Special Rapporteur on the situation of human rights defenders (United Kingdom of Great Britain and Northern Ireland);</p> <p>Source of position: A/HRC/33/9/Add.1 - Para. 7</p>	Supported	<p>H1 Human rights defenders</p> <p>A25 Follow-up to special procedures</p> <p>Affected persons:</p> <ul style="list-style-type: none"> - human rights defenders 	Not implemented, smear campaign against LGBTQI NGOs, stigmatizing law on foreign funding still in place, see Para. 24-25.
<p>128.166 Positively consider and implement the recommendations presented by the Special Rapporteur on human rights defenders (Libya);</p> <p>Source of position: A/HRC/33/9/Add.1 - Para. 7</p>	Supported	<p>H1 Human rights defenders</p> <p>A25 Follow-up to special procedures</p> <p>Affected persons:</p> <ul style="list-style-type: none"> - human rights defenders 	Not implemented, smear campaign against LGBTQI NGOs, stigmatizing law on foreign funding still in place, see Para. 24-25.
Theme: D8 Rights related to marriage & family			
<p>128.126 Amend the legislation on the protection of families in order to widen the definition of family (Brazil);</p> <p>Source of position: A/HRC/33/9/Add.1 - Para. 15-16</p>	Noted	<p>D8 Rights related to marriage & family</p> <p>Affected persons:</p> <ul style="list-style-type: none"> - general 	Not implemented, exclusionary definition of family added to the Fundamental Law, see Para. 35.
<p>128.207 Repeal the amendments to the Criminal Code that criminalizes “illegal entry” and introduces “transit zones” at the border and a list of “safe countries” (Iceland);</p> <p>Source of position: A/HRC/33/9/Add.1 - Para. 32, 34</p>	Noted	<p>G5 Refugees & asylum seekers</p> <p>Affected persons:</p> <ul style="list-style-type: none"> - refugees & asylum seekers 	Partially implemented, transit zones abolished, but new restrictions in access to asylum system introduced, see Para. 42.