**Protecting human rights during and after the COVID-19**

**Joint questionnaire by Special Procedure mandate holders**

Several Special Procedure mandate holders will focus their forthcoming thematic reports to the United Nations Human Rights Council or the General Assembly on the impact of the COVID-19 pandemic on the enjoyment of human rights. The questionnaire is meant to assist the human rights experts to obtain information and elaborate comprehensive recommendations on the measures taken by national, federal and local governments to protect their population and ensure the enjoyment of human rights, including particular groups at risk of discrimination or social exclusion, such as older persons, persons in situation of homelessness, women, children, persons with disabilities people of African Descent, domestic and migrant workers, LGBT persons, persons subjected to contemporary forms of slavery, and people living in poverty or experiencing poverty as a consequence of the crisis, as well as indigenous peoples.[[1]](#footnote-1)

In order to facilitate responding to questions by Special Procedures, a joint questionnaire has been developed including a list of common questions and specific thematic questions responding to information required by participating mandates.

**Who should respond to the questionnaire/call for contributions?**

The mandate holders invite States, regional and local governments, international and regional organizations, National Human Rights Institutions, equality bodies, and civil society organizations, UN agencies, funds and programmes and other interested stakeholders to share relevant information for their respective reports.

**What can be sent?**

The mandate holders welcome all relevant contributions and submissions which can be drafted in response to the questions. Reports which have already been drafted on relevant topics may also be submitted for consideration.

**When and Where to send submissions?**

Responses and submissions should be sent to [registry@ohchr.org](mailto:registry@ohchr.org) by **19 June 2020**. When responding please use the heading: Response to joint questionnaire of special procedures.

In order to facilitate processing and ensure accessibility, submissions in Word format in English, French or Spanish are appreciated. It is kindly requested to limit responses and submissions to 4,500 words and to include hyperlinks to relevant documents, statistical data, public regulations and legislation providing more detailed information.

**All responses and submissions received in accessible format will be published on the webpages of participating Special Procedures, except if confidentiality of the submission is explicitly requested. Submissions received in non-accessible PDF format will not be published, but will be made available upon request.**

**Common questions**

**Impact on human rights**

* Please explain the impact of the pandemic on the enjoyment of human rights and what actions have been taken by the State to respect, protect and fulfil human rights?
* Are there any measures put in place in your country following the pandemic which have had a limiting effect on human rights? If so, please list them, provide an explanation for their adoption and indicate the time-frame by which they will be lifted?
  1. Were these measures determined by law? If yes, please indicate the relevant legislation.
  2. Why were these measures necessary to respond to the COVID-19 situation?
  3. Were these measures proportional in view of their expected results to counter the pandemic?
  4. Did these measures have any discriminatory effects on various groups of the population? If so, please indicate which ones and why.

The Fundamental Law of Hungary defines a Special Legal Order for the unforeseen and extraordinary cases of armed conflict, civil unrest, natural disaster, terrorist threat, unexpected attack, biosecurity risk, pandemic etc.

The Government declared the State of danger on 11 March 2020 due to the spread of the COVID-19 virus in Hungary. According to Article 53, paragraph 1 of the Fundamental Law of Hungary, “in the event of a natural disaster or industrial accident endangering life and property, or in order to mitigate its consequences, the Government shall declare a state of danger, and may introduce extraordinary measures laid down in a cardinal Act.”

In a state of danger, the Government may adopt decrees by means of which it may, as provided for by a cardinal Act, suspend the application of certain Acts, derogate from the provisions of Acts and take other extraordinary measures [Fundamental Law of Hungary Article 53, paragraph (2)]. In case of state of danger, the Act CXXVIII of 2011 on disaster management and amending certain related Acts (hereinafter referred to as: Act CXXVIII of 2011) regulates and control the governmental measures to tackle the pandemic. The decrees of the Government referred to in Article 53, paragraph 2 of the Fundamental Law of Hungary shall remain in force for fifteen days, unless the Government, on the basis of authorisation by the National Assembly, extends those decrees [Fundamental Law of Hungary Article 53, paragraph 3]. On 30th March, the National Assembly passed with two-thirds majority the cardinal Act XII of 2020 on the containment of coronavirus (hereinafter referred to as: Act XII of 2020). During the period of the state of danger, in addition to the extraordinary measures and rules laid down in Act CXXVIII of 2011, the Government may, in order to guarantee that life, health, property and rights of the citizens are protected, and to guarantee the stability of the national economy, by means of a decree, suspend the application of certain Acts, derogate from the provisions of Acts and take other extraordinary measures [Act XII of 2020, Section 2, paragraph 1]. The Government may exercise its power under paragraph (1) for the purpose of preventing, controlling and eliminating the human epidemic referred to in the Decree, and preventing and averting its harmful effects, to the extent necessary and proportionate to the objective pursued [Act XII of 2020, Section 2, paragraph 2].

According to the Fundamental Law of Hungary, under a special legal order, the application of the Fundamental Law may not be suspended, and the operation of the Constitutional Court may not be restricted [Fundamental Law of Hungary Article 54, paragraph 2]. Regarding the Constitutional Court, it shall be emphasized that the President and the Secretary-General of the Constitutional Court shall provide for the continuous operation of the Constitutional Court during the period of state of danger and shall to this end take the measures necessary in terms of operation, case management and preparation of decisions [Act XII of 2020, Section 5, paragraph 1].

The National Assembly held regular plenary and committee sessions following the proclamation of the state of danger on 11 March 2020 in accordance with the relevant stipulations of the Fundamental Law of Hungary following the outbreak of the corona virus pandemic. Since the proclamation of the state of danger the National Assembly continuously discusses issues according to its original work schedule and not related to the state of danger. The Act XII of 2020 does not limit the power of the National Assembly. On the contrary, it extends the prerogatives of the National Assembly vis-à-vis the Government. It expressly provides the National Assembly with the power to revoke the authorisation at any time, either in general or in the case of specific measures. The National Assembly may also terminate the effect of the legislation when the state of danger is over and as the hierarchy of norms remains otherwise intact, the National Assembly may also revoke a government regulation via a law. The Act XII of 2020 requires the Government to report to the National Assembly about its measures introduced to contain the coronavirus pandemic week to week before the order of the day, while Members of Parliament have been granted extra time every week to pose prompt questions in this regard to the members of the Cabinet. The National Assembly has enacted laws in ordinary process during the state of danger.

Parallel with the decreasing number of reported new coronavirus cases, the Government decided to ease the lockdown measures overall the country. The Government cooperates with other EU Member States on the implementation of the lockdown easing measures.

On 26 May, the government submitted a draft law to the National Assembly that allows the termination of the state of danger and repeal the law of 30 March 2020 as well as the government decrees admitted with regard to the state of danger. With the adoption and entry into force of Act LVII of 2020, the state of danger came to an end on 18 June.

* Please describe whether responses to the pandemic by States, businesses, faith-based organizations or others actors have resulted in a rollback of human rights, including in relation to affirmative action, gender-equality, inclusion of persons with disabilities and LGBT persons, land rights of indigenous peoples’ or access to sexual and reproductive health services?
* What long-term impacts of the pandemic and its response measures are expected on the enjoyment of human rights?
* Please explain if economic recovery and financial assistance mechanisms to reduce the social economic impact of the measures adopted have been subjected to prior human rights impact assessments?

**Statistical information**

* Please provide epidemiological data on COVID-19 infections, recovery and mortality rates in your country, region or locality, disaggregated by nationality, race, ethnicity, religion, membership of indigenous peoples, age, gender, sexual orientation and gender identity, income/poverty levels, disability, immigration status or housing situation. Which groups in your country have been disproportionately affected by COVID-19 and how can this be explained?

Table 1 shows the number of confirmed COVID-19 cases as of 1 June 2020, disaggregated by age group, gender and the morbidity (per 100 000 population). Table 2 shows the number of recovered infected persons as of 1 June 2020, by age group and gender. Table 3 shows the number of COVID-19 deaths as of 1 June 2020, by age group, gender and the mortality (per 100 000 population).

The National Public Health Center does not collect data regarding other categories in question. People living or working in a long-term care facility or in a health care setting were disproportionately affected by the virus in Hungary owing to the characteristics of the virus and the disease.

**Table 1** COVID-19 cases in Hungary by age group, 1 June 2020.



**Table 2** Number of recovered infected persons in Hungary, 1 June 2020



**Table 3** COVID-19 deaths in Hungary by age group, 1 June 2020.



* Please provide age disaggregated data on persons infected by COVID 19 and the percentage of them living in care institutions for older persons. Please provide age disaggregated data on deaths caused by COVID-19 and the percentage of them who were in care institutions.

Table 1 shows the number of confirmed COVID-19 cases as of 1 June 2020, disaggregated by age group, and the share of those living social care institutions. Table 2 shows the number of COVID-19 deaths as of 1 June 2020, disaggregated by age group, and the share of those living in social care institutions. Please note that the fact of living in an institution does not exclude that a person was infected and/or died elsewhere, e.g. in a hospital.

**Table 1:** COVID-19 cases in Hungary by age group, 1 June 2020, 19:00

|  |  |  |  |
| --- | --- | --- | --- |
| **Age group** | **Confirmed cases** | **Living in institutions** | **Percentage living in institutions** |
| 0 | 4 | 0 | 0.0% |
| 1-2 | 10 | 0 | 0.0% |
| 3-5 | 7 | 1 | 14.3% |
| 6-9 | 10 | 1 | 10.0% |
| 10-14 | 23 | 1 | 4.3% |
| 15-19 | 31 | 4 | 12.9% |
| 20-29 | 285 | 11 | 3.9% |
| 30-39 | 330 | 42 | 12.7% |
| 40-49 | 552 | 43 | 7.8% |
| 50-59 | 608 | 49 | 8.1% |
| 60-64 | 276 | 63 | 22.8% |
| 65-79 | 993 | 370 | 37.3% |
| 80+ | 792 | 355 | 44.8% |
| **Total** | **3921** | **940** | **24.0%** |

**Table 2:** COVID-19 deaths in Hungary by age group, 1 June 2020, 19:00

|  |  |  |  |
| --- | --- | --- | --- |
| **Age group** | **Deaths** | **Living in institutions** | **Percentage living in institutions** |
| 30-39 | 4 | 1 | 25.0% |
| 40-49 | 8 | 1 | 12.5% |
| 50-59 | 19 | 2 | 10.5% |
| 60-64 | 26 | 6 | 23.1% |
| 65-79 | 222 | 49 | 22.1% |
| 80+ | 252 | 73 | 29.0% |
| **Total** | **531** | **132** | **24.9%** |

* Please share any information and data on the availability of health services to ensure access to testing, personal protective equipment and treatment. Please specify to what extent supply issues, economic, social or other barriers have limited access to testing, personal protective equipment and health care services, in particular for persons belonging to particular racial or ethnic groups, indigenous peoples, older persons, persons with disabilities, LGBT persons, persons living in poverty or in situation of homelessness, migrant workers, or persons without legal residency status.
* Please provide us with data indicating the social-economic impact of the economic downturn triggered by COVID-19 such as changes to household income, increase of unemployment, access to food and traditional livelihoods, poverty or homelessness in your country, region or locality, disaggregated by nationality, race, ethnicity, age, gender, sexual orientation and gender identity, disability, religion or immigration status.
* Which groups have been identified as particularly vulnerable to socio-economic hardship in the context of the COVID-19 crisis?
* ***Please provide data on the number of older persons who live in residential care institutions or alternative setting; the number of older persons in situation of homelessness and/or without adequate housing; and the number of older persons who are in prisons, refugee camps and informal settlements.***
* The number of beneficiaries in homes for elderly: 50831 (as of 30 April 2020)
* The number of beneficiaries of temporary homes for elderly: 2113
* Moreover, 87049 people used home assistance in April, 2020
* In terms of services for people who are facing homelessness:
  + 4628 persons in temporary homes,
  + 449 persons in homes for homeless people,
  + 3314 persons in night shelters.
* As of June 8 2020, the number of detainees over the age of 60 is 779. It has been determined for the prison service that special attention should be paid to the movement and placement of elderly (over 65 years of age and at risk due to their health and mental condition) prisoners. Guidance was provided to examine the possibility of their co-location within the prison service.

**Protection of various groups at risk and indigenous peoples**

* ***What measures have public authorities taken to protect high-risk populations from COVID-19, including: a) health care and social workers, b) older persons, c) other persons with a possibly reduced immune system such as indigenous peoples, or persons living with HIV, d) detained and incarcerated persons, including persons under state custody; e) persons living in care homes, f) children and adults living in institutions, camps, shelters or collective accommodation, g) persons with disabilities, h) homeless persons; i) persons living in informal settlements or overcrowded homes; j) refugees, IDPs and k) migrant workers.***

The operation of basic social services was reorganized during the crisis. Assistance (except for care provided for the people who are facing homelessness) must be provided in the residential environment of the person using the service. The Government has issued a decree according to which the local government, including the mayor of the municipality, is responsible for supporting the elderly in order to maintain independent living during the crisis. One form of the assistance is the support through basic social services, home assistance and / or the provision of hot meal once a day. Taking into account local resources, however, other solutions may be chosen by the municipality (e.g., charities provide the services). The essence of the assistance is that the eligibility criteria according to the general rules does not have to be examined during the crisis. The care of the person indicating the need for personal care service must be provided during the crisis. Administrative burdens have been significantly reduced to protect workers (e.g. signatures can be omitted).

To prevent the consequences of a human epidemic causing mass illness endangering the safety of life and property and to protect the health and life of Hungarian citizens, on 8 March 2020, the National Centre for Public Health (hereinafter: NCPH) imposed a ban on visiting all inpatient and residential social institutions.

In order to protect the residents of the institutions, a restriction on visits and leaving the institution was introduced the earliest possible. An action plan was adopted with the involvement of disabled persons' organizations detailing the tasks and services to be provided to support persons with disabilities and their families living in their homes during the new coronavirus epidemic (including the provision of barrier-free access to information on the pandemic).

Since the elderly and members of vulnerable groups with different diseases are especially exposed to the virus, visiting residential institutions for the elderly, persons with disabilities, psychiatric patients, addicts and homeless persons (including short- and long-term residential care and rehabilitation facilities) is prohibited. Access totelephones and computers should be provided so that residents can keep in touch with relatives, and time for private conversations via phone/computer must be granted.

Protocols on the preparation and infection control tasks of residential social care institutions related to COVID-19 infection have been issued. It contains the necessary measures to ensure the health and safety of residents and workers as well as rules for contacting suppliers. A team should be set up in each institution - or at least a person should be appointed -, to be responsible for the prevention of the outbreak of COVID-19 in the institution concerned.

At the same time, a curfew was ordered. It is not possible to leave an institution, except for duly justified cases – for work or health tests, death of a close relative – with the permission of the head of the institution. This prohibition does not apply to night shelters for people who are facing homelessness and flats (external beds) related to temporary services. If the resident leaves the institution voluntarily, the institution is only obliged to take them back if their isolation can be solved.

Except for the night shelter, there is an admission ban in social care institutions. New admission is possible with the head of institution’s permission in justified cases only. The conditions of acceptance of a beneficiary from a healthcare provider include having a negative COVID-19 test, and quarantining in a healthcare institution for 14 days before admission.

Protective gears to prevent diseases caused by the new coronavirus are constantly arriving in the country. The protective gears have been shipped to the service providers.

Children living in institution, including temporary home for children and temporary home for families, were also obligated to follow the prohibition rule on visiting and leaving the institution. It was not possible to leave an institution, only in justified cases – for work or health tests, death of a close relative -, where the permission had to be granted by the head of institution.The NCPH’s decision covers all institutions providing specialized social care, the temporary home for families in the framework of primary child welfare care and the temporary home for children, as well as institutions providing child protection care (foster parents’ networks, children’s and residential homes and territorial child protection services) and reformatories. The purpose of the visit ban is to protect the beneficiaries and children from the threat of an epidemic. Simultaneously with the extension of the ban on visits, the NCPH also ordered a ban on leaving institutions. The purpose of the ban on leaving institutions was also to protect the health of beneficiaries and children by preventing the spread of the epidemic in institutions.

The Minister of Human Capacities, in his guide for the implementation of the NCPH resolution issued on 22 March 2020, set out the exceptions to the ban on visiting and leaving institutions for child protection institutions and reformatories. In particular, the guide emphasizes that professionals should avoid unjustified face-to-face meetings with regard to co-operation in order to settle the fate of those in a child protection institution, in particular by using non-personal forms of contact such as correspondence, telephone and IT. The child protection guardian was also required to keep in touch with the child under their guardianship, if possible electronically and by telephone, in view of the ban on visits. The child protection guardian shall continue to have the right and obligation to take the necessary immediate measures in the best interests of the child and to submit in writing a request to initiate proceedings requiring immediate action. In the case of children receiving child protection care and juveniles in reformatories, the Guide states that it is necessary to ensure that children, dependents and juveniles stay in the open air for at least one hour per day, even during the emergency. Following the publication of the guide, the NCPH supplemented its decision with regard to the physical and mental health of children by stating that “an institution providing child protection care may also be left for the purpose of daily leisure activities organized by the institution”, thus expanding the possibility of leaving the institution. Leisure programs allow children to participate in groups.

As of 18 May, the prohibition on visits and leaving temporary homes for children and temporary homes for families has been lifted. Persons with disabilities and psychiatric patients are also allowed to leave the institutions for daily leisure activities. From 3 June, the prohibition on visiting social institutions has been partially lifted under strict conditions; people must keep a minimum of 2 meters distance (except between the visitor and visited), and only a healthy person can visit while the ensuring of adequate hygiene conditions are assured (e.g.: a place for handwashing and hand disinfection). The admission ban has been amended. The applicant can be admitted with a negative Covid-19 test which is not older than 4 days.

* Can you inform us about particular measures taken to mitigate the impact of the COVID-19 pandemic for communities and groups subject to structural discrimination and disadvantage?

The focus of the public health activities of the National Center for Public Health (hereinafter: NCPH) is to protect the health of the population, to improve living conditions and to maintain public health safety. The main guiding principles of the NCPH’s work are:

* Drinking water is one of the most important determinants of health.
* Safe supply of drinking water, sanitation and hygiene are primary determinants of reducing the burden of environmental diseases.

At present, public drinking water supply and sewerage and treatment services are generally available to the public with good coverage and carefully regulated quality.

The main problems in the area of right of access to drinking water and sanitation are the access of vulnerable and disadvantaged groups and questions of affordability. The National Water Strategy adopted in 2017 sets equal access to safe and adequate drinking water for all as a high priority goal.

Considering that regular and thorough hand washing with soap and water and regular cleaning and disinfection are among the most important tasks for the population in preventing the spread of SARS-CoV-2 coronavirus infection, the NCPH has recommended on 16 March 2020 to the Hungarian Water Utilities Association (hereinafter: MAVÍZ), that during the state of emergency water utility service providers should refrain from the application of the restrictions or suspensions granted to them pursuant to section 58 (1) of Act CCIX of 2011 on the water utility service.

Based on the information available to the NCPH, several water utility service providers are currently still suspending the water restriction for residential users and do not suspend their services due to the non-payment of the water utility service, taking into account the proposal of the Operational Group and the NCPH. In addition, following a notification from the public, the NCPH turned directly to the Mayor of Budapest in order to suspend the water supply restrictions in the capital during the emergency.

* ***What measures have been taken by public authorities to ensure continued provision of services, including food, healthcare, education, psycho-social assistance to persons in vulnerable situation, including a) older persons, b) persons with disabilities, c) LGBT persons, d) persons in situations of homelessness, e) indigenous peoples, f) victims and survivors of domestic, sexual and gender-based violence, g) human trafficking, h) discrimination, i) victims of contemporary forms of slavery, including forced labour, as well as h) child victims of sale and sexual exploitation?***

Day-care facilities have been temporarily closed except for homeless day-care institutions. During crisis situation due to the COVID-19, the necessary assistance is still provided by the day-care institution (e.g. shopping food, exchange of medicines) in the beneficiary’s residential environment. By the necessary preventive measures, basic social services provided for the elderly or people with disabilities in their own home continue to operate. Service providers use info-communication tools every day to keep in touch with those who are in need. Street social work services and daytime shelters have reduced services but continue to provide care for the people who are facing homelessness.

The Family and Child Welfare Service ensure that the population can reach out for help 24 hours a day in emergency and crisis situations. In working hours, applicants may contact the services and centres of services in person, by telephone or by other electronic ways, which were established for times of crisis. After the opening hours of services and centres of services, the emergency service is run by a family and child welfare centre maintained by the district headquarters, providing district-wide services. The purpose of the emergency services is to provide immediate assistance to the population in emergency and crisis situations, beyond the opening hours of the family and child welfare centres. The standby service is a social assistance activity provided by telephone.

In addition, the 24-hour child protection alarm system is available and ensured at the national level. Its task is to receive signals of the vulnerability of children and the crisis of adults. It is also responsible for the national professional support of the detection and signalling system, elaboration and organization of trainings, formulation of regulatory and amendment proposals towards sectoral management. The service is in continuous contact with the centres and services by receiving incoming signals and provides assistance suitable for the situation.

Under the regulation in Act 31 of 1997 on the protection of children and guardianship administration (hereinafter: Child Protection Act) which entered into force on 1 January 2018, the investigation and management of child abuse cases in institutions providing child protection care and reformatories must be carried out on the basis of an institutional, maintenance and sectoral methodology approved by the Minister and published on the Ministry's website. In order to comply with the legal requirement, a professional regulatory material entitled “Institutional, maintenance and sectoral methodology for the investigation and management of cases of abuse of children and young adults in institutions providing child protection care, foster care networks and reformatories” (hereinafter: Methodology) has been prepared. The provisions of the Methodology have been mandatory from 1 July 2018 in all child protection care institutions (including foster parent networks and children’s homes), reformatories, regardless of the form of care and the type of provider.

The mandatory application of the Methodology was not suspended, so child protection care institutions and their maintainers needed to report, treat and investigate cases of child abuse or their suspicions during the period of the restrictions. There was also possibility of contacting the child protection guardian and the children's rights representative, besides the professionals working in the child’s place of care, so that child victims of sexual abuse / sexual exploitation were not limited to make a report in the curfew. The contact restrictions expired at the same time as the ban on leaving the institution was lifted, so that there is no obstacle to the personal contact of the children's legal representative and the children's rights representative.

During the pandemic situation, the continuous provision of social services and cash benefits, the postponement of reviews due during emergencies and the further disbursement of benefits were regulated by a government decree. The necessary equipment for the institutions was provided by the government.

The Chief Medical Officer ordered ban of visiting inpatient healthcare institutions and residential social care institutions in Hungary from 8th March 2020 until its withdrawal. From 16th March 2020 curfew came into effect in residential social care institutions, child protection institutions, correctional facilities, halfway houses for families and children. Restrictions are eliminated gradually.

* ***Has there been any interruption of services, such as the closure of emergency shelters, food banks, or the disruption of health care or psycho-social services that has been of concern?***

No interruption was reported. The purpose of modifying the provision of basic services during the crisis is to ensure that the needs of the user are continuously assessed and the support necessary for independent living during the emergency is provided.

* Have particular measures been taken to address the situation of single parent households?
* What measures have been taken to address racial disparities, prevent racial discrimination and protect victims of racism, racial discrimination, xenophobia, and related intolerance during the pandemic?

**Social Protection**

* Please provide information on implemented and planned adjustments to the social safety net in response to the crisis, to ensure that individuals who lost all or part of their income as a consequence of the pandemic have access to sufficient nutrition, housing, water and sanitation, health care, energy and other essential goods and services? How has the State ensured fair and equitable access to social safety net measures across lines of race, gender, sexual orientation and gender identity, membership of indigenous peoples, and others?
* How has the State approached social protection of small entrepreneurs and for people whose livelihoods are based in informal economies, in particular persons working often informally, in agriculture and other traditional livelihoods, child and health care, domestic work, construction, restaurants, street vending, tourism or as sex-workers? What specific efforts have been made to assess and mitigate the relevant health and social-economic risks to these populations?

**Participation and consultation**

* What decision-making processes were used to adopt measures to respond to the pandemic? Did they include participation of local and decentralized authorities, including indigenous authorities, scientific experts, and civil society organizations?
* If emergency regulations have been imposed, to what extent have they affected official processes ensuring public participation and consultation? Have women and groups particularly affected by the pandemic and the response measures participated in such decision-making processes?
* What participation and consultation methods have been employed in preparing and implementing re-opening strategies or after emergency regulations have been lifted?

**Awareness raising and technology**

* What awareness-raising activities have been undertaken by the State to inform groups in vulnerable situation, indigenous people and other populations living in remote or conflict-affected areas of health risks associated with COVID-19?

A wide range of public information have been prepared on the most important tools for preventing COVID-19, and countless public information material were published on the website of the National Centre for Public Health.

With regard to the questions related to awareness raising during the COVID-19 pandemic, we would like to underline the activities of the Human Rights Working Group.

The Government established the Human Rights Working Group in its decision adopted in February 2012 (Government Resolution 1039/2012 (II.22).) with the main purpose of monitoring the implementation of human rights in Hungary, conducting consultations with civil society organisations, representative associations and other professional and constitutional bodies as well as of promoting professional communication on the implementation of human rights in Hungary. The Working Group monitors the implementation of the fully or partially accepted recommendations in relation to Hungary under the Universal Periodic Review (UPR). Due to the modification of the Government Resolution, the Working Group also reviews and monitors the enforcement of human rights conventions and agreements – of which Hungary is a signing party – adopted in the framework of the UN, the Council of Europe, the OSCE, and the obligations arising from Hungary’s EU membership. It makes recommendations to the Government and other central administration bodies involved in legislation and application of the law to provide regulations that allow for a wider representation of human rights, and oversees the implementation of these regulations.

The Working Group operates the Human Rights Roundtable, which currently has 72 NGO members and further 40 organisations take part in the activities of the thematic working groups with the right of consultation. The Roundtable holds its meetings in 11 thematic working groups.

During the COVID-19 pandemic and the state of danger declared by the Government, the Human Rights Round Table continued its work. All members had the opportunity to request information and initiate a discussion in written procedure. On the request of civil society, information was circulated in several thematic working groups on measures that were adopted by the Government during the pandemic to protect and promote the human rights of the Roma community, national minorities, persons living with disabilities, and people in situation of homelessness. The Thematic Working Group Responsible for LGBT Rights, Thematic Working Group Responsible for Rights of Persons Living with Disabilities and the Thematic Working Group Responsible for Homeless Affairs conducted consultations in written procedure. After the withdrawal of the state of danger, the Human Rights Roundtable will continue its work in normal procedure.

It should be also underlined that, in the near future, the chair of the Human Rights Working Group is planning to overview the human rights impact of COVID-19 in Hungary and discuss it with members of the Working Group.

* Have public officials and law enforcement officials been trained and briefed with regards to the overall human rights impact of the pandemic, and the situation of groups in vulnerable situation during and after the crisis?

**Internet**

* The internet and social media were increasingly used for work, education, shopping for food and other goods, awareness raising sharing of information, freedom of expression, religious ceremonies, cultural and social interaction, consultation and political decision making. What challenges and obstacles has the pandemic highlighted in terms of access for all to internet? Has the recent situation given rise to increased violations of human rights, mobbing and bullying online? If so, how was this addressed?
* What approach have the relevant authorities taken to monitor online information related to the pandemic? Have some contents been removed from the internet? If so, what criteria were applied to decide that the specific contents should be erased? Have specific measures been implemented against hate speech in cyber-space?

**Accountability and justice**

* Could you kindly highlight key concerns in complaints received by national human rights institutions, ombudspersons, anti-discrimination bodies in relation to the COVID-19 crises and how they have been addressed?

The Deputy Commissioner for Fundamental Rights drew attention to Government Decree 191/2020. (V. 8.) on the obligation to obtain a permit during an emergency and the audited notification concerning the right to a healthy environment [Fundamental Law of Hungary Article XXI paragraph 1], and the right to physical and mental health [Fundamental Law of Hungary Article XX paragraph 1] and Article P in the Fundamental Law of Hungary.

The Government Decree 179/2020. (V. 4.) on the derogation from certain data protection and data request provisions during the state of danger is aimed at lifting the administrative burden off the data controllers taking part in the fight against the COVID-19. In line with the provisions of the GDPR during the preparation of the draft the Government consulted with the Hungarian Data Protection Authority and its comments were taken duly into account.

* Could you provide any account and statistics on the impact of the COVID-19 pandemic on the operation of the justice system, including law enforcement, the provision of legal assistance and the operation of courts? Which activities were temporarily suspended?

In view of the health emergency caused by COVID-19, measures have continuously been adopted in Hungary to slow down the spread of the coronavirus, including through travel limitations. These measures, inevitably, have an impact on judicial cooperation. As a result of this, the following changes in modality of work were introduced in the field of criminal cooperation:

1. Extradition:

* As requested Party:

Trials in connection with requests for extradition continue to be held and the extradition can be ordered. The trials are held by videoconference. However, the actual surrender of the requested person shall be postponed if it would be contrary to the rules of the epidemiological isolation, observation, quarantine or monitoring ordered.

If no ground for refusal is identified, requested persons remain either under extradition arrest or under criminal supervision (which is basically a house arrest with electronic surveillance) to prevent the requested persons absconding.

After the emergency security measures are withdrawn, the requested persons shall be surrendered to the requesting Party.

* As requesting Party:

Proportionality and practicality shall be taken into account in the light of the COVID-19 pandemic when deciding whether to submit a request for extradition, examining whether other tools of criminal cooperation such as videoconference can serve as an adequate substitute for the extradition.

1. Transfer of sentenced persons

Transfer of sentenced persons cannot be performed if it would be contrary to the rules of the epidemiological isolation, observation, quarantine or monitoring ordered.

1. Mutual legal assistance

Temporary transfer of detained persons cannot be executed if it would be contrary to the rules of the epidemiological isolation, observation, quarantine or monitoring ordered. Hearing of persons can take place only by videoconference.

* Please describe measures taken by the justice system in your country in protecting individuals from human rights violations and abuse during or after the COVID-19 pandemic. What measures have been taken to prevent, investigate or prosecute a) arbitrary arrest and detention, b) gender-based violence, c) sale and sexual exploitation of children, d) contemporary forms of slavery, e) racial discrimination, or f) illegal evictions?
* What measures have been taken to ensure access to justice, and provide accountability and redress for victims of hate-speech, racism, racial discrimination, xenophobia, and related intolerance during the pandemic?
* What has been the impact of this situation on women's access to justice? Are courts open and providing protection and decisions in cases of domestic violence, and are protection orders accessible?
* Have persons in situation of homelessness been fined, detained or prosecuted for non-respect of confinement or stay at home orders? How was this issue addressed in your country?

During the state of emergency, infringement preparatory proceedings were not initiated against „the violation of the lifestyle-like public residence” according to Section 178 / B of Act II of 2012 on minor offences, offence procedures and the registration system of offence. Detention and fine were not imposed.

* In which way have restrictions for public or private meetings impacted on the freedom of expression and assembly? Have persons taking part in peaceful protest been fined, detained, or prosecuted for breaking national restrictions imposed for public or private meetings?

Under Government Decree No. 71/2020 (III. 27.) on Curfew, Government Decree 241/2020 (V. 27.) on Outdoor Events and Government Decree 81/2020 (IV. 1.) on Emergency Measures Related to the Protection of Health and Life and the Restoration of the National Economy, it is prohibited to hold meetings during the state of emergency. This restriction affects the freedom of expression and assembly during the epidemic. Minor offence proceedings were initiated against persons who, violating the extraordinary rules of conduct in time of epidemics, organized gatherings. These procedures are still in progress.

One person was fined on the spot for committing a minor offence in the countryside, based on Section 7 (1) d) of Government Decree No. 46/2020 (16 March) on the measures to be taken during the state of danger declared for the prevention of the human epidemic endangering life and property and causing massive disease outbreaks, for the elimination of its consequences, and for the protection of the health and lives of Hungarian citizens.

Minor offence proceedings were initiated against 71 people. In one case that had already been closed, one warning measure was applied and fine was imposed on 56 people.

* Are there public or parliamentary investigations under way in relation to the response of public authorities to contain the spread of the pandemic?
* ***Please provide information on any alleged neglect, abuse, or serious violation of health regulations in health care institutions and institutions caring for older persons and persons with disabilities during the COVID-19 epidemic in your country?***

No reports have been received so far.

* What measures have been taken by public and judicial authorities to address such allegations and to establish accountability, if applicable? Have any disciplinary, public inquiries or court cases been initiated, including against managers of the institutions concerned?
* Could you kindly share information on emergency regulations and COVID-19 response measures that may have been reviewed or suspended by national or constitutional courts in your country?

**Questions by the Special Rapporteur on extreme poverty and human rights**

The Special Rapporteur on extreme poverty and human rights, Mr. Olivier De Schutter, will examine the impacts of the COVID-19 crisis on people in poverty by assessing the extent to which the economic recovery plans adopted, in order to cushion the impacts of the economic recession, take into account the need to reduce poverty and inequalities. He will also examine the specific vulnerability of people in poverty to contamination.

In accordance with the ILO Social Protection Floors Recommendation No. 202 (2012), a national social protection floor is conceived as a basic set of rights entitling individuals to basic social security guarantees for health care and for income security for children, older persons and those unable to work, in particular in cases of sickness, unemployment, maternity, and disability. Do the economic recovery plans adopted include measures towards making progress towards establishment or strengthening of a national social protection floor?

The Hungarian Government has introduced several measures to protect families and pensioners during the COVID19 crisis:

* From February 2021, an extra month of pension will be introduced gradually (in 4 phases during the next 4 years, amounting to a total of HUF 280 billion);
* Deadlines for child home care allowance are extended;
* Various maternity entitlements expiring during the state of emergency are extended;
* Parents raising a chronically ill child will be entitled to a higher amount of family allowance;
* This year's entitlement to family allowance is adjusted to the end of the emergency instead of the end of the school year;
* The rules and deadlines for pensions and pension-like benefits will also change favourably;
* Providing tax and contribution relief to nurseries and their employees;
* Community employees are entitled to community employment wage if unable to work due to epidemic;
* Disbursement period of maintenance aid for social inclusion is extended;
* Employees on unpaid leave are entitled to social benefits and employers are obliged to pay their minimum health security contribution;
* The car purchase discount for large families is extended until after the emergency period.

Do the employment policies associated with the economic recovery plans take into account the specific situation of people working in the informal sector, and the need to improve working conditions in that sector as well as to extend formal social protection to them? Have such policies sought to increase the employability of groups that face specific barriers in their access to employment, for example, through demand-driven skills development and vocational training?

Most important measures in this regard are:

* Digitalisation and distance learning trainings;
* The government covers 95% of tuition fees for online distance education, training and re-training;
* One-time, free-use, HUF 500,000 interest-free student loan;
* Job seekers are entitled to interest-free adult student loans;
* Mothers on maternity leave can apply for a refund for language exam, the highway code course and exam fee, which is intended to help mothers to find a job later;
* Exemption from the obligation of taking foreign language exams for students who have passed the final exam by 31 August 2020;
* A tender with a budget of 5 billion HUF will be launched to support the purchase of purely electric cars and mopeds. For taxi operators, the subsidy can be up to 55 percent of the purchase price.

Have the economic recovery measures prioritized investments in education and skill development for women and girls, and in sectors where women make up a considerable proportion of the labour force (such as in export manufacturing)? Do they include gender budgeting to ensure that women benefit equally from public investments?

The National Centre for Public Health (NCPH) together with the National Food Chain Safety Agency, have prepared guidelines to protect those working in the food supply.

Have the tax reforms associated with the economic recovery plans sought to widen the tax base, by rebalancing the tax contributions of corporations and those in high-income brackets? Have the impacts of the introduction of new or higher taxes on those living in poverty been assessed?

Hungary believes that the resources to mitigate the impacts of the crisis shall be established with the contribution of the strongest business corporations. Such taxes have a less distortive effect on investments and economic growth, because they are imposed on the services provided by companies and not on their profits. In case of bank levy charged on credit institutions, the upper rate was raised to 0.39% and the tax base remained the same. However, taxpayers can subtract the extra burden from the bank levy in the next 5 years.

The tax of retail sector is a new special tax, based on the model of a similar measure introduced in 2010 to stabilise budget revenues. The concerns that the recent measures have a negative impact on those living in poverty are unlikely to materialise, due to the functioning of financial and retail markets and the fact that a very small proportion of industrial players became the subject of such measures. In case the corporations push the increase of the tax burden to their customers, the prices would only change marginally due to the low rate of charges. Additionally, the authorities are continuously examining whether such a behaviour occurs in the economy.

The human rights principles of participation, transparency and accountability require States to create and maintain mechanisms by which individuals can meaningfully and effectively contribute to, provide feedback on and claim redress from policy measures that affect their enjoyment of human rights. Were any mechanisms established to allow people living in poverty to participate in the design, implementation and assessment of economic recovery plans?

**Questions by the Special Rapporteur on the right to food**

The thematic report of the Special Rapporteur, Mr. Michael Fakhri, to the General Assembly will focus on international trade. The report’s main objective will be to identify the limits of the current international food system, explore to what extent the WTO is still suitable, and propose principles and mechanisms for a new food system. COVID-19 highlights the pre-existing weaknesses and inequities of the current system, but also provides a way to find new paths forward.

1. To what extent, and how, were international and domestic food supply chains disrupted during the pandemic? What were the measures taken by national, federal, provincial or local governments? Did authorities close particular local markets or impose export restrictions on certain goods? What was the reasoning for the actions taken by the respective authorities?

***2. What measures did national, federal, provincial or local governments put in place to ensure access to food for the individuals in vulnerable situations such as older persons, children, women, rural communities, LGBT persons, national or ethnic, cultural, religious and linguistic minorities, and indigenous peoples?***

The system of ‘Soup kitchen’ / ‘Social meal’ provides hot meal once a day for those who are in need. It is not necessary to carry out the eligibility test required by law in the event of a crisis, food must always be delivered to the address, preferably using disposable cutlery.

In the temporary home of people who are facing homelessness, it is the responsibility of the institution to organize the catering of the people who are facing homelessness affected since it is prohibited to leave the institution. For this, they might use the ‘soup kitchen’, social catering or meal provided by the Fund for European Aid to the Most Deprived (FEAD). Shopping for the beneficiaries is the responsibility of the institution.

On March 16, 2020, public education and training institutions switched to an out-of-class digital work schedule. At the same time, as the start of the digital extracurricular work schedule, the Ministry of Human Capacities informed the bodies responsible for providing institutional child catering – local governments, the maintainers of nurseries, public education and vocational training institutions – that as there is no teaching break or holiday declared, it is necessary to provide institutional child catering in accordance with the Child Protection Act:

* for children receiving nursery care, one main meal in the morning, a hot main meal at noon and two small meals in the form of ten o'clock and snacks;
* for children and pupils in kindergartens, public education and vocational training establishments, in the form of a lunch hot main meal, and two small meals in the form of ten o'clock and snacks;
* taking the right to free or discounted institutional child catering into account;
* in the institutional child catering system, 999,529 children received the care in the 2019/2020 school year and 602,313 of them received free or discounted meals, so the measure ensured the continuous care of a significant number of children in need.

3. What were the conditions under which food workers such as agricultural labourers, store workers, transporters, cooks, and shopkeepers had to work? What measures did national, federal, provincial or local governments put in place to ensure the safety and welfare of these workers? Were any special provisions and protections made for migrant workers?

1. Can you provide examples of any other measures taken by national, federal, provincial or local governments in your country to prevent hunger during the pandemic and in its aftermath?

**Questions by the Special Rapporteur on the right to adequate housing**

The report of the Special Rapporteur on the right to adequate housing, Mr. Balakrishnan Rajagopal, to the General Assembly focuses on the impact of the COVID-19 crisis on the right to housing. It will analyse measures taken to prevent and stop evictions during and in the aftermath of the crisis and to protect groups at risk of marginalization, including persons living in situation of homelessness and in informal settlements. The report will discuss whether emergency measures implemented may have had discriminatory outcomes, map out emerging good practices to counter them by local and national governments, and analyse medium and long term interventions required to protect during and after the crisis the right to adequate housing for all.

1. Please elaborate on measures taken by national, federal, provincial or local governments to ensure persons are protected from the virus at their home or place of living:
2. **Has your country declared a prohibition on evictions? If a prohibition was declared, indicate its legal basis and how long it will last. Please specify if it is a general prohibition and if it also applies to persons living in informality or in informal settlements. Is the prohibition of evictions restricted to tenants or mortgage payers who have been able to pay their rent or serve their mortgages, or broader?**

YES. As of 24 March, the Hungarian Government suspended the evictions and confiscations until the end of the state of emergency. It is applied to all tenants and to all mortgage payers.

1. If no general prohibition on evictions was declared, please indicate how many evictions have taken place, the number of people affected, and the specific details of time, location and reasons.
2. Have any measures been taken to ensure that households are not cut-off from water, heat or other utility provision when they are unable to pay their bills?
3. **Please provide any information about other legal or financial measures aimed to ensure that households do not lose their home if they cannot pay their rent or mortgage payments? Have any other tenant protection measures been adopted in response to the pandemic?**

Mortgage payment moratorium was introduced for debtors of credit, loan and financial lease contracts until 31 December 2020, for both enterprises and households. The moratorium is applicable for every retail and corporate debtor, although borrowers may choose to opt out from the moratorium if based on their own assessment the uninterrupted debt repayment would be more beneficial than the application of the moratorium. (The moratorium of debt repayment is applicable for credit facilities provided by financial companies in Hungary.)

1. What measures have been taken to protect persons living in informal settlements, refugee or IDP camps, or in situation of overcrowding from COVID-19?
2. What measures have been taken by authorities to ensure that migrant and domestic workers housed by their employers continue to have access to secure housing during the pandemic and in its aftermath? If migrant workers left their place of work to return to their place of origin, what measures were taken to ensure their right to housing?
3. ***Have any measures been taken to provide safe accommodation for persons in situation of homelessness? If yes, how many persons were housed, in what form, where and for how long? How will it be ensured that persons provided with temporary accommodation will have access to housing after the crisis?***

According to the decision of the National Chief Medical Officer, night shelters are not subject to admission closure and the prohibition on leaving institutions, so the care of the most deprived citizens is continuously ensured.

1. ***Can you provide examples of any other measures taken or planned by national, federal, provincial or local Governments in your country to protect the right to adequate housing during the pandemic and in its aftermath?***

Government Decree No. 88/2020. (IV. 5.) states if the beneficiary’s legal relationship of the temporary housing expires during the crisis and the person would need an additional long-term placement due to their condition, but cannot be temporarily placed in a long-term residential institution due to the prohibition on admission, their placement can be extended for up to 60 days.

As of 7 May, rental contracts for apartments owned by the state or local government cannot be ended without the approval of tenants until the end of the state of emergency. The application of 5% VAT rate (instead of the normal VAT rate of 27%) was introduced for the construction of new dwellings in brownfield belts.

**Questions by the Special Rapporteur in the field of cultural rights**

The next report to the Human Rights Council by the Special Rapporteur in the field of cultural rights, Ms. Karima Bennoune, will focus on the impact of the COVID-19 crisis on the exercise of cultural rights and on the role of culture and cultural rights in responding to the pandemic.

1. What have been the impacts on cultural rights and on cultural life\* of:
2. the pandemic?
3. measures taken to respond to the pandemic?

*\* Cultural rights include the rights to take part in cultural life without discrimination, to access and enjoy heritage, to artistic and scientific freedom, and to benefit from scientific knowledge and its applications. Cultural life includes performing arts, museums, heritage sites, sports and public spaces used for a variety of cultural and social gatherings*.

1. What efforts have been made to guarantee the exercise of cultural rights, in accordance with the requirements of public health? How has the message that cultural life must be enjoyed in ways that respect public health and medical expertise been communicated?
2. What roles have culture and cultural rights played in responding to the pandemic:
3. At the individual and collective levels, including in building resilience and solidarity, and memorializing victims?
4. At the scientific level, to provide adequate information to inform public policy and ensure public awareness?
5. In any other relevant manner?
6. What steps have been taken to mitigate the impacts of the pandemic, and of measures to counter the pandemic, on the cultural sector and on the human rights of those working in it (including artists, athletes, cultural heritage professionals, cultural workers, librarians, museum workers and scientists)?
7. How have the cultural sector and those working in it adapted to the pandemic? How have these adaptations been received by the public and how have they been supported, including financially? Are there sectors of the population that may risk exclusion from such adaptations?
8. What kind of measures will be necessary to rebuild the cultural sector going forward? How will inclusion be addressed?
9. Has your Government already envisaged / announced specific measures to support the culture sector during and after the pandemic? How will relevant constituencies participate in their development and implementation?
10. Have scientific and medical experts been able to express themselves freely about the pandemic, its impacts and needed responses? What measures have been taken to address the denial of scientific information about the pandemic, and to ensure access to reliable scientific information to guide policymaking and personal choices.

**Questions by the Independent Expert on the human rights of older persons**

The report of the Independent Expert, Ms. Claudia Mahler, will focus her report to the General Assembly on the impact of the COVID-19 pandemic on the enjoyment of the human rights of older persons. The report aims to highlight the challenges for the rights of older persons in the current national and international legal framework. It will analyse different risks to older persons human rights which were exacerbated and heightened and made more apparent during the pandemic. Ageism and age discrimination have continued, together with violations to older persons’ right to health and care service support, including their right to life, their right to information, their right to live free from violence, abuse and neglect, and their right to participate and to social inclusion. The report will provide best practices and case studies.

**1. Please provide more information on the situation and measures taken in state run or financed facilities with a focus on the needs of older persons with underlying health conditions. Please provide any information concerning shelters for older women to protect them from abuse or from homelessness.**

During the pandemic, the services enlisted in the Social Act are still available to the people who are facing homelessness while providing age- and health-appropriate services under enhanced hygiene conditions.

2. Please provide information how and how many older persons called for assistance, help or made official complaints during the pandemic.3. Please provide information on reports, speeches and measures which had a special focus on older persons during the pandemic. Please include best and bad practices.

4. Please provide examples how older persons have participated in decision-making processes during the pandemic. Please describe how their perspective and needs have been integrated in national policies and programmes on the way to recovery from COVID-19 to make it a more inclusive and age friendly society.

**Questions by the Working Group on Persons of African Descent**

The Working Group of experts on people of African descent will focus its annual report to the 45th session of the UN Human Rights Council on the impact of COVID-19 and the response to the pandemic, on the human rights of people of African descent.

1. What measures have been taken to assess and address the impact of COVID-19 and associated efforts on people and communities of African descent in the country? For example, is data disaggregated on the basis of race being kept on infection, severity, recovery, and availability and access to both health and non-health resources and interventions? Are economic stimulus, public health, and health care efforts related to the pandemic penetrating communities of African descent and what data supports these conclusions?

2. What measures have been taken to explicitly ensure bias is not motivating medical and policy decisions during this pandemic?

3. What measures have been taken to ensure the impact of the COVID-19 pandemic does not disproportionately fall to people of African descent? This question includes (a) the impact of infection, (b) the impact of new or existing policy, including access to health care and social safety net, and (c) the non-infection impact (like loss of livelihood and income).

4. Given the particular 'social invisibility' of people of African descent in many countries, what measures have been taken to ensure that the unique needs of people of African descent – with respect to both health and policy - are fully understood? What planning has taken place to address these unique needs of communities of African descent during this pandemic?

5. What representation by people of African descent exists in high-level decision making relating to this crisis? What specific efforts have the State used to ensure adequate expertise, and understanding to responsibly plan on behalf of communities of African descent? What measures have been taken to ensure equal protection, including ensuring that interventions that appear neutral on their face do not license or facilitate racial bias and stereotypes?

6. What protection efforts have centred public health issues specific to people of African descent? How have States leveraged existing civil society expertise to define key concerns and to effectively implement policy with respect to people of African descent? How have concerns and assessments relating to people of African descent impacted research and knowledge production agendas developed in response to the COVID-19, including to investigate specific barriers to care, or recognize the racially discriminatory intent or impact of policy?

7. To what extent do people of African descent have access to justice in the time of the pandemic? What remedies are available to people of African descent for the racism, racial discrimination, xenophobia they face in the midst of COVID-19? What independent investigations are conducted for the racially motivated violations of their human rights? What sanctions are imposed on responsible entities and individuals? Please provide examples.

**Questions by the Special Rapporteur on the rights of indigenous peoples**

The Special Rapporteur on the rights of indigenous peoples, Mr. José Francisco Cali Tzay, will present a report to the General Assembly in October 2020.[[2]](#footnote-2) The report will examine how to ensure effective protection of indigenous peoples, who may be at greater risk of negative impacts on their human rights both from the virus and States’ responses to it, while guaranteeing their right to autonomy and self-determination.

The report will also seek to help States avoid impunity for violations and abuses of indigenous peoples’ rights by States or businesses, related to the pandemic. The Special Rapporteur will also present examples of good practices of indigenous participation in implementing innovative responses to the pandemic that include the vision and approaches of indigenous peoples.

1. How has your Government assessed and redressed potential disproportionate impact of the virus on the health of indigenous peoples, and avoided contamination in remote communities? What measures were taken to ensure access to information, health care and other forms of urgent assistance for remote communities? How were such measures adapted to the cultural and other specific characteristics of indigenous communities?
2. Has your Government observed any disproportionate impact of the pandemic and measures in response, on indigenous peoples’ access to traditional livelihood, food and education, or the right to be consulted and provide consent in the context of development and business operations on their territories?
3. How has your Government supported indigenous peoples in their own initiatives to fight the pandemic, protect health and provide assistance in their own communities?
4. How are indigenous peoples ensured a role in shaping the national COVID-19 response to avoid discriminatory effects on their communities and including their actual socio-economic and cultural requirements in recovery programmes? How is their input sought and respected in all relevant programs that could affect them?
5. What measures have been taken to protect the lands, territories and resources of indigenous peoples against potential increased militarization and land-grabbing by external actors during the pandemic, including when indigenous people’s mobilization may be restricted by lockdown and quarantine?

**Questions by the Special Rapporteur on contemporary forms of slavery**

The thematic report of the Special Rapporteur on contemporary forms of slavery, Mr. Tomoya Obokata, to the Human Rights Council at its 45th session in September 2020 will analyse how increasing poverty and rising unemployment caused by the COVID 19 health crisis push people into exploitative employment in informal or illegal economies, increasing their vulnerability to forced labour, worst forms of child labour and other slavery-like practices such as bonded labour, as well as forced marriage. The impact on those who are already in a situation of enslavement will also be highlighted, given that resources for anti-slavery initiatives may be further limited in the context of the economic crisis, likely disrupting services for the prevention and response to contemporary forms of slavery. Finally, the report will offer recommendations with regards to interventions that are required to address these problems and to protect most vulnerable groups.

1. What is the impact of the COVID-19 crisis on contemporary forms of slavery, including descent-based slavery; forced labour; debt bondage; serfdom; sexual slavery; commercial sexual exploitation of children; child labour; domestic servitude; and servile forms of marriage?
2. What steps have been taken by the Government to reduce increased risks of contemporary forms of slavery in the context of the outbreak? Please, share any good practices and identify persistent challenges, including with regards to prevention; identification of victims; provision of access to recovery and rehabilitation services; and investigation and prosecution of slavery-related crimes.
3. Are there indications of an increase in the number of people employed in informal or illegal economies since the outbreak of the pandemic? Are there reports of forced labour and exploitative labour practices in such business sectors, such as long working hours, low pay, no adequate time to rest, and no holiday pays, etc.?
4. Has there been engagement with business entities and other stakeholders to develop joined strategies on reducing the risk of vulnerable workers in their operations and supply chains becoming exposed to contemporary forms of slavery in the context of the pandemic.
5. **Since the outbreak, has the Government continued investigating and prosecuting human rights violations related to decent-based slavery; forced labour; debt bondage; serfdom; sexual slavery; commercial sexual exploitation of children; child labour; domestic servitude; and servile forms of marriage?**

Investigations were ongoing during the epidemic emergency. Personal participation in the investigation was accompanied by appropriate defensive action. In other cases – if the presence was not necessary – the investigations were carried out using telecommunications.

Number of investigations launched between 12 March 2020 and 30 May 2020:

* on suspicion of trafficking in human beings: 33,
* on suspicion of forced labour: 3,
* on suspicion of child labour: 1.

1. **In light of the Sustainable Development Goals and global commitments to eradicate slavery (target 8.7) and measure progress in this area, has the Government been able to ensure timely collection and analysis of disaggregated data? If available, please share the data collected in the first quarter of 2020, including information regarding the number, age, gender and nationality of identified victims; number of prosecution of perpetrators; types of services provided to the victims; industries where victims were identified. Has any of these data significantly varied from previously recorded trends due to factors related to the COVID-19 pandemic?**

No specific data are available in this regard. Examination of the initiated cases does not reveal any divergence compared to the previous period. The investigations were conducted in accordance with previous protocols.

**Questions by the Special Rapporteur on the sale and sexual exploitation of children**

The report of the Special Rapporteur on the sale and sexual exploitation of children will explore how the COVID-19 crisis threatens to further erode the situation of children most vulnerable to sale and sexual exploitation. The report will focus on identifying push and pull factors, scaling up good practice, and providing recommendations on the measures to address the heightened risks of sale and sexual exploitation of children, during and in the aftermath of the pandemic. The recommendations of the report will seek to: operationalize the pledges made under Agenda 2030 as far as they relate to SDG targets 5.3, 8.7 and 16.2. and ensure implementation of effective child protection responses arising in the context of emergencies.

1. **What is the impact of COVID-19 crisis on the nature and scope of various manifestations of sale and sexual exploitation of children, including sexual exploitation and abuse of children, both online and offline; child marriage; trafficking of children; surrogacy and sale of children; illegal adoptions and child labour?**

* **What are the new forms and manifestations of sale and sexual exploitation of children in the context of COVID 19 crisis?**
* **What are the key trends and accelerators in the context of the pandemic that may increase children’s vulnerability to the sale and sexual exploitation?**

Among the factors under consideration were the following:

• Whilst restrictions were in effect, it was prohibited for children to leave the institution

• Due to the widespread transformation of education and the introduction of digital teaching and the necessity to provide children with supportive tools and digital devices, the danger rooted in online presence has increased.

With due consideration, it became of utmost importance to increase alertness among children and prepare them to become more vigilant about any form of online danger.

In comparison with the same period in previous years (January-May), the risk of child sexual exploitation and the child sexual harassment did not change significantly during the pandemic. There has been a steady increase in investigations of child pornography and sexual exploitation cases in compare to the last year. Investigations of sexual abuse, child prostitution and indecent exposure have declined. During the state of danger, no new form or trend of exploitation appeared.

1. What essential protection measures, , including identification, reporting, referral and investigation, have been put in place to detect and prevent child sexual abuse and exploitation cases and how effective have they been since the outbreak?

Government Decision No. 176/2020 (V.4) on measures regarding establishing contact and restraining procedures applicable during the state of danger laid down the special rules on temporary preventive restraining order, preventive restraining order and restraining order during the epidemic situation. If a childcare action is required in case of a family that is in official quarantine, the possibility of temporary adoption within the family should be examined first and the next step shall be to find foster parents. If this is not possible, the childcare institute has to accommodate the child according to the decision issued by the Ministry of Human Resources.

The regional (county and capital) police authorities contacted the local governments, NGO’s, relief organizations, churches and the National Ambulance Service and prepared a family and child protection protocol to be used during the state of danger. The protocol provides for the measures to be taken, the process and the partners to be involved.

Regarding the number of temporary preventive restraining orders, there is no increase since the declaration of the state of danger.

On the Facebook page „Awareness on the Internet – online safety” (operated by the police) the Police posted two contents: „Don’t be easy prey!” (video) and „Sexting – risks and side effects” (infographics).

At the request of the Family Law Expert Working Group of the Ministry of Justice, the police prepared a professional material “How to recognize the abuse during online education and how to help?”. This can support teachers to recognize signs of abuse during the digital educational meetings.

Together with the „Follow me” Agency a two-week media campaign titled #dontletithappen #thereishelp #askforhelp was launched against child abuse and domestic violence. The initiative was supported by a number of celebrities on a voluntary basis. With the help of 13 influencers 153,949 young people were informed about the possibilities of asking for help between 15 April – 4 May 2020.

Act XC of 2017 on Criminal Procedure. Act Section 79. (1) (b) stipulates to conduct criminal proceedings out of turn, if the victim or the defendant is under 18 years of age. According to Section 88. (1) a witness under the age of 14 may be interrogated only if the evidence expected from the interrogation cannot be provided in any other way. Based on this provision the investigating authority shall search for and procure all the possible evidence and data in order to retrace the facts and the hearing of the child may only take place if it is indispensable, if his or her testimony bases such evidence that cannot be substituted and is necessary in light of the investigation. Investigative authorities are obliged by these regulations during the epidemic situation as well.

Total number of homicides between 12 March 2020 and 30 May 2020: 14 (one of them is involuntary manslaughter).

* number of homicides committed against spouse, ex-spouse or partner, ex-spouse, against woman: 1,
* number of homicides committed within the family where the victim was a woman: 4,
* number of homicides committed against woman: 5.

1. **Have there been any initiatives on collecting disaggregated data on specific forms and manifestations of sale and sexual exploitation of children during the pandemic and assessing the near and long-term impacts of COVID-19?**

In the period of the prohibition to leave the institution (from 19 March 2020 to 24 April 2020), compared to the data to the pre-restrictions period, the child abuse reports have dropped by 45%. It preceded our calculations of the alerts as the family and institutional circumstances drastically changed due to Covid-19.

For the period of the restrictions, we do not yet have the results of a detailed analysis of child abuse cases alerted by the child protection institutions, including data on cases of sexual abuse and the number of perpetrators and victims. Reliable and valid data can be provided after the underlying causes of a decline in the number of alerts have been identified. The development of the number of victims and perpetrators will be determined only after the criminal proceedings have been conducted.

1. **Please, share information about challenges faced in the provision of undisrupted healthcare, education and legal aid, as well as care recovery and reintegration services for the victims in the context of the outbreak.**

Besides the professionals working in the child’s place of care, children could contact their protection guardian and the children’s rights representative to report any possible abuse or exploitation during the crisis without distraction.

1. **Have there been examples of innovative solutions to ensure effective functioning of child protection and justice systems that are resilient, adaptable and able to withstand the next crisis?**

The same measures as always had to be kept under strict conditions for the children’s safety.

1. **How relevant and functional were the existing legal frameworks dealing with prohibition, prosecution, protection, care, assistance and prevention in relation to all forms of physical, mental and sexual violence against, exploitation and neglect of, and harmful practices in relation to children?**

Given that the application of the Methodology for mandatory reporting and investigation of child abuse cases in child protection institutions and reformatories has not been suspended in the COVID-19 pandemic situation, it was still mandatory to hear suspected abused children and conduct an internal investigation in reported abuse cases according to the Methodology.

1. **Has there been a surge of resource allocation, actions plans or coordination mechanisms, prevention and response services for the protection of children from all forms of violence, abuse and exploitation?**

There were no new resources or mechanisms used.

**Questions by the Independent Expert on protection against violence and discrimination based on sexual orientation and gender identity**

The report of the Independent Expert on protection against violence and discrimination based on sexual orientation and gender identity, Mr Victor Madrigal-Borloz, will be presented to the General Assembly in October 2020. It will focus on the impact of the COVID-19 pandemic on the human rights of lesbian, gay, bisexual, trans, and gender diverse (LGBT) persons, communities and/or populations. It will build on consultation and research processes triggered since the start of the pandemic, and also the work of States and civil society to create an LGBT-inclusive response to the health crisis. It will analyse the particular circumstance of LGBT persons who are living with disabilities, older persons, youths and children, migrants, minorities, those affected by poverty and homelessness, as well as those who face health challenges. The report will further analyse measures adopted in the context of the pandemic, aimed at persecuting LGBT persons, with indirect or unintended discriminatory effects, and identify and analyse good practice.

1. How did the State evaluate the situation of LGBT persons vis-à-vis the pandemic and potential specific vulnerabilities?
2. What measures were adopted by the State to ensure that LGBT persons would not be subjected to discrimination in the implementation of COVID-19 related interventions?
3. Did LGBT civil society participate in the design of measures taken to respond to the pandemic? If no, why not?
4. What is the information available to the State as to the impact of the COVID-19 pandemic on the general situation of LGBT persons and their access to education, housing, health and employment and on their living conditions?
5. Can you identify good practices in the State interventions in relation to COVID-19 and LGBT persons? Can you identify good practices stemming from civil society actions? Have lessons be learned from the pandemic on how not to leave LGBT persons behind in emergency situations?

**Questions by the Special Rapporteur on the implications for human rights of the environmentally sound management and disposal of hazardous substances and wastes**

The Special Rapporteur on the implications for human rights of the environmentally sound management and disposal of hazardous substances and wastes, Mr. Baskut Tuncak, would welcome in addition responses to the following specific questions related to his mandate:

**What evidence have you collected on environmental factors (such as exposure to hazardous substances and wastes, air and water pollution) that are contributing to serious or deadly cases of COVID-19?**

As it is confirmed that the population living in areas with polluted air has a higher incidence of chronic respiratory and cardiovascular diseases, it can be assumed that during the COVID-19 epidemic, the population living in such areas will experience more severe and violent symptoms in the event of a coronavirus infection. The National Centre for Public Health (NCPH) recommends taking measures to improve air quality and comply with health advice.

**Which initiatives and measures have been taken to understand such link and to currently address this problem?**

In view of the NCPH's proposal, the destruction of garden waste by incineration has been prohibited throughout Hungary.

**Questions by the Independent Expert on foreign debt and human rights**

The report of the Independent Expert on foreign debt and human rights, Ms. Yuefen Li, to the United Nations General Assembly will focus on debt servicing and debt sustainability of low-income and developing countries in view of the current COVID-19 pandemic and its impact on financing for development , economy, poverty and the right to an adequate standard of living. To inform her report Ms. Li welcomes contributions from States, International Financial Institutions, Regional Banks, national human rights institutions, civil society organisations, academics and other stakeholders, on the following issues:

1. Did your Government benefit or have been allocating (as a creditor, lender or donor) any forms of debt alleviation including debt standstill, relief, moratorium, restructuring or cancellation. Was human rights a major consideration in making decisions and the use of the financial resources? Were there any specific groups at risks identified and if so, please detail specific measures considered to protect their human rights.

Hungary has not allocated any direct debt alleviation.

1. How much additional resources have been deployed to deal with the pandemic and COVID-19 relief if applicable? If any forms of debt alleviation have been allocated/received, were there any adjustments made to social spending and COVID relief programmes, if so, please provide further details.
2. In addition, have the debt repayment requirements pressed your Government to cut some of the social expenditures, including on health? If so, do you think that this has hampered the current response of the health system to the COVID-19 crisis?
3. Going forward, what measures or policy recommendation are being considered by your Government/institution for economic recovery and debt sustainability and to prevent and mitigate human rights impacts of the COVID-19 economic fallout?

1. Special Rapporteur on extreme poverty and human rights, Mr. Olivier De Schutter; Special Rapporteur on the right to food, Mr. Michael Fakhri; Special Rapporteur on the right to adequate housing, Mr. Balakrishnan Rajagopal; Special Rapporteur in the field of cultural rights, Ms. Karima Bennoune; Independent Expert on the enjoyment of all human rights by older persons, Ms. Claudia Mahler; Working Group on Persons of African Decent; Special Rapporteur on the rights of indigenous peoples, Mr. José Francisco Cali Tzay; Special Rapporteur on contemporary forms of slavery, including its causes and consequences, Mr. Tomoya Obokata; Special Rapporteur on the sale and sexual exploitation of children, Ms. Mama Fatima Singhateh; Independent Expert on protection against violence and discrimination based on sexual orientation and gender identity, Mr Victor Madrigal-Borloz; Special Rapporteur on the implications for human rights of the environmentally sound management and disposal of hazardous substances and wastes, Mr. Baskut Tuncak; Independent Expert on foreign debt and human rights, Ms. Yuefen Li. [↑](#footnote-ref-1)
2. The full call for input is available at: https://www.ohchr.org/EN/Issues/IPeoples/SRIndigenousPeoples/Pages/Callforinput\_COVID19.aspx [↑](#footnote-ref-2)