

**United Nations Human Rights Council
49th Regular Session
Agenda Item 6**

**Oral statement of the International Commission of Jurists (ICJ) during the
examination of the UPR report on Hungary**

23 March 2022

Mr President,

The International Commission of Jurists (ICJ) notes the completion of the Third Cycle of the Universal Periodic Review by Hungary.

The ICJ welcomes the acceptance by Hungary of the recommendation to fully respect the separation of powers.¹

The ICJ notes that Hungary did not accept the recommendations to guarantee the independence of the judiciary,² declaring them to have already been implemented.

We regret to inform the Council that this is not the case.

Since 2011, a series of legislative and constitutional changes have significantly increased political control or undue influence over the judiciary and undermined judges' security of tenure.³ The independent self-governance of the judiciary has been severely compromised.

The ICJ therefore regrets that Hungary has not accepted the recommendations to depoliticize the judicial system by strengthening the National Judicial Council powers; to take steps to protect judges from political retribution;⁴ and to implement the Basic Principles on the Independence of the Judiciary.⁵

Hungary has only noted the recommendations aimed at ensuring that the rights of migrants and refugees are respected,⁶ on the justification that "the current asylum and migration legislation adequately ensures that the recommendations are met".⁷

Contrary to this assertion, in 2015, Hungary amended its asylum law to declare a "crisis situation" caused by mass migration and swiftly criminalized any entry

¹ Recommendation at para. 128.117.

² By Pakistan (128.107), Pakistan (128.108), Sweden (128.109), Austria (128.112), Germany (128.114) and Peru (128.115).

³ Venice Commission, Opinion on the amendments to the act on the organisation and administration of the Courts and the act on the legal status and remuneration of judges adopted by the Hungarian Parliament in December 2020, CDL-AD(2021)036, inter alia para. 15, 37 and 48. ([https://www.venice.coe.int/webforms/documents/default.aspx?pdffile=CDL-AD\(2021\)036-e](https://www.venice.coe.int/webforms/documents/default.aspx?pdffile=CDL-AD(2021)036-e)).

⁴ Recommendation at paras. 128.110, 128.113.

⁵ Recommendation at paras. 128.111 and 128.116.

⁶ By New Zealand (128.244), Germany (128.250), Ecuador (128.252-253), Brazil (128.254), Uganda (128.257), Republic of Korea (128.258), Finland (128.161), Sweden (128.262), Argentina (128.263) and Afghanistan (128.264),

⁷ See, para 7, UN Doc. A/HRC/49/8/Add.1.

through its borders. In addition, since 2018 a Hungarian law criminalizes the work of civil society organizations or lawyers that work to assist migrants.

Finally, the ICJ regrets that Hungary has not accepted the recommendations on the ratification of the Optional Protocols to the ICESCR and the CRC.⁸

I thank you.

⁸ Recommendation at para. 128.3-5.