



Human Rights
Institute

Organization: Lawyers for Lawyers
Item: Item 6 – UPR Outcome Hungary
Date: 23/24 March 2022
Speaker: Mr. Leroy Niekoop

Oral Statement to the 49th Session of the UN Human Rights Council from Lawyers for Lawyers (L4L) and the International Bar Association’s Human Rights Institute (IBAHRI), NGOs in special consultative status

Mr President,

Lawyers for Lawyers and the International Bar Association’s Human Rights Institute deplore that Hungary has noted a number of recommendations relating to the protection of human rights defenders, including lawyersⁱ and the independence of the judiciaryⁱⁱ because they are considered already implementedⁱⁱⁱ. The independence of lawyers and the judiciary is still an issue of great concern in the country.

First, we are disturbed at the harassment of lawyers through the criminalisation of their profession. For example the “Stop Soros” legislation criminalised legal professionals who offered assistance to undocumented migrants. This directly affected lawyers’ ability and right to work independently or by joining/establishing associations on human rights causes.

Second, we are concerned that judicial independence is strongly endangered in Hungary. Recent legislation has actively undermined judicial impartiality. This jeopardises the access to justice, and lawyers’ mission to guarantee this.

Third, we are alarmed by increased levels of public rhetoric against judges and lawyers. In portraying lawyers as enemies of the Hungarian State, the government infringes upon lawyers’ ability to perform their functions free from harassment, threats and intimidation.

We recall that lawyers play a vital role in the protection of human rights and fundamental freedoms. To fulfil their professional duties, lawyers should be able to practice law freely and independently, without harassment or improper interference. We urge Hungary to effectively implement all recommendations relating to the protection of lawyers, and in particular we call on Hungary to:

- Respect the freedom of expression and association of lawyers and judges in order to allow them to accomplish their work to provide access to justice and tackle discrimination, crime, impunity and oppression;
- Take all necessary measures to ensure access to justice, and preserve lawyers’ mission to guarantee that;
- Lastly, safeguard and guarantee a full and effective independence of the judiciary in Hungary.

Thank you.

ⁱ Report of the Working Group on the Universal Periodic Review of Hungary, 21 December 2021, A/HRC/49/8.

Noted recommendations:

128.23 Recognize the important role of civil society organizations and human rights defenders in a democratic society and remove any obstacles to their effective functioning (New Zealand);

128.31 Decriminalize defamation, frequently used against journalists, defenders and civil society organizations (Mexico);

ⁱⁱ Report of the Working Group on the Universal Periodic Review of Hungary, 21 December 2021, A/HRC/49/8.

Noted recommendations:

128.107 Take measures to protect the full independence and impartiality of the judiciary (Pakistan);

128.108 Implement measures to guarantee the independence of the judiciary (Italy);

128.109 Safeguard and guarantee full and effective independence of the judiciary, including when it comes to the appointment of judges to the Supreme Court (Sweden);

128.112 Take action to protect judicial independence by bringing the selection and appointment procedures of court presidents into line with international standards (Austria);

128.114 Take measures to ensure the independence of the judiciary, including by implementing the Venice Commission's recommendations to strengthen the national judicial council and the national judicial office and its president (Germany);

128.115 Consider taking measures to strengthen the full independence, impartiality and effectiveness of the judiciary (Peru);

128.116 Take effective steps to guarantee and protect full independence and impartiality of the judiciary as well as the separation of powers (Liechtenstein);

ⁱⁱⁱ Addendum to report of the Working Group on the Universal Periodic Review of Hungary, 22 February 2022, A/HRC/49/8/Add.1.