

LIBERTIES

RULE OF LAW REPORT

2024

HUNGARY

#ROLREPORT2024



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FOREWORD

This country report is part of the Liberties Rule of Law Report 2024, which is the fifth annual report on the state of rule of law in the European Union (EU) published by the Civil Liberties Union for Europe (Liberties). Liberties is a non-governmental organisation (NGO) promoting the civil liberties of everyone in the EU, and it is built on a network of national civil liberties NGOs from across the EU. Currently, we have member organisations in Belgium, Bulgaria, the Czech Republic, Croatia, Estonia, France, Germany, Hungary, Ireland, Italy, Lithuania, the Netherlands, Poland, Romania, Slovakia, Slovenia, Spain and Sweden, as well as a contributing partner organisation in Latvia.

Liberties, together with its members and partner organisations, carries out advocacy, campaigning and public education activities to explain what the rule of law is, what the EU and national governments are doing to protect or harm it, and gathers public support to press leaders at EU and national level to fully respect, promote and protect our basic rights and values.

The 2024 report was drafted by Liberties and its member and partner organizations, and it covers the situation during 2023. It is a ‘shadow report’ to the European Commission’s annual rule of law audit. As such, its purpose is to provide the European Commission with reliable information and analysis from the ground to feed its own rule of law reports, and to provide an independent analysis of the state of the rule of law in the EU in its own right.

Liberties’ report represents the most in-depth reporting exercise carried out to date by an NGO network to map developments in a wide range of areas connected to the rule of law in the EU. The 2024 report includes 19 country reports that follow a common structure, mirroring and expanding on the priority areas and indicators identified by the European Commission for its annual rule of law monitoring cycle. Thirty-seven member and partner organisations and one independent human rights expert contributed to the compilation of these country reports.

[Download the full Liberties Rule of Law Report 2024 here](#)

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HUNGARY

About the authors

Hungarian Civil Liberties Union



The Hungarian Civil Liberties Union is a human rights NGO; since its foundation in 1994, the organisation has been working for everybody to be informed about their fundamental human rights and empowered to enforce them against undue interference by those in positions of public power. HCLU monitors legislation, pursues strategic litigation, provides free legal aid assistance in more than 2500 cases per year, provides training and launches awareness-raising media campaigns to mobilise the public. It stands by citizens unable to defend themselves, assisting them in protecting their fundamental rights. HCLU has a presence in courts, national and international conferences, universities, in the capital and the countryside.

Disclaimer: The present report is based on the Contributions of Hungarian CSOs to the European Commission's Rule of Law Report¹ (January 2024) written by Amnesty International Hungary, the Eötvös Károly Institute, the Hungarian Civil Liberties Union, the Hungarian Helsinki Committee, K-Monitor, Mérték Media Monitor, Ökotárs – Hungarian Environmental Partnership Foundation, Political Capital, and Transparency International Hungary

Key concerns

Justice System

Regarding the justice system, there was progress versus the previous year. In 2022 and in

early 2023, the European Union put pressure on Hungary to adopt a legislative package of judicial reforms, which could help to improve its shattered independence. This is a step in the right direction, as important limitations to independence have been removed from the system and important guarantees have been put

¹ https://helsinki.hu/en/wp-content/uploads/sites/2/2024/01/HUN_CS0_contribution_EC_RoL_Report_2024.pdf

in place. However, it's important to approach the assessment of these reforms with caution. Key actors, such as the President of the Curia, may be interested in halting the progress, so it's not guaranteed that the reform will be successful. Despite this progress, changes in the justice system were not satisfactory in light of the European Commission's recommendations. No satisfactory action has been taken on the European Commission's recommendation on the transparency of the case allocation system in the context of the judiciary in 2023. Only the transparency of the case allocation system of the Curia has been improved, but no legislative measures have been taken to improve the transparency of the case allocation systems of the lower courts.

Anti-Corruption Framework

Regarding the anti-corruption framework, there has been no progress from last year. Although an unprecedented volume of anti-corruption measures have been taken in Hungary in the past few years, including the establishment of a new Integrity Authority, there is still no evidence of investigations, prosecutions, and final convictions in high-level corruption cases and their significant results. Similarly, developments regarding EU recommendations in this area were not satisfactory. No progress has been made on adopting comprehensive reforms on lobbying and revolving doors, and on further improving the system of asset declarations to

ensure effective oversight and enforcement. According to the latest publicly available draft of the Hungarian Anti-Corruption Action Plan,² lobbying and the revolving door mechanism will be regulated by non-binding legal instruments, no information is available on the content of future regulations, and no dissuasive sanctions are expected from such regulatory solutions. The content of asset declarations and the related sanction mechanism have not improved. The Integrity Authority published its report and recommendations on the asset declaration regime in December 2023,³ but there is no information on whether these will be implemented. So far, a robust track record of investigations, prosecutions and final judgments for high-level corruption cases is not visible. The primary obstacle can be attributed to the institutional structure of the prosecution, which continues to allow for political interference. There has been no change in this regard, and the 'motion for revision' institution created in the Criminal Procedure to counter this has not been found to improve the quality of the fight against corruption due to its expensive and risky nature.

Media Environment and Media Freedom

Regarding the media environment and media freedom, there has been no progress from last year. The media system's most challenging aspects have not improved, as there has been no progress in establishing measures to ensure the

2 Available on the webpage of the Anti-Corruption Task Force, as an annex to the government position on the opinion on the draft National Anti-Corruption Strategy of the Task Force: <https://kemcs.hu/wp-content/uploads/2023/10/NKS-kiegeszito-jelentesre-adott-Kormanyzati-allaspont.pdf>

3 https://integritashatosag.hu/wp-content/uploads/2023/12/Integritas_Hatosag_Vagyonynyilatkozatok_Eseti_Jelentes_2023-1.pdf

functional independence of the media regulatory authority, the editorial independence and independent management of state media, and the fair and transparent allocation of advertising expenditure by state-owned enterprises for a just and equitable distribution of public revenues and expenses. Developments in this area were not satisfactory when considering the recommendations of the European Commission.

Checks and Balances

Regarding checks and balances, there was no progress this year. Essentially, the system of checks and balances remains unchanged; the ruling parties have almost unlimited power due to their two-thirds parliamentary majority. In this system, the independence of the institutions is not guaranteed. The perpetuation of the special legal order significantly undermines the system of checks and balances and the separation of powers.

Civic Space







There was a regression in civic space this year. At the end of 2023, presumably in preparation for the 2024 election campaign, the smear campaign targeting independent NGOs and the press, and the passage of the Sovereignty and Defence Bill as part of this, led to a significant deterioration in this area. The implementation of recommendations from the European Commission was also unsatisfactory. No steps were taken to implement the recommendation of fostering a safe and enabling civic space environment and removing obstacles for civil society organisations. The immigration tax remains in effect, even though it is not actively enforced. Smear campaigns against independent civil

society organisations (CSOs) persist. There have been no new funding options for independent CSOs. Some progress has been made in their participation in official consultative bodies related to the expenditure of EU funds. However, a negative example is the adoption of Act LXXXVIII of 2023 on the Defence of National Sovereignty, potentially leading to far-reaching consequences and further stifling critical voices.




Disregard of Human Rights Obligations and Other Systemic Issues Affecting the Rule of Law Environment

Regarding the disregard of human rights obligations and other systemic issues affecting the rule of law environment, there was no progress from the previous year. In the permanent special legal order, fundamental rights do not limit the government's power in a meaningful way; the most important institution for the protection of fundamental rights, the ombudsman, is still downgraded because of its inactivity.

State of play (versus 2023)

-  Justice system
-  Anti-corruption framework
-  Media environment and freedom of expression and of information
-  Checks and balances
-  Enabling framework for civil society
-  Systemic human rights issues

Legend

- | | | |
|---|---|---|
| Regression | No progress | Progress |
|  |  |  |

Justice system

Key recommendations

- *Ensure the transparency and non-arbitrariness of the case allocation system in courts, including those lower than the Curia.*
- *The problematic scoring system used in the pre-appointment procedure for judges should be replaced by the new system proposed by the National Judicial Council.*
- *Eliminate the possibility for certain public officials to become judges by circumventing the normal conditions for becoming a judge.*

Judicial independence

Appointment of judges

Although the reforms of 2023,⁴ which affected the independence of the judiciary, covered the procedural rules for the appointment of judges, many of the problematic rules and practices of the previous system are still in place, so the change is not yet felt in all areas and it is questionable how far the reform will live up to expectations.

(a) The rather problematic selection system prior to the appointment of judges, the ‘points-based system’, remains substantially unchanged. It favours, for example, candidates who have previously worked in the executive branch. Although the National

Judicial Council (NJC) has drafted the proposal for a new system, its implementation has not yet started.

(b) The system continues to create the possibility of opaque selection without any meaningful opportunity for the NJC to comment. This is the case when several vacancies are opened simultaneously because the result of the application process can be manipulated by the Head of National Office for the Judiciary (NOJ) or the President of the Curia, who can decide the order in which they consider the applications. This problematic feature has not been affected by the reform.

(c) Members of the Constitutional Court already elected by the National Assembly may, by their own choice, continue their

⁴ See the assessment of the Judicial Reform in light of the super milestones set out in the Annex to the Council Implementing Decision on the approval of the assessment of the recovery and resilience plan for Hungary by Amnesty International Hungary, the Eötvös Károly Institute and the Hungarian Helsinki Committee here: https://helsinki.hu/wp-content/uploads/2023/05/Assessment_of_the_Judicial_Reform_052023.pdf

work as judges without going through the default judicial selection process. In 2023, one member of the Constitutional Court whose mandate expired used this possibility.

(d) As a result of the reform, only judges with at least two years of experience at the Curia may be elected President of the Curia. This is a way of preserving the power of the current leadership, but it is no guarantee that the head will be a professional, independent and impartial person.

However, there have been positive changes in 2023 as well:

(a) The President of the NOJ was previously not required to give individual administrative decisions. After the reform, they are obliged to give reasoned decisions, including those relating to the selection of judges, which are subject to the agreement or binding opinion of the NJC.

(b) In the future, the NJC will be able to prevent the President of the NOJ from declaring a selection procedure unsuccessful if the President is not satisfied with the outcome, i.e. the ranking of candidates by the panels of judges.

Irremovability of judges

Although the judicial reform makes certain decisions of the NJC binding, it does not provide sufficient guarantee for the irremovability of judges. Issues arise in secondments, assignments, and transfers of judges outside the judiciary, raising concerns about potential

abuse, as the legislation lacks clear criteria for these processes, which may lead to arbitrary decisions. Furthermore, transfers create a bypass in judicial careers, allowing judges to acquire leadership positions without following regular promotion proceedings. Loopholes in the law permit short-term transfers to function as disguised promotions. A loophole in the law allows for the overhaul of judicial leadership positions if a leader is dismissed unlawfully and subsequently reinstated. The President of the Curia questions the legitimacy of Service Courts and the Disciplinary Court of Bailiffs, asserting that the Seventh Amendment to the Fundamental Law abolished separate (special) courts. Hungarian legislation permits individuals having highly political backgrounds to be appointed as judges without NJC consent or a cooling-off period. The process lacks transparency and formalities, raising concerns about judicial impartiality and independence.

Promotion of judges

The standard procedure for judicial promotions and leadership positions involves an ordinary application process, but exceptions are widely permitted by legislation. Administrative leaders have full discretion in making decisions on promotions and judicial leadership positions, eliminating the transparency associated with application procedures. No judicial remedy is available against appointments made without an application process, which raises concerns about accountability. Even within a standard application procedure, court leaders can manipulate their outcomes. Assessments of candidates for judicial leadership positions are made at the discretion of the relevant court president, and

while judge peers can provide a non-binding opinion, the lack of guarantees allows presidents to appoint leaders against peer opposition. Particular instances, such as the appointment of the wife of the present President of the Curia as head of the panel at the Metropolitan Court of Appeal, highlight the disregard for judge peer votes.⁵ Apart from formal appointments, the legislation allows for informal means of promotion, including assigning administrative tasks or special judicial positions through non-transparent decisions. Examples include the de facto assignment of a deputy-college leader position at the Curia and the assignment of additional administrative tasks, accompanied by extra remuneration, to a judge with an unconventional appointment procedure.⁶ The lack of criteria and transparency in these informal appointments raises concerns about fairness and accountability in the judiciary.

Allocation of cases

The implementation of the judicial reform, effective from June 1 2023, has raised ongoing concerns about the revised case allocation rules at the Curia. Questions persist regarding the presence of an electronic system capable of ensuring automated case allocation without

human intervention. Both the Curia and the NOJ have been unable to provide evidence of a functioning IT system. The President of the Curia has openly criticized the judicial reform, asserting that it was externally imposed, unimplementable, and has led to legal instability in the Curia's operation.⁷ Electoral cases are of particular concern, where panel compositions are not fixed, and flexible exceptional rules pose challenges for parties attempting to verify compliance with the case allocation scheme. Moreover, the automated system applies exclusively to electronically processed cases, leaving uncertainties for submissions filed on paper.

In lower-instance courts, persistent concerns involve the case allocation system, characterized by unlimited possibilities for modification and frequent changes without substantial control by judicial self-governing bodies. The process lacks automation, relies on direct human intervention, and incorporates a broad range of exceptional rules without sufficient safeguards against inappropriate application. Parties cannot verify the proper application of the scheme or the utilization of exceptional rules in their case allocation. At appeal courts, case allocation schemes determine the composition of chambers and their handling of specific

5 <https://helsinki.444.hu/2022/08/19/egy-itelotablai-tanacselnoki-kinevezes-magyarazatanak-margojara-a-tenyek-tukreben>

6 The Hungarian Helsinki Committee submitted a freedom of information to the Kúria to acquire information on the legal basis of the assignment. See the answer of the Kúria here: https://helsinki.hu/wp-content/uploads/2023/01/informalis_vezetoi_kinevezesek_a_Kurian_2022.pdf

7 See the interview at <https://www.youtube.com/watch?v=EspkKuhO4Zo>. See an outline of the interview here: https://helsinki.hu/wp-content/uploads/2023/10/Baka_v_Hungary_NGO_Communication_under_Rule_9_2-20231005.pdf, Section III.2.

case types. The absence of legal impediments allows for arbitrary transfers of judges between chambers, influencing the status of individual judges and the adjudication of particular cases. Such transfers, including the dissolution of well-functioning chambers, can occur without judicial remedy, as they are practically executed through amendments to the case allocation scheme.

Independence of the NJC

The judicial reform made a positive step through the enhancement of the legal status and powers of the NJC. However, concerns arise about safeguarding the NJC's independence, crucial for the fulfilment of its constitutional role effectively. Several instances indicate political and administrative pressures during the election process, for example, the Judicial Reform allowed current NJC members to seek re-election, prompting accusations of self-interest. NJC members declined re-election to counter such claims. Furthermore, the President of the Metropolitan Regional Court allegedly interfered in the election process by instructing court leaders to conduct open plenary "consultations", which raised concerns about voting secrecy.⁸ A letter from the President of the Curia expressing preference for electors to choose specific

administrative leaders raised doubts about the fairness of the NJC election and respect for electors' autonomy.⁹

The judicial reform lacked a conflict-of-interest rule that would exclude judicial leaders appointed by the NOJ President from NJC membership. This omission poses challenges to the NJC's future operation and elections, potentially compromising independence and impartiality. Throughout 2023, court leaders, government officials, and pro-government media continued to discredit the NJC, questioning its integrity and independence. Smear campaigns against NJC members contribute to an atmosphere challenging the credibility of the NJC and put pressure on potential candidates for the next term.

Accountability of judges

The procedure regarding the constitutionality of the NJC-adopted Code of Ethics is pending at the Constitutional Court,¹⁰ creating a negative impact on judges' freedom of expression and participation in professional debates. Furthermore, judgement C-564/19 of the Court of Justice of the European Union (CJEU) remains unexecuted, as the judicial reform did not address binding precedents on

8 See the detailed report from 23 August 2023: <https://444.hu/2023/08/23/maris-megkezdodott-a-kuzdelem-a-birosagokert>

9 National Judicial Council, Statement of the NJC on the letter of the Kúria President on the NJC election, 21 December 2023: https://orszagosbiroitanacs.hu/az-obt-kozlemenye-a-kuria-elnokenek-levelerol-az-obt-valasztas-kapcsan/?utm_source=substack&utm_medium=email

10 Case no. II/01285/2022, <https://alkotmanybirosag.hu/ugyadatlap/?id=B1E83AFC8B10B1D2C125885B005B-3B7E>

CJEU referrals. In March 2023, GRECO's interim compliance report¹¹ highlighted serious deficiencies in the implementation of recommendations for judges' and prosecutors' immunity and disciplinary proceedings.

The Integrity Policy, unchanged since the NOJ President's election, may be used to suppress judges advocating for judicial independence, citing political implications. Disciplinary cases decided by non-public service courts lacked transparency until November 2022, when the NJC began publishing anonymized decisions. The President of the Curia questioned the legitimacy of service courts, citing constitutional amendments.

Salaries of judges

The relatively low salaries of judges and court staff in Hungary pose a threat to judicial independence. The legislation grants wide discretion to the NOJ President and judicial leaders in determining bonuses, potentially leading to self-censorship. There is no clear statutory list or criteria for distributing promotions among judges, and discretionary decisions by employers can impact the eligibility for certain bonuses.

Autonomy of prosecutors

There has been no change in this respect, neither GRECO nor the European Commission recommendations have been addressed by any reform. The system will continue to ensure that government influence in the prosecutorial organisation will continue to impose the will of the government. The findings of previous years remain relevant.

Smear campaigns and others

Overruling final and binding decisions of ordinary courts by legislation has become a practice to enforce the political will of the ruling majority. For example: the Minister of Justice, Bence Tuzson, stated that the Ministry would amend legislation if court judgements did not serve "the interests of Hungarian citizens and institutions",¹² exemplified by a case involving transgender rights, in which legislative amendments were swiftly introduced after a court ruling in favour of a transgender woman's pension entitlement.

Smear campaigns happen against judges, especially those serving on the NJC. Propaganda media aligned with the government published articles suggesting bias within the NJC and referring to its members as "service staff of the

11 Group of States against Corruption (GRECO), Fourth Evaluation Round – Corruption prevention in respect of members of parliament, judges and prosecutors, Fourth Interim Compliance Report – Hungary, GrecoRC4(2023)7, <https://rm.coe.int/fourth-evaluation-round-corruption-prevention-in-respect-of-members-of/1680ab87f1>

12 <https://444.hu/2023/07/03/tuzson-bence-mar-a-miniszterjelolti-meghallgatason-nyomas-ala-helyezte-a-birosagokat>

empire”, hinting at the United States and its Ambassador to Hungary.¹³

The President of the Curia has publicly questioned the legitimacy of court administration rules, claiming interference from local court members with insufficient experience at a supreme level and asserting that the Judicial Reform was externally imposed. He contended that this was causing legal instability.

Quality of justice

One of the biggest challenges facing the justice system today is the inefficiency of its support services. These services can be difficult to access and often fail to provide meaningful assistance to those in need. In many cases, victims are only able to access these services after significant delays, resulting in wasted time and missed opportunities. For instance, by the time a decision is made regarding eligibility for support, the window of opportunity for using this service may have already passed.

Fairness and efficiency of the justice system

From 1 January 2022, a new law¹⁴ allows litigants to obtain monetary compensation from the court in the event of an unreasonably long court proceeding. The law was adopted in response to the European Court of Human

Rights’ (ECtHR) frequent condemnations of lengthy civil proceedings. To a large extent, this has remedied the shortcomings identified by the ECtHR in a number of cases.¹⁵

It is important to note that the new compensation system has some flaws. The law defines excessive time periods in a way that is less favourable for clients than what is outlined in the ECtHR case law on “reasonable time”. While Hungarian courts have the ability to determine what is reasonably considered a shorter or longer period of time in a given case, the criteria for this are not specified in the law. Additionally, the daily amount of monetary compensation may be insufficient when considering Hungarian economic realities. The daily amount of monetary compensation is HUF 400, which is approximately €1. This means that in practice, the amount of monetary compensation for a delay of one year is only 3% of the average annual net salary in Hungary.

The NOJ recently released statistics¹⁶ showing that the number of pending court cases classified as protracted decreased by 8.5% by June 30th 2023, compared to the first half of 2022. Moreover, the number of court cases pending for more than 5 years also decreased by 8.6% by the end of the first half of 2023 compared to the first half of 2022. However, the NOJ found that some subsets, particularly criminal cases,

13 <https://magyarnemzet.hu/velemeney/2023/10/a-jurisztokracia-mar-a-spajzban-van>

14 Government Decree 372/2021. (VI. 30.).

15 The Committee of Ministers decided to end its supervision in the Gázsó case in respect of contentious civil proceedings in June 2023. CM/Del/Dec(2023)1468/H46-13, <https://hudoc.exec.coe.int/eng?i=004-10875>

16 https://birosag.hu/sites/default/files/2023-10/ugyforgalom_2023.felev_.pdf

showed an increase while overall the decline in court cases with a long backlog continued in 2023.

Anti-corruption framework –

Key recommendations

- *Investigation and prosecution of politically sensitive corruption cases should be entrusted to institutions that are substantially independent of government, ideally the European Public Prosecutor's Office.*

Levels of corruption

Given the low level of control of public power, partly due to the political occupation of the institutions and the limited public sphere, corruption has long been a serious problem. In recent years, it has been the focus of EU measures addressing the rule of law in Hungary. Despite various international recommendations and the establishment of anti-corruption frameworks, Hungary has shown significant shortcomings in effectively combating corruption, leading to considerable implications for the rule of law within the country.

Hungary's failure to implement comprehensive anti-corruption reforms, as recommended by the 2023 Rule of Law Report, underscores the government's reluctance to adopt meaningful measures against corruption. The absence of stringent regulations on lobbying, revolving doors and effective oversight on asset declarations has allowed corruption to permeate various levels of government and public services. Furthermore, the inability to establish a robust

track record of investigations, prosecutions, and final judgements for high-level corruption cases highlights the systemic obstacles to achieving accountability and transparency.

The inefficacy of the anti-corruption framework in Hungary has direct and indirect impacts on the provision of essential services related to human rights. Corruption undermines the justice system, limiting access to fair legal processes and eroding trust in public institutions. For example, the healthcare system, vital for realizing the right to health, faces challenges such as mismanagement of resources, bribery, and unequal access to services, exacerbated by corruption. Education and social services are not immune, with corruption affecting the quality of education and the equitable distribution of social assistance, further marginalizing vulnerable populations.

Despite the establishment of new anti-corruption agencies, such as the Integrity Authority, and efforts to enhance transparency and integrity within public services, the measures aiming

to combat corruption have largely been insufficient. The lack of empowerment, adequate resources, and genuine political will to tackle corruption effectively hinders these institutions' ability to bring about meaningful change. Civil society organisations play a crucial role in exposing corrupt practices and advocating for reforms. However, their efforts are often stifled by a lack of cooperation from governmental bodies and restrictions on access to information.

The evidence of widespread corruption in Hungary, particularly affecting human rights-related goods and services, underscores a critical challenge facing the country. The lack of effective anti-corruption measures and institutional weaknesses has profound implications for justice, security, healthcare, education, and social services, compromising the fundamental rights of Hungarian citizens. Addressing this issue requires a concerted effort from the government, civil society, and international partners to implement comprehensive reforms, ensure accountability, and restore public trust in institutions.

Framework to prevent corruption

In 2023, the European Commission directed two anti-corruption recommendations towards Hungary. However, the Hungarian government has not acted upon either of these recommendations. The first recommendation

suggested comprehensive reforms on lobbying, revolving doors, and enhancing the system of asset declarations. There has been no progress on this front. The new anti-corruption strategy proposed handling lobbying and revolving door mechanisms through soft-law tools, which lack specific guidelines or dissuasive sanctions. The substance of asset declarations and associated sanctions has not advanced either, despite having been scheduled for implementation in the summer of 2023. Although the Integrity Authority published recommendations on the asset declaration system in December 2023,¹⁷ it is uncertain whether the government has accepted them. The second recommendation called for a robust record of investigations, prosecutions, and final judgements for high-level corruption cases. The 2022 criminal procedure reform introduced the “motion for revision” to aid in prosecuting high-level cases, but its effectiveness is doubted.¹⁸ No significant legal or institutional reforms addressing the hierarchical structure of the prosecution service have occurred, hindering improvements in tackling corruption cases.

The implementation deadline for Hungary's 2020–2022 anti-corruption strategy was pushed back to July 2023, yet no evaluation of its effectiveness is publicly available. Despite a June 2023 deadline for a new strategy as stipulated by Hungary's Recovery and Resilience Plan, the country lacks an updated anti-corruption strategy as of January 2024. The development

17 https://integritashatosag.hu/wp-content/uploads/2023/12/Integritas_Hatosag_Vagyonyilatkozatok_Eseti_Jelentes_2023-1.pdf

18 https://k.blog.hu/2023/12/15/antikorrupcios_buntetoeljarasi_reform

process is ongoing, with two preliminary drafts circulated to the Anti-Corruption Task Force for feedback. However, the Task Force and the Integrity Authority were not involved in the drafting phase, and no public consultation occurred. The second draft outlines the main objectives of the anti-corruption plan, including creating codes of conduct for high-ranking officials and MPs, a suggestion from GRECO. However, it lacks detailed guidance on specific conduct rules and penalties.

In late 2022, Hungary underwent significant changes in its anti-corruption institutional framework, establishing agencies like the Integrity Authority, the Directorate for Internal Audit and Integrity, and the Anti-Corruption Task Force. However, these new institutions mainly have subsidiary roles and parallel competencies, relying on pre-existing institutions for substantial impact. The National Protective Service (NPS) remains the primary coordinator of the government's anti-corruption policy, leading to increased institutional fragmentation. The Constitutional Protection Authority (CPA) assumed additional responsibilities in 2022, narrowing the NPS and police's scope, with its 2023 budget more than doubling. The Integrity Authority, with a budget of nearly €44 million, investigates malfeasance involving EU funds but faces limitations in accessing necessary data and conducting independent investigations. The Anti-Corruption Task Force lacks a dedicated budget and struggles with uncertainties about its effectiveness, playing a limited role in coordination and facing challenges with non-governmental members' capacity and participation turnover.

Persistent concerns from previous reports highlight issues in the independence and autonomy of key state control institutions. The majority of these institutions, including the Integrity Authority and Directorate General for Audit of European Funds, are led by individuals aligned with the government, compromising their independence. While the Integrity Authority and Directorate General for Audit of European Funds formally have autonomy, their powers remain limited, relying heavily on other state agencies for action. Government agencies like the National Protective Service and National Tax and Customs Administration maintain anti-corruption tasks, but their effectiveness is hindered by government control and interference. The Government Control Office is an internal monitoring institution of the government, however, its audit plans are approved by the government and therefore non-autonomous. Other seemingly independent bodies, such as the State Audit Office, Hungarian Competition Authority, and Public Procurement Authority, face challenges of government influence, evident in selective examinations of corruption cases and allegations of bias in their reports.

Investigation and prosecution of corruption

In this context, the new legal instrument, which aims to allow private prosecutions for high-level corruption and maladministration in cases where the prosecution fails to take appropriate action, should be discussed. According to the assessment of anti-corruption organisations operating in Hungary, a number of procedural obstacles render this new special remedy procedure inappropriate as a substantive solution

when the state fails to prosecute corruption cases.¹⁹ While private individuals and private entities are entitled to bring corruption cases to justice, this is unrealistic given the lack of access to the necessary documents and the very short timeframes for bringing cases. Private individuals and private legal organisations do not have the resources to replace the work of authorities reluctant to investigate corruption cases. The new special remedies procedure, while formally breaking the monopoly of the prosecution to bring corruption cases to court, is not able to provide a meaningful solution to the state's failure to prosecute abuse of power because of procedural obstacles.²⁰

Marking problematic development in place since 2022, the Office for the Protection of the Constitution (one of the national security services in Hungary) is tasked with investigating all corruption offences where the alleged perpetrators are employed by the government or institutions of national security significance. National security services are exempted from the obligation to report suspected offences to investigating authorities if this would jeopardise the performance of their duties. And since national security services essentially operate in secrecy, it cannot be excluded that the Constitution Protection Office, when it detects

suspected corruption, withholds relevant information, which may result in impunity for the corrupt perpetrators.²¹

Anti-corruption action in less politically sensitive cases faces fewer obstacles. In fact, there is a markedly effective and innovative action on the part of the government in such cases. This can be observed, for example, in the government's efforts to stop corruption in the health-care sector. Compared to previous years, there has been a significant increase in the number of successful prosecutions for corruption in the health sector.²²

19 Amnesty International Hungary – Eötvös Károly Institute – Hungarian Civil Liberties Union – Hungarian Helsinki Committee – K-Monitor – Transparency International Hungary, Assessment of Hungary's compliance: https://helsinki.hu/en/wp-content/uploads/sites/2/2023/11/HU_EU_funds_assessment_Q3_2023_table.pdf

20 https://k.blog.hu/2023/12/15/antikorrupcios_buntetoeljarasi_reform

21 See Act CXXXV of 1995 on the National Security Services, Article 44(2a)

22 <https://infostart.hu/belfold/2024/01/05/csak-az-kapott-kemoterapias-kezelest-aki-fizetett-teritette-lapjait-a-nemzeti-vedelmi-szolgalat>

Media environment and media freedom -

Key recommendations

- *In order to ensure that the media authority is able to fulfil its constitutional function of enabling a pluralist media system and fundamental rights, parliament should amend the law and replace the current media authority with a new independent body. It is crucial that the new media authority's leadership is selected based on merit and not political affiliations, and that its composition is not determined solely by a single centre of power.*
- *To protect the freedom of the press and journalistic sources, parliament must limit the monitoring of journalists and ensure they have access to relevant information. These measures will safeguard their rights and promote transparency in society.*
- *A transparent and pluralistic media system enforced by an independent authority should disrupt government propaganda and ensure press freedom.*

Media and telecommunications authorities and bodies

In 2023, there were no changes to the legal status of the Media Council that would affirm its public or functional independence. The findings made in previous years that the Hungarian media authority does not meet European standards on the independence of such bodies remain valid.

Under the rules that remain unchanged in 2023, the President of Hungary appoints the Authority's president for a nine-year term upon the Prime Minister's proposal. In practical terms, this means that whoever the Prime Minister appoints to this position will become the President of the Media Council. The appointed President becomes the Media Council's nominee and is elected by Parliament with a two-thirds supermajority for nine years.

Parliament has a limited role, merely having the right to reject the nominee. A slightly more substantial parliamentary oversight exists in the election of the council's four other members, each serving for nine years. Since August 2022, this process has been based on the Parliament Cultural Committee's proposal, where the Fidesz-KDNP governing parliamentary group holds a two-thirds majority. And since there has been no political switching (for the last 13 years), the government has been assured of the council's loyalty.

The lack of independence in 2023 was most noticeable in the inaction of the authority in relation to state media. The state media is part of the ruling party's propaganda machine, with no room for pluralistic views, criticism of the government or non-negative portrayals of opposition politicians. Yet, the media authority

does not exercise any meaningful control over state media.

Although there exists on paper a co-regulatory system under the media law to ensure that journalist organisations are involved in media-related decision-making, these organisations have not yet been given a meaningful role. Self-regulatory bodies in the Hungarian media lack influence and play a minor role. The journalist associations were mostly inactive throughout the year.

Pluralism and concentration

The distorted media market has not changed significantly compared to the previous year. In addition to the undoubtedly biased and one-sided public media, the media system is characterised by a large number of state-funded media (through state advertising money) that show unconditional loyalty to the government. The volume of state advertising remains very high. Competition is not fair because state advertisers favour media loyal to the government; independent media are fragile and economically very vulnerable.²³

The phenomenon, described in last year's report, of social media increasingly taking over from the more regulated traditional media system,

persisted. Political actors spent a lot of money on their social media presence: between 2019 and 2023, these expenditures totalled HUF 10 billion (around €26 million).²⁴ The biggest advertisers are the government and its affiliated organisations, as well as the Megafon group, which broadcasts influencers supporting the government and governing parties.

There is no publicly available data on the financial source of this expenditure. Based on the money paid for ads bought on Meta, pro-government messages have a significant, roughly threefold, advantage.

Transparency of media ownership

In Hungary, ownership is generally easy to determine via the company register, and this is also true for media companies.

The Central European Press and Media Foundation (KESMA), which is influenced by the ruling party, owns a number of media outlets that appear to be centrally edited. Alongside it, several commercial media companies are owned by pro-government investors, such as the commercial channel TV2, the Rádió1 network and the news portal *Index.hu*. The ruling party also controls other elements of the media ecosystem,

23 <https://mertek.atlatszo.hu/allamihirdetesek/>

24 Meta Ad Library, <https://www.facebook.com/ads/library/report/?source=nav-header>; Hanula Zsolt: Így tett a magyar politika 10 milliárd forintot Mark Zuckerberg zsebébe, 1 December 2023. <https://telex.hu/belfold/2023/12/01/politika-propaganda-fidesz-hirdetes-facebook-megafon-kormany-mediaworks>

such as the media agency market, sales houses, printing houses, distribution systems etc.²⁵

As Hungarian media regulation does not restrict the ownership of media companies, large media conglomerates can develop. The control of mergers, which is exercised by the competition authority, partly on the basis of a resolution of the Media Council, does not fulfil its function, particularly because the government can avoid the scrutiny of the competition authority and the Media Council. This transpired in 2018 in the case concerning KESMA.

Public service media

State media does not operate as public service media. It is characterised by biased and one-sided reporting, which is always in line with the political interests and messages of the ruling parties. Critical voices against the government are absent, while the public media are also keen to criticise the opposition.

The state media service provider justifies why it does not have to present dissenting views, i.e. it has its own interpretation of the requirement of balance within the public service, which is specifically imposed on such media. In their reply to a complaint by a member of parliament about the balance of information, they explained that “the requirement of balanced information can clearly no longer be interpreted as meaning that

the media service provider is obliged to present all opposing views in detail, since the audience, once informed that there are opposing views, can also obtain detailed information about them from other sources”.²⁶

The institutional structure of the state media remains rather non-transparent, complex and confusing, and there has been no change in this respect. The Media Services Support and Asset Management Fund (the fund) manages content acquisition and production and is the employer of state media employees. However, editorial responsibility lies with another organisation, Duna Médiaszolgáltató Nonprofit Zrt. The latter is in principle subject to external control mechanisms, but these do not work effectively. At the same time, there is no meaningful independent control of the fund, which is only controlled by the non-independent Media Council. The odd relationship between the two organisations is also reflected in the difference in their budgets: the budget of Duna in 2023 was HUF 2.1 billion (about €5.5 million), while the fund’s budget was more than sixty times this amount, HUF 127 billion (about €334 million),²⁷ meaning that Duna, which has editorial responsibility and is charged with maintaining the public service requirement, cannot play a formative role.

25 Mertek Media Monitor, Media Landscape after a Long Storm – the Hungarian Media Politics Since 2010, December 2021, <https://mertek.eu/wp-content/uploads/2021/12/MertekFuzetek25.pdf>

26 <https://media1.hu/2023/12/19/nem-sikerult-szamonkerni-a-kozmedia-kegyensulyozatlansagat/>

27 Act LXXXI of 2022 on the Consolidated Budget of the National Media and Infocommunications Authority for 2023

Online media

Independent media in Hungary exists almost entirely in online spaces. The online nature is not being used by the government to impose restrictions on independent press, nor is it being used in this context to obstruct its operation. The government rarely blocks websites (typically gambling sites, less often sites used to commit crimes against children.)

The points made above about advertising spending on social media should be mentioned here. Based on their spending on advertisement in social media, the government and its agencies, as well as Megafon, the organisation running influencers echoing the government messages, are the main channels through which government messages reach citizens.

Public trust in media

Trust in various media platforms and outlets is highly dependent on the audience's political views, as it was stated in the previous report. According to the Reuters Institute's Digital News Report 2023,²⁸ the overall trust in news is extremely low at 25% (-2% from the previous year). In the meantime, 45% have trust in the media they regularly use. Only 9% pay for online news. State media is one of the least

trusted, with 29% of respondents trusting their news.

Safety and protection of journalists and other media actors

Hungarian journalists are rarely physically abused or subjected to unjustified abuse by the police or other authorities. However, the situation is overshadowed by the following problems.

After it was revealed that opposition parties may have received campaign funding from abroad, pro-government politicians, pro-government media and influential figures launched a smear campaign against independent media receiving foreign funding. These media, including *Telex* and *Átlátszó*, were branded as “dollar media” and accused of serving “foreign interests”.²⁹ A pro-government institute published a report which positioned the funding of independent Hungarian news agencies as a threat to Hungarian sovereignty, arguing that “in the Hungarian media space, foreign-funded content producers have reached a critical level, and thus the structure of foreign-funded structural financing raises the question of harm to domestic interests”.³⁰

This smear campaign has evolved into the adoption of the Sovereignty Protection Act,³¹ which

28 <https://reutersinstitute.politics.ox.ac.uk/digital-news-report/2023/hungary>

29 The international Press Institute republished the statement in solidarity with Hungarian journalists: <https://ipi.media/hungary-ipi-joins-condemnation-of-passing-of-sovereignty-protection-act/>

30 <https://www.xxiszazadintezet.hu/wp-content/uploads/2023/03/mediaszuverenitas-trend-1-2023.pdf>

31 Act LXXXVIII of 2023 on the Defence of National Sovereignty

poses a serious threat to the press. The Office for the Protection of Sovereignty, created under this law can investigate, among other things, media outlets for serving foreign interests. Its findings are made public and there is no legal recourse against it. The law entered into force on 1 January 2023, and it is not yet possible to predict how its rules will be applied, whether they will be used against the media, or to what extent they will lead to self-censorship.

According to the International Press Institute (IPI), the most widespread cyber-attack against an independent media outlet in a European Union Member State was the unprecedented series of distributed denial of service (DDoS) attacks targeting more than 40 news portals in Hungary and the Budapest Pride website in 2023.³² It is remarkable that the police (the National Investigation Bureau of the Police) remained inactive in the case for weeks, and only opened an investigation six weeks after the incident. The National Cyber Security Centre initially refused to act but later began to investigate, however, this was only after the National Office of the Hungarian Standby Police started its own investigation at the request of the IPI.

The Pegasus cases, which were partly used to target journalists for surveillance and were reported on in detail in previous years' reports, remain inconclusive, with a number of court and administrative proceedings pending. The most important lesson remains that Hungarian law does not provide the necessary guarantees

for the protection of journalistic sources in the field of secret surveillance.

SLAPP lawsuits in Hungary differ from the experience of other European countries. Here, wealthy people close to politics generally use the provisions of the European Union's General Data Protection Regulation (GDPR) to prohibit the press from reporting on the substantial enrichment of their businesses, often with state subsidies. Even if the controversial article was compiled from public data, the GDPR is used as a weapon against the press. A common feature of the cases is that the articles in question concern public affairs, with the political-economic relations of the actors concerned being the main subject. Unfortunately, the GDPR itself does not provide explicit protection for press freedom and can therefore be used to stifle the press in countries that have not established specific rules to exempt the press from the provisions of the GDPR (which the GDPR allows). Hungary is such a country. Several such lawsuits are currently ongoing, with one common feature being the difficulty in convincing the court that the processing of press data is related to public affairs and not only to private interests (e.g. the business interests of the media company). Several controversial judgements have been handed down so far, but these proceedings are still ongoing, so it is too early to discuss a final outcome.

32 <https://ipi.media/hungary-ddos-cyber-attacks-pose-major-new-threat-to-media-freedom/>

Practical barriers to independent journalism

In Hungary, the barrier to the proper functioning of the independent press is not the direct and obvious attacks on journalists and the media, but rather the ignorance of them and their functioning by public figures close to the state and the state. Inquiries from the press go unanswered. It is almost a daily occurrence in the articles of the independent press to report that they have contacted public office on some public issue or other, but that it has not responded to their enquiries. Formal public interest requests for information also tend to go unanswered; they may only lead to the obtaining of data years later, as a result of a court case,

which is obviously not a suitable way to serve the press' need for information. The independent press is very rarely given the opportunity to interview senior public officials, and employees of public bodies (including not only ministries but also, for example, state-run hospitals or schools) are instructed not to make any statements. A narrower group of independent press staff are particularly disadvantaged by the fact that they are typically not accredited for public events related to government, and in many cases are not invited to press conferences (from government spokesperson briefings to municipal press conferences) or are either invited very late or refused registration.

Checks and balances

Key recommendations

- *The government should end the abusively maintained special legal order.*
- *Legislation must be proposed through a procedure that ensures that draft legislation is debated on its merits.*
- *Guarantee the consensus-seeking character of the selection of members of the Constitutional Court by way of legislative amendment.*

Process for preparing and enacting laws

The rules on transparency of legislation and consultation of stakeholders and their frequency remain essentially unchanged in 2023. There has been no substantial progress in the practice of public consultations on proposed legislation

or in the impact assessments of legislation. The rules themselves do not ensure that legislation is subject to public consultation (as there are no legal consequences for breaching them) and are regularly breached. Thus, it happens that (a) important bills proposed by the government are not subject to public consultation (e.g. the Twelfth Amendment to the Constitution,

the transposition of the EU Whistleblower Directive, the abolition of the compulsory membership of the Medical Chamber) or (b) are made available for consultation at a time that makes them impossible to consult (e.g. published ten minutes before submission to Parliament), (c) the explanatory memoranda for the bills are often short and unsuitable for consultation, (d) and there is no sign of serious consideration of the consultation responses received. It is also still common practice to circumvent the rules by submitting bills that have been prepared in a ministry as a private member's bill, as happened, for example, with the Sovereignty Protection Act. A similar way of avoiding the necessary consultation with stakeholders is that the Parliament's Legislative Committee (in which the governing party's majority is guaranteed) can, just before the plenary vote, completely change the content of the bills already debated, even changing the concept of the legislation, using last-minute amendments (this is how the Electoral Procedures Act was finally amended, for example).

The effectiveness of public hearings has been diminished: an emergency government decree in April 2023 permitted the elimination of in-person public hearings in both administrative

procedures and local government.³³ The decree (from January 1 2024, a parliamentary law) authorises local governments, national authorities, and administrative bodies to conduct public hearings without the physical presence of the public, relying solely on information published on their respective websites. This change deprives citizens and civil society organisations of an important forum to articulate criticism of local decision-making. Online consultation is of course inappropriate for confronting decision-makers with criticisms in real time.

Although the Hungarian rules on lawmaking provide a wide range of possibilities for parliament to adopt laws quickly or by exception in contrast to the normal procedure, these possibilities were rarely used within parliament in 2023. Of the 121 Acts of Parliament promulgated in 2023, only one was adopted by urgent debate (the law on asset declarations).³⁴ The Parliament adopted four laws under the exceptional procedure, the most prominent of which is the amendment of the law on the Hungarian Medical Chamber. The background to this was the opposition of the Medical Chamber to the planned measures affecting the medical profession. In response, the government wanted to abolish compulsory membership of

33 Government Decree 146/2023. (IV. 27.) on Establishing Rules on the Operation of Certain Organisations During the State of Danger and Certain Administrative Procedures Rules. See also: K-Monitor, Hungarian government to hollow out public consultations despite commitments, 28 April 2023: https://k.blog.hu/2023/04/28/hungarian_government_to_hollow_out_public_consultations_despite_commitments

34 Act LXX of 2023 on Provisions Relating to Further Simplifying the State's Administration. For more details, see: Response of the Hungarian Helsinki Committee to Service Request no. 14. – FRANET contributions to the Fundamental Rights Report 2024 / Threats to democratic values, 29 September 2023: https://helsinki.hu/en/wp-content/uploads/sites/2/2023/10/HHC-reply_FRANET-service-request-no-14_20230928.pdf

the chamber, thereby reducing the weight of its opinion. The bill was submitted to Parliament on 27 February 2023, passed without public consultation the following day and came into force on 1 March.³⁵

These parliamentary procedures are not even necessary for the Hungarian government if they want to legislate swiftly, given that Hungary has had a special order for many years that allows it to regulate by decree, and even to override essentially any Act of Parliament by emergency decree. Although the government can get Parliament to pass any law it wishes, they maintain this legal order because it makes it much easier for them to pass legislation. Compared to the previous year, they have made less use of special powers: while 42% of government decrees in 2022 were based on special powers,³⁶ this fell to 29.5% in 2023.

A more important aim of the government in maintaining a special legal regime is that it allows them to legislate quickly when necessary, which they tend to use abusively in areas that have no connection with the circumstances giving rise to the emergency. An example of such an abusive use of the special power was

the government decree which significantly extended the time limit for immediate dismissal of employees of educational institutions.³⁷ This made it much easier to take action against teachers who engaged in civil disobedience because of the restriction on their right to strike in 2022, and also significantly extended the period of uncertainty (during which teachers may not know whether or not they will be dismissed). This was of particular benefit to the government in dealing with protests by education workers, and the timing of its entry into force was also an important factor. The government drafted this decree on the grounds of the war.³⁸

The government decree allowing for the avoidance of personal public hearings in administrative authority procedures and local government was also adopted to address a situation that became politically sensitive. This was in response to growing protests over environmentally damaging new investments and the fact that public hearings became an important platform for the expression of opinion on these matters.³⁹ Such abuses are easy to recognise by the fact that, after rapid intervention in political processes like protests, when there is no longer

35 <https://telex.hu/english/2023/02/28/a-battle-of-wills-hungarian-doctors-vs-the-government>

36 <https://www.wolterskluwer.com/hu-hu/news/2022-jogalkotasi-statisztika>

37 Government Decree 4/2023 (I. 12.) on Certain State of Danger Rules Affecting Public Education Institutions. For more details, see: Hungarian Helsinki Committee, Curtailing the rights of teachers in Hungary – How the Government used legal tools to crack down on teachers asking for improvements in the public education system, 23 March 2023, https://helsinki.hu/en/wp-content/uploads/sites/2/2023/03/HHC_Hungary_teachers_23032023.pdf

38 Government Decree 4/2023. (I. 12.)

39 Government Decree 146/2023. (IV. 27.)

a situation for the government to resolve, the supposedly temporary rule is made permanent by enacting it into law. This is what took place in the previous two examples.

With regard to the constitutional review of legislation, there has been one positive development at the regulatory level in 2023. Implemented as a condition for Hungary's access to previously frozen EU funds, an amendment to the rules on the Constitutional Court's authority eliminated the option for public authorities to contest judicial decisions before the Constitutional Court, claiming a violation of their rights guaranteed by the Fundamental Law.⁴⁰ This amendment put an end to a contentious practice that allowed the Constitutional Court to overturn judicial decisions perceived as unfavourable to the government's interests. Nevertheless, the statement made in previous years that the Constitutional Court does not confront the government by annulling laws (of political importance) remains true. In 2023, in 106 completed cases initiated by petitions challenging legislation, the Constitutional Court annulled legislation in whole or in part in only 7 cases, of which 1 was a decree of a local government. The Constitutional Court prefers to use less confrontational means of action, such as finding constitutional omissions on the part of legislative bodies, which it orders to remedy by setting a deadline, however there is nothing in

the Hungarian constitutional system to guarantee that these omissions will be remedied. According to the National Assembly's website, there are currently 11 established constitutional omissions for which the deadline has already passed (the oldest is more than 10 years old).⁴¹

The reason why the Constitutional Court is not an effective instrument for protecting constitutionality is attributable to its questionable independence. The rules for the appointment of constitutional judges, which have been in force for the past 13 years, ensure that only candidates acceptable to the governing parties are considered for appointment, and the opposition cannot contribute to this process either constructively or destructively. Therefore, no meaningful guarantee of the independence of the Constitutional Court exists; in fact, the current rules guarantee the opposite. In 2023, four new justices were appointed to the Constitutional Court to replace those whose terms had ended. The nomination process for the new justices lacked transparency and did not involve prior consultations with the opposition.

Independent authorities

As a matter of principle institutions cannot be independent under the Hungarian regime, in which all guarantees of independence are based on the fiction that requiring a two-thirds

40 See Article 13 of Act X of 2023 on the Amendment of Certain Laws on Justice related to the Hungarian Recovery and Resilience Plan. For a detailed assessment of the Justice Reform, see the contribution of Amnesty International Hungary, the Eötvös Károly Institute and the Hungarian Helsinki Committee: <https://helsinki.hu/en/assessment-of-hungarys-judicial-reforms/>

41 <https://www.parlament.hu/az-orszagyules-donteseire-vonatkozo-alkotmanybirosagi-hatarozatok>

majority in parliament will lead to political balance in decision-making, since in Hungary, apart from a brief period (2015–2018), the current parliamentary term is the fourth in which the two-thirds of the parliament is in the hands of the government side.

Accessibility and judicial review of administrative decisions

From 1 March 2020, decisions by first-instance administrative authorities have to be challenged immediately in court. As a general rule, there is, therefore, no possibility of appeal within the administration. In addition, from 1 March 2022, in some first-instance administrative cases, only the Metropolitan Court of Appeal is allowed to rule, which limits access to the courts in these cases.

The legal status of judges reviewing administrative decisions has some problematic elements. Judges dealing with administrative cases must be appointed for this task; the appointment is made based on recommendations from the presidents of the courts, but the final decision is taken by the President of the NOJ (or, in the case of judges serving in the Curia, by the President of the Curia) in his or her full discretion. The designation may be terminated at any time by the President of the NOJ or the President of the Curia without the consent of the judge on secondment, but the consent of the NJC is required and reasons must be given for the decision from 1 June 2023. However, the legislation does not specify the criteria for either the appointment or its termination. Failure or refusal to designate could lead to obstacles to the appointment of judges, and

additional safeguards are therefore needed, such as the inclusion in legislation of criteria for designation and the extension of the NJC's right of consent.

Electoral framework

In May 2023, for the fourth time after 2020, 2021 and 2022, the government majority changed the electoral legislation with a new political will, again without any negotiation. The amendment also affects the substantive and procedural rules on elections and referendums. The rules on local elections have also been amended, just one year before the elections. These changes make political participation more difficult and restrictive, similar to previous amendments.

The amendment contains both positive and objectionable elements.

The legislative procedure was problematic because the government did not table the amendment as a separate motion, but as an overly broad amendment to a proposal prepared by the National Election Office. This solution significantly limits public debate on the bill.

One of the most important elements of the amendment is the increase in the number of candidates required for the compensation lists. Previously, it was sufficient for a nominating organisation (party, association) to have a compensation list in half of the individual districts. This proportion has been increased to two-thirds. To illustrate with the example of Budapest, it used to be enough to stand as a candidate for mayor in twelve of the capital's

twenty-three districts to have a compensatory list on the Budapest level, but now sixteen districts are required. The increase in the number of candidates required for the compensation list reduces the room for manoeuvre for opposition forces critical of the system. On the one hand, if they wish to join forces, they can only put forward one compensatory list, otherwise there will be overlap in the individual districts where (due to their relative majority nature) it is in the strategic interest of the opposition to have an opposition candidate against the governing party candidate. On the other hand, forces critical of the government or opposed to the (local public) power that do not wish to participate in the opposition coalition will also have to field more candidates, thus spreading the anti-government vote in more districts. The problem is not primarily the size of the list, but the dynamics of how the electoral rules are constantly adapted to the needs of a two-thirds majority.

The amendment also affects the stability of the electoral system. The rules of elections have a fundamental impact on the strategic scope of competing candidates and nominating organisations. However, these rules are not made by institutions independent of political competition, but by the two-thirds majority in parliament, which itself is part of the competition through the parties that make it up. If a political force holds the majority needed to make a change, it can unilaterally tailor the rules to its own political needs. On the one hand, this is a

violation of representative democracy, which is based on political actors competing for public power on a level playing field at fixed intervals. If one actor can unilaterally undermine the chances of the other, the level playing field is not respected. On the other hand, it is also a constitutional requirement for the electorate that the regulation remains impartial. The stability of electoral law has been challenged in Hungary over the past decade. The continued existence of a two-thirds majority has allowed, and continues to allow, election rules to be ‘fine-tuned’ before each election according to primary party interests.

The positive element of the amendment, on the other hand, is that it makes it considerably easier for voters to submit their various requests during the electoral proceedings.

Civic space

Key recommendations

- *The laws on Stop Soros, the special immigration tax, the transparency of NGOs that influence public life and the protection of sovereignty, which are designed solely to combat independent and critical voices, should be repealed.*
- *The government must stop the practice of not debating with those who disagree with it and questioning the legitimacy of dissent, such as on the grounds that it is against the interests of the nation.*

Freedom of association

The legal framework for NGOs is generally in line with European standards. There are no illegitimate restrictions on the establishment of organisations, and their registration is easy and can be done electronically. Until the adoption of the law on the protection of sovereignty at the end of the year 2023, no legislation had been adopted that posed a threat to NGOs. At the same time, the government has still not fully implemented the CJEU judgement in Case C-821/19 of November 2021. The 2018 provisions of the ‘Stop Soros’ package of laws criminalising the support of asylum seekers have not been repealed. The 25% ‘special immigration tax’ remains in force. Although so far no individual or organisation has been subject to these provisions, NGOs and their activists continue to face threats. In addition, under Act XLIX of 2021 on NGOs capable of influencing public debates, the State Audit Office

of Hungary has obliged NGOs with annual revenues of over HUF 20 million to provide data and documents. It is not yet clear what measures the State Audit Office has taken in this case, which has caused uncertainty among the NGOs concerned.

The so-called Sovereignty Protection Act⁴² poses a serious threat to civic space. There are two main parts, the second of which is problematic. The first part prohibits individual candidates, candidate organisations and associations participating in elections from receiving funds from foreign sources, and restricts the use of funds from domestic legal entities by candidate organisations. The second part creates the new Sovereignty Protection Office with broad and unspecified powers, including the collection of information involving intelligence services and the publication of reports on any person or organisation suspected of serving foreign interests and/or receiving financial support, with no

42 The unofficial English translation of the Defence of Sovereignty Act is available here: <https://helsinki.hu/wp-content/uploads/2023/12/Defence-of-Sovereignty-bill-T06222-EN-adopted.pdf>

available legal recourse against them. The law can also be interpreted as potentially identifying advocacy activities as a threat to sovereignty. The law's likely intentionally vague wording could put critical individuals and organisations, including NGOs, journalists, philanthropic donors, trade unions and churches, at risk.

Smear and defamation campaigns targeting human rights defenders continued in government-controlled media and social media in 2023.⁴³ According to the narrative, these are also supported by opposition political forces that allegedly undermine Hungarian national interests. As a result, many organisations refrain from expressing their views in public or are unwilling to engage with organisations that are perceived as 'problematic' or politically sensitive. These campaigns have intensified since the concept, which later became part of the Sovereignty Protection Act, emerged. It is important to note that it is not typical for civic space actors to be at risk of physical attacks.

However, verbal attacks do occur. These are typically based on a link between foreign funding

and actions against the interests of the nation. The EU's Citizens, Equality, Rights and Values (CERV) programme and the USAID Central Europe Fund have been accused of supporting 'Soros organisations' and the 'LGBTQI lobby', claiming that they are thereby operating in Europe under the direction of 'Brussels' and George Soros.⁴⁴ A series of articles published in government-friendly media used this information to create a negative impression about prominent human rights groups in society.

Freedom of peaceful assembly

Since 2012, the ECtHR has ruled against Hungary in eleven different cases for restricting the right of assembly beyond acceptable limits.⁴⁵ Hungary continues to fail in to ensure that public spaces are open to people exercising their freedom of assembly. Eleven years ago, the ECtHR in Strasbourg ruled for the first time that the Hungarian state had violated the right to freedom of assembly by preventing citizens from demonstrating without a legal basis and without adequate legal remedy. Since then, similar cases have continued to multiply,

43 See e.g. <https://magyarnemzet.hu/belfold/2023/02/az-akkumulatorgyar-elleni-hergelessel-gyanusított-egyészület-valoban-kapott-penzt-sorostol-video>, <https://magyarnemzet.hu/belfold/2023/02/kudarcba-fulladt-kispesti-program>, <https://magyarnemzet.hu/kulfold/2023/09/itt-tartunk-brusszel-fizet-soros-helyett>, <https://magyarnemzet.hu/belfold/2023/09/vajon-mi-az-amire-brusszel-es-a-soros-halozat-is-sok-szazmilliot-hajlando-aldozni>.

44 <https://magyarnemzet.hu/belfold/2023/09/vajon-mi-az-amire-brusszel-es-a-soros-halozat-is-sok-szazmilliot-hajlando-aldozni>, <https://magyarnemzet.hu/belfold/2023/09/vajon-mi-az-amire-brusszel-es-a-soros-halozat-is-sok-szazmilliot-hajlando-aldozni>, <https://magyarnemzet.hu/belfold/2023/09/vajon-mi-az-amire-brusszel-es-a-soros-halozat-is-sok-szazmilliot-hajlando-aldozni>.

45 NGO communication under Rule 9(2) of the Rules of the Committee of Ministers concerning the execution of the judgement of the European Court of Human Rights in the case of Patyi and others case group: https://helsinki.hu/wp-content/uploads/2023/09/Rule_9_Paty_i_case_group_260923.pdf

and the new law on assembly adopted in 2018 has not remedied many of the problems. The cordoning off of the building that houses the Prime Minister's office and the street in front of it continues to prevent demonstrations in front of the Prime Minister's Office building, while the legality of the cordon has been unclear for years.

In the *Patyi* case (and in some similar cases) the Strasbourg court ruled that the declaration of Kossuth Square as a "security operation area" and the cordoning off of the area in front of the Parliament blocked the area from demonstrators without a legal basis and an adequate legal remedy.⁴⁶ A few years later, in another case, the police used a hauntingly similar solution, a last-minute closure, to prevent a protest in front of the Alexander Palace, which the Strasbourg court ruled was unlawful.

The recent legislation on the rights to assembly,⁴⁷ introduced in 2018, has in practice eliminated the possibility of protests organised around the homes of public figures and politicians. While citizens used to hold regular protests in front of the homes of high-ranking government officials, such as the Prime Minister's home, the new provisions, which also provide for criminal sanctions, have made this form of protest completely impossible and removed it from the citizen's means of expression. This is despite the fact that in some of the problematic cases of the

group, the Strasbourg court has condemned Hungary for the unjustified prohibition of demonstrations in the vicinity of the homes of high-ranking politicians.

Since October 2023, the Hungarian police have banned all demonstrations in which the organisers declared that they wanted to commemorate civilian victims who died in Gaza. According to the police, these demonstrations would have been in support of the Palestinian terrorist organisation Hamas. As a basis for the ban, the police argued that, in the light of the ongoing war in Gaza, the demonstrations would pose a direct threat to public order and security, and that there was no guarantee that a possible counter-demonstration would not lead to conflict.⁴⁸ Although it would be legitimate for the police to prohibit events that can be shown to support terrorism or terrorist organisations if they pose a clear and present danger of violating the rights of others, the prohibitions in question are based on assumptions, not evidence. The explanatory memorandum did not provide clear evidence that the demonstrations were in support of Hamas. Nor was it made clear what efforts the police made, or whether they made every effort to restrict the peaceful exercise of the right of assembly only in such cases, and to the extent, that were genuinely justified. In the meantime, the Prime Minister has said that he made arrangements to ban the demonstration, which suggests that the police took the decision

46 *Patyi and others v. Hungary* case (Application no. 5529/05, judgement of 7 October 2008)

47 Act LV of 2018 on the Right to Assembly

48 <https://telex.hu/english/2023/10/13/hungarian-pm-took-action-to-ban-pro-palestinian-demonstration-in-budapest-as-soon-as-he-found-out-about-it>

without careful consideration and under political pressure.⁴⁹

Freedom of expression and of information

Enacted in 2021, the Propaganda Law,⁵⁰ which amends multiple statutes and curtails freedom of speech while discriminating against LGBTQI individuals, remains in force. In 2023, the law and its implementing regulations have had a direct negative impact on book distribution, media and schools. The Propaganda Law broadly bans the depiction of LGBTQI topics in the Child Protection Act and the Family Protection Act without targeting specific groups, undermining rule of law principles like legal certainty. Its vague nature makes it difficult to predict which expressions will be deemed unacceptable, and the absence of clear penalties adds to the uncertainty of outcomes for violations.

Since 2021, a government decree on commercial activities has mandated that products showcasing divergence from gender at birth, gender transitions, or homosexuality be distinctly packaged and not sold within 200 meters of educational institutions, child protection agencies, or religious establishments. This rule

restricts information access and breaches EU and international standards on human rights, and is criticised for its vague wording and unjustified objectives. Following this decree, Lira Book Zrt. was fined HUF 12 million (€31,200) for categorizing ‘Heartstopper’, a book with themes of homosexuality, as suitable for youth without the required packaging.⁵¹ Similarly, Libri-Bookline Zrt. faced a HUF 1 million (€2,600) penalty for offering ‘Good Night Stories for Rebel Girls’, which includes a transgender girl’s story, on the grounds that it violated laws intended to protect the mental and physical health of minors.⁵²

The lack of specificity of the law led to the controversial decision in October 2023 by the National Museum of Hungary to bar minors from the World Press Photo exhibition in Budapest due to LGBTQI content in some photos.⁵³ Despite this, the enforcement proved impractical as the museum lacks the authority to verify ages, culminating in the firing of the museum’s director general. This scenario underscores the law’s inefficacy and the arbitrary application, highlighting the need for clear, fair, and predictable legal standards.

Under Article 9/A of the revised national public education law, educational institutions

49 <https://tasz.hu/cikkek/tuntetesek-tiltasa-a-gazai-konfliktus-kapcsan>

50 Act LXXIX of 2021 on Stricter Action against Paedophile Offenders and Other Amending Acts for the Protection of Children

51 Government Office of Budapest, Consumer Protection Department, Case no. BP/2200/03940-5/2023

52 Government Office of Budapest, Consumer Protection Department, Case no. BP/2200/02500-5/2023

53 <https://www.theguardian.com/world/2023/nov/07/hungary-national-museum-director-fired-lgbt-homosexuality-laws>

are prohibited from hosting certain types of educational content, including sex education, drug prevention, and guidance on internet use, unless delivered by individuals or entities officially registered with a designated state agency. Non-compliance, involving collaboration with unregistered parties, subjects school principals and members of these organisations to potential legal actions for minor offences. The government defended the mandatory registration for CSOs wishing to offer sex education in its Explanatory Report to the Venice Commission,⁵⁴ arguing it was essential to prevent the involvement of groups lacking in professional integrity and established to promote particular sexual orientations. The education minister is tasked with designating a state agency to oversee this registration process and establish the criteria for it, a step that has yet to be taken. Consequently, numerous CSOs have found themselves barred from accessing public schools. Moreover, there have been reports of teachers and school psychologists facing pressure to avoid LGBTQI discussions.⁵⁵ Such restrictions on information access infringe upon various human rights of children.

Attacks and harassment

The Sovereignty Protection Act can be interpreted in part as a preparatory step for smear

campaigns organized by the government. The Sovereignty Protection Office established under this act possesses broad and vaguely defined powers to collect information (even through the use of intelligence services) and publish reports on any individual or organisation suspected of serving foreign interests and/or receiving foreign funding, without providing any means of legal recourse. The deliberately ambiguous wording of the law potentially exposes any critic - including NGOs, journalists, philanthropists, unions, or churches - to defamation, intimidation, and harassment based on the data released by the Sovereignty Protection Office. This could lay the groundwork for subsequent actions by other state bodies (e.g., the tax authority). The new authority is set to be established at the beginning of 2024.

In 2023, organisations working on LGBTQI rights faced ongoing defamation, with government-supportive media frequently branding them as ‘LGBTQP’ where ‘P’ denotes paedophilia.⁵⁶ A notable incident involved the Labrisz Lesbian Association following the release of their children’s book, ‘A Fairytale for Everyone’, in 2020. Magyar Nemzet, a newspaper aligned with the government, accused Labrisz of being a “paedophile organisation”.⁵⁷

54 [https://www.venice.coe.int/webforms/documents/default.aspx?pdffile=CDL-REF\(2021\)090](https://www.venice.coe.int/webforms/documents/default.aspx?pdffile=CDL-REF(2021)090)

55 <https://hatter.hu/tevekenysegunk/kutatasok/befogado-terek-emberi-jogi-es-alternativ-oktatas/befogado-terek-lmbtqi>, <https://mpt.hu/a-tarsasagrol/allasfoglalasok/>

56 <https://kuruc.info/t/66/261270/>

57 Even though the organisation took legal action against these claims, the Kúria found that the article did not violate their right to a good reputation. On 26 September 2023, the Constitutional Court found that Kúria’s decision was constitutional. Decision 3408/2023. (X. 11.) AB

Public participation

The government's interest in public input is contingent upon its alignment with official agendas. Public engagement in Hungary is predominantly solicited through what is termed a national consultation—a questionnaire distributed to every household, laden with questions that are not only leading but also reflect a particular bias, rather than fostering genuine inquiry. Remarkably, the feedback from these consultations overwhelmingly supports the government's viewpoint, with a 90-98% endorsement rate. On November 17 2023, the government embarked on another such consultation under the guise of addressing “Hungary's Sovereignty” sending out questionnaires to households.⁵⁸ These national consultations, however, do not offer a legitimate platform for engaging with the populace on key societal issues. Instead, they tend to ask skewed questions on matters that serve the government's political interests, neglecting topics deserving of open and public debate. The method of gathering and processing these responses is neither transparent nor dependable, undermining their validity as a form of meaningful public interaction and relegating them to mere instruments of state propaganda. The latest round of questioning probed citizens' views on Hungary's stance towards EU institutions, especially the European Commission, and touched upon issues like the foreign funding of Hungarian

organisations, the propaganda law, financial and military assistance to Ukraine, and the potential EU membership of Ukraine.

In the past decade, national referendums have been held only on issues initiated by the government.

In the spring of 2023, the Fidesz-majority National Election Committee (NEC) ruled that two questions put by the Teachers' Union were too complex for voters to understand the implications of the questions. Although the Curia overturned this, the Constitutional Court annulled the court's decision. In contrast, the strict clarity and other criteria are not applied when the government wants to call a referendum.⁵⁹ Neither the 2016 refugee quota referendum nor the questions on gender reassignment and sexual content affecting children's development, which were held on the same day as the 2022 general election, met the clarity requirements, yet they were all certified. Local referendums are more likely. In the case of national referendums, the institutional system is centralised, i.e. the same two bodies (NEC, Curia) always certify, but local referendums are decided by the local electoral commission and are brought before the county court. This decentralised nature helps to ensure that an issue slips through the hands of the authorities. In Pilismaró, for example, a local referendum was held on a mine plan that outraged the

58 <https://balkaninsight.com/2023/11/20/hungary-launches-national-consultation-targeting-the-eu-mi-grants-and-ukraine/>

59 <https://www.csee-etuice.org/en/news/member-organisations/5250-court-rejects-claims-against-referendum-on-new-controversial-education-law-in-hungary>

population, and although it was invalidated, the municipality withdrew the plan because of an overwhelming majority of the general vote.⁶⁰ A similar local success was achieved by civic groups defending the lakefront in Tata.

On issues of national importance, the situation is more difficult. In Győr, the court of law upheld an issue that could have prevented the construction of a battery factory, but the Constitutional Court intervened again.⁶¹

The government issued a decree on public hearings at the end of April,⁶² allowing authorities and local authorities to hold them without the personal presence of the persons concerned. Shortly afterwards, the first unlawful practice took place. In Göd, the Fidesz-majority county council organised public hearing only on YouTube and answering machines, limiting the time for comments and the possibility for participants to react to each other's comments.⁶³

Impact of civic space of emergency and crisis situations

The Hungarian police repeatedly banned all protests intended to commemorate the civilian

victims who died in Gaza. The police claimed that these protests would have supported the Hamas Palestinian terrorist organisation. The Prime Minister stated that he was responsible for prohibiting the protest, suggesting that the police decision was made without proper consideration and under political pressure.⁶⁴ In democracies that respect fundamental rights and the separation of powers, it is not the role of the Prime Minister to decide who can express opinions and on what topics, based on political, ideological, or moral considerations. While the police may agree with the Prime Minister on banning a protest, such a decision should only come after careful consideration based on assembly laws, not political directives. However, there is no evidence that such consideration took place in making these police decisions.⁶⁵

The government, which also has a constitutional majority in Parliament, insists on maintaining the special legal order, which is no longer exceptional, but rather the general state of affairs. Since March 2020, with a few months' break, there has been a continuous 'state of danger' in Hungary. The first one was introduced in response to the coronavirus outbreak, but when

60 <https://atlatszo.hu/orszagszerte/2023/08/28/ervenytelen-lett-a-pilismaroti-banyanyitas-ugyeben-tartott-nepszavazas/>

61 Decision 16/2023. (VII. 25.) AB

62 Government Decree 146/2023. (IV. 27.)

63 <https://tasz.hu/cikkek/kozmeghallgatas-uzenetrogziton-fordulj-hozzank-ha-a-te-varosodban-is-csak-tavkozmeghallgatast-tartanak>

64 <https://telex.hu/english/2023/10/13/hungarian-pm-took-action-to-ban-pro-palestinian-demonstration-in-budapest-as-soon-as-he-found-out-about-it>

65 <https://tasz.hu/cikkek/tuntetesek-tiltasa-a-gazai-konfliktus-kapcsan>

it was about to end in 2022, Russia's aggression against Ukraine led to the declaration of a new state of danger, which has since had to be

extended several times. The most recent extension was in October 2023, until 24 May 2024.⁶⁶

Disregard of human rights obligations and other systemic issues affecting the rule of law environment

Key recommendations

- *The misuse of special powers granted by the special legal order to restrict fundamental rights should be stopped.*
- *The Ombudsman should fulfil his role and discharge the duties deriving from his function as a defender of rights.*

Systemic human rights violations

The maintenance of a now-permanent state of emergency in Hungary renders fundamental rights irrelevant. However, since 2020, Hungary has been under a special legal order that allows the suspension or restriction of the exercise of fundamental rights (with some exceptions) beyond the limits of necessity and proportionality, through government decrees. Consequently, these rights do not limit the government's power, as these decrees can be issued at any time under the special legal regime that has become permanent in Hungary.⁶⁷

There have been some instances in recent years when fundamental rights were restricted by decree. For example, at the beginning of 2023, the government, exercising its special emergency powers, issued a decree that allowed for the termination of teachers at any time until August 1 of the school year with immediate effect and without severance pay, instead of within 15 days after learning of the circumstances leading to dismissal, as is the case for everyone else in Hungary.

Meanwhile, the most important institution for the protection of fundamental rights in Hungary is not functioning properly: the Commissioner for Fundamental Rights remains invisible to the

66 <https://helsinki.hu/en/3-5-year-long-state-of-danger-in-hungary-not-reasonable-but-extremely-convenient-for-the-government/>

67 https://helsinki.hu/en/wp-content/uploads/sites/2/2023/03/HHC_Hungary_teachers_23032023.pdf

public and does not speak out against government measures that violate fundamental rights. The decision by the Global Alliance of National Human Rights Institutions to downgrade the Hungarian human rights institution from ‘A’ to ‘B’ status formally removed Hungarian ombudsmen from the prestigious club of credible ombudsmen in 2022.⁶⁸ Reasons include the Commissioner and his office’s inadequate handling of a series of human rights issues, including violations against vulnerable ethnic minorities, LGBTQI people, refugees, and migrants. They failed to protect civilians, press freedom, and the independence of the judiciary, and did not refer politically sensitive issues to the Constitutional Court. This has not changed substantially in 2023.

In recent years, our reports have found that Hungary’s compliance with ECtHR judgements is notably deficient.

The number of leading cases awaiting implementation has increased from 43 (January 2023) to 45 (January 2024).⁶⁹ According to the European Implementation Network’s

data (most recently updated in January 2023), Hungary has a 76% non-compliance rate for judgements over the past decade, the highest in the EU and fourth in the Council of Europe.⁷⁰

Hungary’s compliance with CJEU rulings on asylum and migration is deficient, with a 2022 study showing non-implementation of 9 out of 13 decisions.⁷¹ Key violations include collective expulsions, criminalizing aid to asylum seekers under the ‘Stop Soros’ law, and the problematic ‘embassy system’ for asylum applications, risking fines for non-compliance. Despite some legal updates, Hungary’s reluctance to meet EU legal standards persists.

On 22 September 2023, the Ministry of Interior published a draft of an omnibus law that would, among other things, allow the involvement of vigilantes in border protection tasks and extend the so-called embassy system, which was found to be in breach of EU law this summer. In June, the Court of Justice of the European Union ruled that since May 2020, it has been illegal to apply for asylum in Hungary, and that asylum procedures can only be launched at

68 Global Alliance of National Human Rights Institutions (GANHRI), Report and Recommendations of the Virtual Session of the Sub-Committee on Accreditation (SCA), 14-25 March 2022, https://www.ohchr.org/sites/default/files/2022-04/SCA-Report-March-2022_E.pdf

69 <https://hudoc.exec.coe.int/eng#%7B%22execdocumenttypecollection%22:%5B%22CEC%22%5D,%22ex-eclanguage%22:%5B%22ENG%22%5D,%22execstate%22:%5B%22HUN%22%5D,%22execisclosed%22:%5B%22False%22%5D,%22ex-ectype%22:%5B%22L%22%5D%7D>

70 https://static1.squarespace.com/static/55815c4fe4b077ee5306577f/t/64a29f5698963750a81c90f7/1688379227726/Justice+Delayed+and+Justice+Denied_Final%282%29.pdf

71 Hungarian Helsinki Committee, Implementing judgements in the field of asylum and migration on odd days, 2022, <https://helsinki.hu/en/wp-content/uploads/sites/2/2022/11/Implementing-judgements-in-the-field-of-asylum-and-migration-on-odd-days.pdf>

Hungarian embassies in Belgrade and Kiev.⁷² The Luxembourg ruling means that asylum seekers must be guaranteed fair treatment.

Fostering a rule of law culture

Efforts by state authorities

There are still no sincere initiatives by the public authorities to promote a culture of the rule of law in Hungary. The requirement of the rule of law in the narrative of state power is an external constraint, currently imposed on the Hungarian state by the European Union, which is blackmailing it by withholding development and economic recovery funds and other EU financial resources. In fact, NGOs and other professionals defending the rule of law are portrayed as working against Hungarian interests for years.

This has been exacerbated by the national consultation on the defence of sovereignty. The infringements by the Hungarian state, which were found by the CJEU, are presented to citizens in the government propaganda material⁷³ distributed to every household as follows:

“Brussels wants to create migrant ghettos in Hungary too. Brussels wants to decide for us who we should live with and who we should let into our country. They want to oblige us to let migrants into the country even before asylum applications have been processed. This would also create migrant ghettos in Hungary.”⁷⁴

The EU’s subsidies to NGOs (in the government’s parlance, ‘political activists’) are a threat to sovereignty, according to the following excerpt: “In the past, various foreign organisations have given billions of euro to Hungarian political actors and activist groups linked to them. This is how they want to force Hungary to change its position on key issues. Many say this is nothing but political corruption.”⁷⁵

72 C-823/21, <https://curia.europa.eu/juris/document/document.jsf?text=&docid=274870&pageIndex=0&doclang=EN&mode=lst&dir=&occ=first&part=1&cid=4691161>

73 <https://telex.hu/english/2023/11/30/they-are-calling-it-a-consultation-but-the-questions-are-worded-to-get-the-answer-they-want>

74 <https://abouthungary.hu/blog/the-12th-national-consultation-has-launched-here-are-the-eleven-questions>

75 <https://abouthungary.hu/blog/the-12th-national-consultation-has-launched-here-are-the-eleven-questions>

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The HCLU is a Hungarian human rights watchdog working independently of political parties, the state or any of its institutions. The HCLU's aim is to promote the case of fundamental rights and principles laid down by the Constitution of the Republic of Hungary and by international conventions.

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The Civil Liberties Union for Europe

The Civil Liberties Union for Europe (Liberties) is a non-governmental organisation promoting the civil liberties of everyone in the European Union. We are headquartered in Berlin and have a presence in Brussels. Liberties is built on a network of 19 national civil liberties NGOs from across the EU.

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