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**LIBERTIES**

**RULE OF LAW REPORT**

**2025**



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**HUNGARY**



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# FOREWORD

This country report is part of the Liberties Rule of Law Report 2025, which is the sixth 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 and Malta.

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 2025 report was drafted by Liberties and its member and partner organizations, and it covers the situation during 2024. 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 2025 report includes 21 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. Over forty member and local partner organisations contributed to the compilation of these country reports.

**[Download the full Liberties Rule of Law Report 2025 here.](#)**

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# **HUNGARY**

## **ABOUT THE AUTHORS**

Hungarian Civil Liberties Union



The Hungarian Civil Liberties Union (HCLU) is a non-profit human rights watchdog NGO established in Budapest, Hungary in 1994. The HCLU works independently of political parties, the state or any of its institutions. The HCLU's aim is to promote fundamental rights and principles laid down by the Fundamental Law of Hungary and by international conventions. Its goal is to build and strengthen civil society and the rule of law in Hungary and in the CEE region. Since the HCLU is an independent non-profit organisation, its financial resources are mostly provided by foundations and by an increasing number of private persons. The HCLU strives to educate citizens about their basic human rights and freedoms, and takes a stand against undue interference and misuse of power by those in positions of authority.

## KEY CONCERNS

### *Justice System*

The judiciary suffers greatly from the gravely inadequate financial conditions and the lack of staff. The government has put pressure on the judiciary by making salary increases for judges and court administrators contingent upon the implementation of additional judicial reforms. This is likely to have further negative impact on judicial independence. The suspension of a judge from his leadership position at the Supreme Court (Kúria) raised serious concerns.

A ‘judicial reform’ was proposed by the ministry of justice but without the genuine involvement of relevant stakeholders. The agreement does not propose to raise the salaries of judges and court administrators sufficiently, and presents new threats to the independence of the justice system.

### *Anti-Corruption Framework*

Changes have been made in the area of corruption to comply with the conditionality mechanism, but these changes are not satisfactory.

The rules on asset declarations have changed, but only their personal scope has been extended, not their substantive one. The Criminal Procedure Act has been amended, but this has not brought satisfactory changes to the practice of investigation and prosecution in corruption cases.

### *Media Environment and Media Freedom*

The state of the media environment and media freedom has not improved over the past year. There have been no relevant legislative changes to address the root of problems; the media is still not independent, and the KESMA is still operating. Moreover, there has been some regression, such as the establishment of the Office of Sovereignty Protection.

Previous recommendations have not been implemented.

### *Checks and Balances*

The state of checks and balances has been at an all-time low for years, because the most important underlying cause (the extremely undivided power of Fidesz-KDNP and the Prime Minister) has not been mitigated. The overlap between state institutions, the governing party, and the government remains extreme. The quality of lawmaking remains poor, especially in politically sensitive cases. Independent institutions remain partisan and/or ineffective. Problems regarding elections are also persistent.







### *Civic Space*

The Sovereignty Protection Act and the proceedings launched by the Office of Sovereignty Protection against NGOs and investigative portals further deepen the government’s activities to undermine the democratic establishment and the involvement of citizens in public affairs.




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

In 2024, new human rights violations involving new groups of people occurred. Meanwhile, previous infringements have not been remedied by the state. In 2024, several laws were still adopted without public consultation or debate. Hungary continues to avoid implementing a number of international court judgments, and the government claims that the non-implementation of a CJEU judgment is a political decision.

**State of play** (versus 2024)

-  Justice system
-  Anti-corruption framework
-  Media Environment and Media Freedom
-  Checks and balances
-  Civic Space
-  Human Rights

Legend

- |   |   |   |
|---|---|---|
| <b><i>Regression</i></b>  | <b><i>No progress</i></b>   | <b><i>Progress</i></b>  |
|  |  |  |

## JUSTICE SYSTEM

### Key recommendations

- *Ensure adequate funding for the judiciary without any conditions (especially those undermining judicial independence).*
- *Involve judges and their associations in the process of the judiciary budget reform.*
- *Restore the guarantee of freedom of expression for the judiciary at the Supreme Court so that judges will not be suspended from positions based on their expressed professional views.*

### Judicial independence

A judge was deemed “unsuitable” for judicial office<sup>1</sup> after referring a politically sensitive question—the Hungarian regulation of asylum seekers—to the Court of Justice of the European Union (CJEU) for a preliminary ruling. The CJEU ultimately found that the Hungarian regulation violated EU law. On appeal, the judge was again found “inadequate”.<sup>2</sup>

A council president judge at the Supreme Court was temporarily suspended from his position and banned from becoming a council president for two years by the President of the Supreme Court because of his professional opinion on the Supreme Court’s case allocation scheme, which he had wished to publish in an academic study.<sup>3</sup>

The Ministry of Justice proposed a judicial reform that presents a further threat to judicial independence. The Ministry forced the

1 Hungarian Helsinki Committee: *Another scandal at the judiciary: no effective remedy for judges dismissed from the bench*, 12 September 2022, <https://helsinki.hu/en/another-scandal-at-the-judiciary-no-effective-remedy-for-judges-dismissed-from-the-bench/>

2 L. Murányi László: *Judge harassed by government media leaves the country*, Jelen Media, 28 March 2024. <https://jelen.media/kozelet/elhagyja-az-oroszgot-a-kormanymedia-altal-meghurcolt-birono/>

3 Hungarian Helsinki Committee: *Presidential retaliation against critical opinions at the Kúria*, 20 December 2024, <https://helsinki.hu/en/presidential-retaliation-critical-opinions-kuria-supreme-court-hungary/>

National Judicial Council (OBT) into signing an agreement<sup>4</sup> to legitimise the reform.<sup>5</sup> The agreement tied salary increases for judges and court administrators to the OBT's approval of certain reforms. (In spite of that, when the government presented the actual legislation, the OBT was excluded<sup>6</sup>.) These reforms include allowing the transfer of district court judges within their appellate court's jurisdiction, raising the minimum eligibility age for judges from 30 to 35, and highlighting that "the assessment of life and professional experience should be given greater emphasis." This shift means that external experience could carry more weight in judicial appointments, potentially opening the door to political influence.

The current members of the OBT were elected in January 2024 under circumstances that raised concerns from Amnesty International<sup>7</sup>. Following objections from judicial associations

and hundreds of judges regarding the signing of the agreement, the president of the OBT resigned on 3 December, 2024, thereby preventing the members of the OBT to vote on a motion of confidence<sup>8</sup>. As the newly elected president of the OBT confirmed, the government clarified that the increase in remuneration depended on the signing of the agreement (which he had not supported as a member of the OBT). This was based on his opinion that its objectives could potentially lead to a breach in the independence of the judiciary, especially arguing that the transfer of judges could have a chilling effect<sup>9</sup>.

Following the signing of the agreement, the president of the Metropolitan Court of Appeal's criminal division resigned as a judge. She emphasised the "systematic destruction" of the judiciary and that expressed her hope to "have a chance to see when the justice

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4 *Agreement entered into by and between Ministry of Justice and the Curia, National Office for the Judiciary, National Judicial Council, Hungarian Judiciary Council, 22 November 2024, [https://obt-jud.hu/sites/default/files/sajtoko-zlemanyek-mellekletek/Agreement\\_Nov-22-2024.pdf](https://obt-jud.hu/sites/default/files/sajtoko-zlemanyek-mellekletek/Agreement_Nov-22-2024.pdf)*

5 Hungarian Helsinki Committee: *Black Friday at Hungarian Courts*, 6 December 2024, [Black Friday at Hungarian courts - Hungarian Helsinki Committee](#)

6 Hacsí Gábor: *The government screwed the judges*, 444.hu, 16 December 2024. <https://amnesty.444.hu/2024/12/16/atverte-a-kormany-a-birakat>

7 Amnesty International: *Election of the new National Judicial Council of Hungary*, 19 January 2024, <https://www.amnesty.hu/election-of-the-new-national-judicial-council-of-hungary/>

8 HVG: *The NJC convened an extraordinary meeting after we wrote what the President said about judicial independence*, 28 November 2024. [https://hvg.hu/itthon/20241128\\_Rendkivuli-ulest-hivott-ossze-az-OBT-miutan-megirtuk-mit-mondott-az-elnok-a-biroi-fuggetlensegrol#rss](https://hvg.hu/itthon/20241128_Rendkivuli-ulest-hivott-ossze-az-OBT-miutan-megirtuk-mit-mondott-az-elnok-a-biroi-fuggetlensegrol#rss)

9 Mizsur András: *A bad decision is not the same as giving up judicial independence*, Telex, 11 December 2024. <https://telex.hu/belfold/2024/12/11/orszagos-biroi-tanacs-pecsenye-csaba-igazsagszolgalatas-biroi-fuggetlenseg-megalapodas>



system gains back its independence, professional standard, and quality”<sup>10</sup>.

### **Allocation of cases in courts**

Case allocation at the Supreme Court is still a major concern. According to Amnesty International Hungary, “although the system is more transparent to the public than before the reform, the allocation of cases at the Kúria still raises many questions and concerns”. While case allocation should be based on the arrival time of the cases, in 22% of cases, this rule was not observed, “and in many cases they deviated from the case allocation system without providing an explanation thereto”<sup>11</sup>.

According to a joint assessment from Amnesty International, K-Monitor, the Hungarian Helsinki Committee, Transparency International, and HCLU, the legislative changes adopted in May 2023 do,

*“not provide tangible guarantees that the allocation of cases will be carried out without human intervention, as it does not define objective criteria on the basis of which automatic case allocation should be carried out (e.g. the application of first-come, first-served as an objective criterion). No objective criteria regulate the composition of the chamber hearing the case (which is not the same as the concept of the adjudicating chamber hearing the case), and therefore it remains the possibility of manipulating the composition of the chamber hearing the case.”<sup>12</sup>*

HCLU has no specific information about the allocation of cases in lower courts.

### **Independence/autonomy of the prosecution service**

There are still unaddressed concerns for the autonomy of the prosecution service.

10 Serdült Viktória: “This is no longer compatible with my values” – the President of the Criminal Chamber of the Metropolitan Court resigned from his position as a judge, HVG, 29 November 2024, [https://hvg.hu/itthon/20241129\\_lemondott-biro-laczo-adrienn](https://hvg.hu/itthon/20241129_lemondott-biro-laczo-adrienn).

11 Amnesty International: *Briefing paper: Anomalies in the allocation of cases by the Kúria*, 7 November 2024, [https://www.amnesty.hu/wp-content/uploads/2024/11/241107\\_Briefing-paper\\_case-allocation-practice-at-the-Hungarian-Kuria.pdf](https://www.amnesty.hu/wp-content/uploads/2024/11/241107_Briefing-paper_case-allocation-practice-at-the-Hungarian-Kuria.pdf)

12 Hungarian Helsinki Committee: *Meeting the conditions for access to EU funding in Hungary, Overview table*, 12 December 2024, [https://helsinki.hu/wp-content/uploads/2024/12/HU\\_EU\\_funds\\_assessment\\_Q3\\_2024\\_table\\_HU.pdf](https://helsinki.hu/wp-content/uploads/2024/12/HU_EU_funds_assessment_Q3_2024_table_HU.pdf)

A legislative proposal<sup>13</sup> amending the Constitution was submitted<sup>14</sup> on 19 November 2024, affecting the autonomy of the prosecution service. According to the proposal, experience as a prosecutor would no longer be required in the eligibility criteria for Chief Prosecutor. Since the Chief Prosecutor has significant control over the prosecution service, this proposal would render this position even more susceptible to politicisation. The deputy prime minister submitted a request for an extraordinary session of Parliament between 16-20 December to adopt this proposal “as soon as possible”<sup>15</sup>. This motion resembles the appointment of the President of the Supreme Court, who became eligible for that position due to a tailor-made legislative amendment which made it possible to be elected President of the Supreme Court without judicial experience.

## Quality of justice

### **Accessibility of courts (e.g. court fees, legal aid, language)**

In most administrative matters, there is no option to appeal decisions before an administrative body. As a result, individuals must seek judicial review, making access to justice more difficult. Legal representation is mandatory in proceedings adjudicated by the Supreme Court. This provision makes exercising the right to appeal difficult, especially in cases where the Supreme Court acts as a second instance forum. However, this rule makes access to justice especially difficult in cases where the Supreme Court has the exclusive duty to decide as a first and last instance court, including election and referendum-related matters as well as in case of decisions made on the ban of demonstrations – which concern the exercise of fundamental rights. Moreover, only 3 days are available for judicial remedy in these matters. People face the difficult burden of finding lawyers who have expertise in these affairs, and must complete the process in a very narrow timeframe.

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- 13 Hungarian Parliament: *Proposal T/9997 on Fourteenth Amendment to the Fundamental Law of Hungary*, 22 January 2025, [https://www.parlament.hu/web/guest/folyamatban-levo-torvenyjavaslatok?p\\_p\\_id=hu\\_parlament\\_cms\\_pair\\_portlet\\_PairProxy\\_INSTANCE\\_9xd2Wc9jP4z8&p\\_p\\_lifecycle=1&p\\_p\\_state=normal&p\\_p\\_mode=view&p\\_auth=MPIJHNz0&\\_hu\\_parlament\\_cms\\_pair\\_portlet\\_PairProxy\\_INSTANCE\\_9xd2Wc9jP4z8\\_pairAction=%2Finternet%2Fcplsql%2Fogy\\_irom.irom\\_adat%3Fp\\_ckl%3D42%26p\\_izon%3D9997](https://www.parlament.hu/web/guest/folyamatban-levo-torvenyjavaslatok?p_p_id=hu_parlament_cms_pair_portlet_PairProxy_INSTANCE_9xd2Wc9jP4z8&p_p_lifecycle=1&p_p_state=normal&p_p_mode=view&p_auth=MPIJHNz0&_hu_parlament_cms_pair_portlet_PairProxy_INSTANCE_9xd2Wc9jP4z8_pairAction=%2Finternet%2Fcplsql%2Fogy_irom.irom_adat%3Fp_ckl%3D42%26p_izon%3D9997)
- 14 Lengyel Tibor: *The Fundamental Law would be rewritten again, and the most important NER cadre, Péter Polt, is being groomed to succeed him*, HVG, 19 November 2024. [https://hvg.hu/itthon/20241119\\_Megint-atirnak-az-Alaptorvenyt-a-NER-legfontosabb-kadere-Polt-Peter-utodlasara-keszulnek-ebx](https://hvg.hu/itthon/20241119_Megint-atirnak-az-Alaptorvenyt-a-NER-legfontosabb-kadere-Polt-Peter-utodlasara-keszulnek-ebx)
- 15 Hungarian Parliament: *Motion to convene an extraordinary session of Parliament*, 20 November 2024, <https://www.parlament.hu/documents/d/guest/rendkivuli-ules-december-16-es-20-kozotti-idoszakra>

### **The ‘judicial reform’**

The remuneration of judges and court administrators is severely inadequate<sup>16</sup>. Many of these officials even have to rely on blood plasma donation to make ends meet<sup>17</sup>. The inadequate financial conditions create a massive lack of administrative staff, which causes cases to be protracted<sup>18</sup>. According to one judge, “the functioning of the courts has become virtually impossible”<sup>19</sup>.

The government addressed the issue in its annual budgetary proposal on 11 November 2024<sup>20</sup>. However, the Minister of Justice made any raise in the salaries of judges and court administrators conditional upon the implementation of certain reforms that present a further threat to the independence of the

judiciary, such as the changes in the eligibility criteria for a judicial position (see above).<sup>21</sup>

On 20 November 2024, the Ministry of Justice, the Supreme Court, the National Office for the Judiciary and the National Judicial Council (OBT) signed an agreement<sup>22</sup> “to cooperate in order to improve the efficiency of the administration of justice, in particular to ensure adequate financial remuneration, the efficiency of the organisational system and the quality of justice”. It entailed a three-step salary increase for judges and judicial staff from January 2025 to January 2027 with a dedicated budget of HUF 212 billion. However, this planned increase falls short of what the proposal that the Hungarian Judicial Association (MABIE), the National Office for the Judiciary, the Supreme

16 European Networks of Councils for the Judiciary: *Letter from the President of the OBT (Council for the Judiciary of Hungary) on the situation regarding judicial remuneration*, <https://www.encj.eu/index.php/node/669>

17 Kozák Dániel: *Some judges are forced to sell their blood plasma because of low pay*, 24.hu, 26 June 2024. <https://24.hu/belfold/2024/06/26/biro-fizetes-jarasbirosag-megelhetes-verplazama/>

18 Dezső András: *There is a huge shortage of transcribers in the courts, which makes it impossible to work on a day-to-day basis*, Telex, 5 December 2024. <https://telex.hu/belfold/2024/12/05/elszivarogtak-a-birok-alol-az-adminisztrativ-dolgozok>

19 Kozák Dániel: *If I want to hire a security guard for the court, I have to pay a higher hourly rate than a junior judge*, 24.hu, 24 April 2024. <https://24.hu/belfold/2024/04/24/birosagok-obh-kuria-illetmenyrendszer-fizetesemeles-repassy-robert-im/>

20 Serdült Viktória: *The government’s new draft budget does not promise a penny to judges struggling for their salaries*, HVG, 12 November 2024. [https://hvg.hu/itthon/20241112\\_biroi-fizetes-a-kormany-uj-koltsegvetesi-tervezete-ebx](https://hvg.hu/itthon/20241112_biroi-fizetes-a-kormany-uj-koltsegvetesi-tervezete-ebx)

21 Serdült Viktória: *Reform linked to money – we find out what’s in the Ministry of Justice’s deal for judges*, HVG, 20 November 2024. [https://hvg.hu/itthon/20241120\\_igazsagugyi-miniszterium-obt-megallapodas-fizetesemeles-igazsagugyi-reform-ebx](https://hvg.hu/itthon/20241120_igazsagugyi-miniszterium-obt-megallapodas-fizetesemeles-igazsagugyi-reform-ebx)

22 *Agreement entered into by and between Ministry of Justice and the Curia, National Office for the Judiciary, National Judicial Council*, Hungarian Judiciary Council, 22 November 2024, [https://obt-jud.hu/sites/default/files/sajtokozlomenyek-mellekletek/Agreement\\_Nov-22-2024.pdf](https://obt-jud.hu/sites/default/files/sajtokozlomenyek-mellekletek/Agreement_Nov-22-2024.pdf)

Court and the Hungarian Judicial Association (MABIE) proposed earlier<sup>23</sup>.

Hundreds of judges expressed public disapproval of the agreement, in the form of letters published on the website of the<sup>24</sup> Hungarian Judicial Association (MABIE).

On December 12 2024, the Hungarian Judicial Association (MABIE) expressed its objection to the legislative proposals affecting the judicial system that were introduced in parliament without appropriate preliminary consultation, contrary to the rule of law<sup>25</sup>. On December 14, the National Judicial Council (OBT) sent an open letter<sup>26</sup> over the same matter, rejecting the arbitrary amending of the proposal on the budget and the age limit of judges, and

expressing that the National Judicial Council was left out from the procedure.

The National Judicial Council held a consultation with the Minister of Justice on 16 December 2024 regarding the agreement<sup>27</sup>. The OBT held a vote on its session on 15 January 2025 in which they declared that “for its part, [the organisation] considers the agreement to be invalid”.<sup>28</sup>

It was revealed in January 2025 that earlier in November 2024, the President of the Supreme Court made a separate agreement with the government in secrecy which ensured a significantly higher increase of remuneration for judges at the Supreme Court<sup>29</sup>. The President of the Supreme Court declared in his New Year’s greeting that the increase was “not given

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- 23 Mizers András: *They would receive a salary of two million Forints, yet the judges do not want to sell their independence*, Telex, 3 December 2024. <https://telex.hu/belfold/2024/12/03/orszagos-biroi-tanacs-biroi-fuggetlenseg-ig-azsagszolgalatas-fizetesemeles-tuzson-bence>; Hungarian Judiciary Council (OBT): Minutes, 27 March 2024, [https://obt-jud.hu/sites/default/files/ulessek/Jegyzokonyv\\_2024.03.27.pdf](https://obt-jud.hu/sites/default/files/ulessek/Jegyzokonyv_2024.03.27.pdf)
- 24 Hungarian Association of Judges: *Call for Comments: for the submission of related statements*, MABIE, 21 November 2024. <https://www.mabie.hu/berjavaslat/felhivas-velemenynilvanitasra-csatlakozo-nyilatkozatok-megkueldeserehttps://www.mabie.hu/berjavaslat/felhivas-velemenynilvanitasra-csatlakozo-nyilatkozatok-megkueldesere>
- 25 Hungarian Association of Judges: *Objection against bills T-9997 and T-10012*, MABIE, 14 December 2024. <https://mabie.hu/hirek/tiltakozas-a-t-9997-es-t-10012-toervenyyavaslat-kapcsanhttps://mabie.hu/hirek/tiltakozas-a-t-9997-es-t-10012-toervenyyavaslat-kapcsan>
- 26 Hungarian Judiciary Council: *Letter to the Ministry of Justice on court salaries*, 2024, [https://obt-jud.hu/sites/default/files/sajtokozlemenyek-mellekletek/2024.OBT\\_K.VII\\_90-2.-Letter-to-MoJ.pdf](https://obt-jud.hu/sites/default/files/sajtokozlemenyek-mellekletek/2024.OBT_K.VII_90-2.-Letter-to-MoJ.pdf)
- 27 Hungarian Judiciary Council: *Official Communication*, 16 December 2024, <https://obt-jud.hu/en/node/580>
- 28 Hungarian Judiciary Council: *Summary of the NJC meeting*, 15 January 2025, [https://obt-jud.hu/sites/default/files/ulessek/Osszefoglalo\\_2025.01.15.pdf](https://obt-jud.hu/sites/default/files/ulessek/Osszefoglalo_2025.01.15.pdf)
- 29 Kozák Dániel: *“In better places it’s called treason”: the Curia secretly colluded with the government*, 24.hu, 16 January 2025. <https://24.hu/belfold/2025/01/16/jobb-helyeken-ezt-arulasnak-hivjak-a-kuria-titokban-lepaktalt-a-kormanyal/>



for free”<sup>30</sup> which raises concerns about the judicial independence of the Supreme Court.

## **Fairness and efficiency of the justice system**

### **Length of proceedings**

There is a protraction in a number of cases due to the current crisis of the judicial system as explained above.

### **Execution of judgments**

Freedom of information decisions still lack enforcement power, and thus public data still remains hidden from the public in numerous cases.

### **Other**

There are a growing number of lawsuits initiated by civil society against the permits of battery factories, which are forcefully built by the government in spite of resistance from the people. In these lawsuits, courts tend to make access to justice more difficult for the affected public. In one instance, in the protracted trial of the biggest battery factory investment in Debrecen, the court ordered an expensive expert inquiry<sup>31</sup> to verify if local citizens fall under the area of influence of the country’s “largest ever investment”<sup>32</sup>. In another case of another battery factory’s permitting procedure, the court of first instance rejected the civil society’s application, reasoning that they cannot turn to the court if they have not expressed the same concerns in the permitting procedure.

30 Halász Nikolett: „A kiemelt bánásmódot nem ingyen kaptuk” – a kúriai bírók nagyobb fizetésemelést kapnak, mint a többiek, Telex, 6 January 2025. <https://telex.hu/belfold/2025/01/06/varga-zs-andras-kuria-elnoke-orszaggyules-level>

31 Polgár Tóth Tamás: *The Metropolitan Court of Appeal partially overturned the decision of the court of first instance in the Debrecen battery factory case*, Debreciner, 29 November 2024, <https://debreciner.hu/cikk/birosag-fovarosi-itelotabla-debrecen-akkumulatorgyar-catl-debreciner>

32 About Hungary: *CATL to launch Hungary’s largest ever investment project*, 16 August 2022. <https://abouthungary.hu/news-in-brief/catl-to-launch-hungary-s-largest-ever-investment-project>

## ANTI-CORRUPTION FRAMEWORK -

### Key recommendations

- Strengthen the powers of the Integrity Authority to be able to take effective actions against corruption, implement the Authority's recommendations regarding asset declarations.
- Provide adequate and expressive protection for whistleblowers who express their activity through the press.

### Levels of corruption

In 2024, there were again several major corruption scandals in Hungary.

#### **The independence of the prosecution service**

Péter Magyar (currently president and MEP of the Tisza Party), the ex-husband of former Minister of Justice, Judit Varga, has released a secret audio recording raising serious concerns about the independence of the prosecution service. The audio recording contained a conversation in which the former Minister of Justice indicated that investigative documents in a major corruption case had been falsified. According to the recordings, Antal Rogán (or his colleagues), prominent leader of the Prime Minister's Cabinet Office – responsible for government communication and supervising

the secret services – manipulated the documents by deleting, removing or falsifying certain parts of them.

The corruption case mentioned in the recording was the *Völner-Schadl* case started in 2021, in which György Schadl, the President of the Hungarian Association of Judicial Officers (MBVK), was arrested and remanded in custody in November 2021 on suspicion of corruption. On 24 October 2022, the prosecutor's office issued a press release announcing that the Central Investigative Prosecutor's Office had filed an indictment against György Schadl and 21 of his associates, including Pál Völner, former state secretary of the Ministry of Justice.<sup>33</sup> The proceedings allege that Völner and Schadl established a corrupt relationship and that the president of the MBVK paid out a total of HUF 83 million in cash to the state secretary.

33 Központi Nyomozó Főügyészség: *Vádemelés a Magyar Bírósági Végrehajtói Kar elnöke és 21 társa ellen - a Központi Nyomozó Főügyészség sajtóközleménye*, Központi Nyomozó Főügyészség, 2025. január 22. <https://ugyeszseg.hu/vademeles-a-magyar-birosagi-vegrehajtoi-kar-elnoke-es-21-tarsa-ellen-a-kozponti-nyomozo-fougyeszseg-sajtokozlemenye/>

The Prosecutor's Office rejected the complaint following the audio recording and closed the investigation. The Central Public Prosecutor's Office responded to the release of the audio recording in a press release denying the allegations.<sup>34</sup>

### **Cultural heritage protection**

Péter Bátonyi has worked in the state heritage protection system since 2013. For years, he has been watching the unlawful developments in the field of heritage protection, has spoken out on countless occasions against the breaches dictated by the real estate market or the interests of the government. Having felt that there was no other option, he went public on Partizán, one of the largest YouTube channels of Hungary. He exposed the violations, backed up by documents, and revealed the underlying processes that had allowed monuments to be downgraded and, in many cases, demolished. After the preview of the episode, the expert was immediately removed from his job, and a few days after the episode aired, the Ministry of Construction and Transport led by János Lázár announced that it would file a criminal

case against Bátonyi for abuse of office and false accusations. The Hungarian Civil Liberties Union provides legal representation in the criminal case for Bátonyi.<sup>35</sup>

### **Chinese respirators**

During the COVID-19 pandemic, the Hungarian state purchased a large number of Chinese respirators, which at the time was the subject of a major corruption scandal.<sup>36</sup> This year, these respirators were sold at a much cheaper price than the purchase price. The respirators have been put up for auction, in which in the last round they were sold HUF 13,000 each, compared to the original purchase price of more than HUF 10 million.<sup>37</sup>

### **The real estate property of the Hungarian Academy of Sciences**

Another event potentially indicating corruption in 2024 was the government's intention to buy the real estate assets of the Hungarian Academy of Sciences. The state is buying up this real estate, arguing that the separation of the research network has put the research

34 Központi Nyomozó Főügyészség: *Sajtóközlemény a volt igazságügyi miniszter magánbeszélgetését tartalmazó hangfelvétellel kapcsolatos nyomozásról*, Központi Nyomozó Főügyészség, 2025. január 22. <https://ugyeszseg.hu/sajtokozlemeny-a-volt-igazsagugyi-miniszter-maganbeszelgetes-tartalmazo-hangfelvetellel-kapcsolatos-nyomozasrol/>

35 TASZ: *Ő a műemlékeket védi, mi őt: Bíróságon képviseljük a műemlékvédelmi szabályok felrúgásáról kitaláló volt minisztériumi dolgozót*, TASZ, 2025. január 22. <https://tasz.hu/cikkek/o-a-muemlekeket-vedi-mi-ot-birosag-on-kepviseljuk-a-muemlekvedelmi-szabalyok-felrugasarol-kitalalo-volt-miniszteriumi-dolgozot/>

36 Segesvári Csaba: *Eddig 390 millió forintot emésztett fel a 300 milliárdért beszerzett lélegeztetőgépek parkoltatása*, Átlátszó, 2022. november 28. <https://atlatszo.hu/kozadat/2022/11/28/eddig-390-millio-forintot-emesztett-fel-a-300-milliardert-beszerzett-lelegeztetogep-parkoltatasa/>

37 168 Óra: *Lélegeztetőgép eladó: mutyi a liciten*, 168 Óra, 2025. január 22. <https://168.hu/itthon/lelegeztetogep-elado-mutyi-licit-275426>

institutes under the control of the Academy, and that their budget is provided by the state in a separate budget chapter, similar to that of the Hungarian Academy of Sciences (HAS). Previously, real estate and movable property remained the property of the HAS after a significant reform of the academic system. The extraordinary general assembly of the HAS voted to sell the Academy's research network properties, worth an estimated HUF 130 billion, to the state for HUF 80 billion offered by the government.<sup>38</sup>

### Framework to prevent corruption

Although some steps have been taken to comply with the conditionality mechanism in the area of corruption, no significant change is visible.

### The new National Anti-Corruption Strategy

The new National Anti-Corruption Strategy was adopted in February 2024.<sup>39</sup> The previous strategy expired in 2022, so the new strategy was long overdue.<sup>40</sup> The action plan covers a wide range of areas, such as transparency, legislative integrity, judicial integrity, the integrity of public bodies, fairness of public procurement and economic competition, social integrity and action against foreign bribery.<sup>41</sup> However, according to K-Monitor's opinion the new strategy only contains few innovative, ambitious elements and largely pays off old debts already expressed in other documents. It also lacks adequate legal solutions to guarantee transparency or genuine measures to introduce comprehensive reforms of party funding, whistleblower protection or disclosure.<sup>42</sup>

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- 38 Kolozsi Ádám: *Alig szavazta meg az MTA a kormány indítványát, de végül rábólintottak, hogy eladják nyomott áron az ingatlanvagyonot*, 444.hu, 2024. december 11. [https://444.hu/2024/12/11/alig-szavazta-meg-az-mta-a-kormany-inditvanyat-de-vegul-rabolintottak-hogy-eladjak-nyomott-aron-az-ingatlanvagyonot?utm\\_source=rss\\_feed&utm\\_medium=rss&utm\\_campaign=rss\\_syndication](https://444.hu/2024/12/11/alig-szavazta-meg-az-mta-a-kormany-inditvanyat-de-vegul-rabolintottak-hogy-eladjak-nyomott-aron-az-ingatlanvagyonot?utm_source=rss_feed&utm_medium=rss&utm_campaign=rss_syndication) Nagy Nikolett: *Megmagyarázta az MTA, miért ajánl csak 80 milliárdot a kormány az akadémia ingatlanvagyonáért*, Telex, 2024. november 29. <https://telex.hu/tech-tud/2024/11/29/magyar-tudomanyos-akademia-ingatlanvagyon-eladas-allam-hun-ren-magyar-kutatasi-halozat>
- 39 A 2024-2025 közötti időszakra szóló középtávú Nemzeti Korrupcióellenes Stratégia, 2024. január 22. <https://cdn.kormany.hu/uploads/document/a/a6/a68/a68658c9b404f40e1c4a0a4bb0f8891f972ad773.pdf>
- 40 Transparency International Hungary: *Assessment of Hungary's compliance with conditions to access European Union Funds (Az EU-s források értékelése Magyarországon, 2024. harmadik negyedév)*, December 2024, [https://transparency.hu/wp-content/uploads/2024/12/HU\\_EU\\_funds\\_assessment\\_Q3\\_2024\\_table.pdf](https://transparency.hu/wp-content/uploads/2024/12/HU_EU_funds_assessment_Q3_2024_table.pdf)
- 41 1025/2024. (II. 14.) Korm. határozat a 2024–2025 közötti időszakra szóló középtávú Nemzeti Korrupcióellenes Stratégia, valamint az annak végrehajtására vonatkozó intézkedési terv elfogadásáról, Government of Hungary, 2024. február 14. <https://njt.hu/jogszabaly/2024-1025-30-22>
- 42 K-monitor: *Nehezen született: elfogadta a kormány a 2024–2025 közötti korrupcióellenes stratégiát*, K-monitor, 2024. február 15. [https://k.blog.hu/2024/02/15/nehez\\_szules\\_elfogadta\\_a\\_kormany\\_a\\_2024-2025\\_kozotti\\_korrupcioellenes\\_strategiat](https://k.blog.hu/2024/02/15/nehez_szules_elfogadta_a_kormany_a_2024-2025_kozotti_korrupcioellenes_strategiat)



## Asset declarations

The government has amended relevant legislation to expand the category of individuals required to submit asset declarations, such as board members and supervisory board members of Public Interest Asset Management Foundations. Under the amendment, the Integrity Authority will monitor the asset declarations of trustees of university trusts.<sup>43</sup> However, the Integrity Authority does not have direct access to any public databases that would allow it to verify the accuracy of asset declarations.<sup>44</sup>

Corruption watchdog NGOs point out the fact that the legislative amendment has failed to similarly broaden the material scope of those declarations. They also highlight that different regimes apply to MPs, government leaders and other high-level public decision-makers, mayors and municipal representatives, and to other categories of public officials and employees of

publicly funded enterprises.<sup>45</sup> The Integrity Authority has proposed the extension of the asset declaration scheme to the entire public sector and to all persons with decision-making or authorisation powers in relation to public funds, subsidies, public procurement or the allocation and management of public property.<sup>46</sup> The material scope of the asset declarations are still limited as individuals are no longer required to declare all real estate properties, and instead of providing exact income figures, they may now use an income scale.<sup>47</sup>

## Whistleblower protection

In January 2024, K-Monitor and Transparency International Hungary sent an infringement complaint to the Commission because the Hungarian government's whistleblower protection legislation still does not provide meaningful protection for whistleblowers.<sup>48</sup> The whistleblower protection law does not

43 Pupli Anna Sára: *Az Integritás Hatóság fogja ellenőrizni az egyetemi alapítványok kuratóriumai tagjainak vagyonynyilatkozatait*, Telex, 5 November 2024 <https://telex.hu/belfold/2024/11/05/integritas-hatosag-vagyonkezelelo-alapitvanyok-kuratorium-vagyonnyilatkozat-egyetem>

44 K-monitor: *Sosem lesznek már átlátható vagyonynyilatkozatok Magyarországon?*, K-monitor, 30 January 2024 [https://k.blog.hu/2024/01/30/sosem\\_lesznek\\_mar\\_atlathato\\_vagyonnyilatkozatok\\_magyarorszagon](https://k.blog.hu/2024/01/30/sosem_lesznek_mar_atlathato_vagyonnyilatkozatok_magyarorszagon)

45 Transparency International Hungary: *Assessment of Hungary's compliance with conditions to access European Union Funds (Az EU-s források értékelése Magyarországon, 2024. harmadik negyedév)*, December 2024, [https://transparency.hu/wp-content/uploads/2024/12/HU\\_EU\\_funds\\_assessment\\_Q3\\_2024\\_table.pdf](https://transparency.hu/wp-content/uploads/2024/12/HU_EU_funds_assessment_Q3_2024_table.pdf)

46 K-monitor: *Sosem lesznek már átlátható vagyonynyilatkozatok Magyarországon?*, K-monitor, 30 January 2024 [https://k.blog.hu/2024/01/30/sosem\\_lesznek\\_mar\\_atlathato\\_vagyonnyilatkozatok\\_magyarorszagon](https://k.blog.hu/2024/01/30/sosem_lesznek_mar_atlathato_vagyonnyilatkozatok_magyarorszagon)

47 Transparency International Hungary: *Assessment of Hungary's compliance with conditions to access European Union Funds (Az EU-s források értékelése Magyarországon, 2024. harmadik negyedév)*, December 2024, [https://transparency.hu/wp-content/uploads/2024/12/HU\\_EU\\_funds\\_assessment\\_Q3\\_2024\\_table.pdf](https://transparency.hu/wp-content/uploads/2024/12/HU_EU_funds_assessment_Q3_2024_table.pdf)

48 K-monitor: *Uniót sért az új bejelentővédelmi törvény*, Kormány.hu, 10 January 2024 [https://k.blog.hu/2024/01/10/unios\\_jogot\\_sert\\_az\\_uj\\_bejelentovedelmi\\_torveny](https://k.blog.hu/2024/01/10/unios_jogot_sert_az_uj_bejelentovedelmi_torveny) K-Monitor: *Letter to the European Commission on the transposition of the Whistleblower Directive*, K-Monitor, 21 December 2023 [https://m.blog.hu/k/k/file/k-monitor\\_transparency-int-hu\\_letter\\_to\\_com\\_on\\_transposition\\_of\\_whistleblower\\_directive\\_21122023\\_1.pdf](https://m.blog.hu/k/k/file/k-monitor_transparency-int-hu_letter_to_com_on_transposition_of_whistleblower_directive_21122023_1.pdf)

offer any protection to the whistleblower who turns to the media. This will obviously not encourage any citizen to contact the press if they find that the competent authorities remain inactive. Under the Whistleblower Protection Directive, it is inappropriate for a Member State to deprive citizens who make a whistleblowing report through the press of adequate protection.<sup>49</sup> According to domestic corruption watchdog NGOs, the protection of whistleblowers should have been included in the anti-corruption strategy, but it was not.<sup>50</sup>

### **Public Interest Asset Management Foundations (KEKVAs)**

The Parliament adopted an amendment to Act IX of 2021 on Public Interest Asset Management Foundations (KEKVA) in November 2024. The amendment concerns only those public interest asset management foundations that are maintaining universities and receive EU funds, and the legal entities established by them.

The amendment limits the maximum term of the Board of Trustees to six years and their

reappointment is also restricted to only one term. Conflict of interest rules apply to Board of Trustees and supervisory board members. However, as Hungarian corruption watchdog organisations point out, government commissioners assigned by the Prime Minister, political advisors serving in the Government and political appointees overseeing government offices with county jurisdiction are not excluded.<sup>51</sup> There is a compliance check by the State Audit Office, but it is not mandatory for the Board of Trustees. As Transparency International Hungary points out, the fundamental problem was that public assets were outsourced to these foundations, so the only real solution would have been their abolition, not the amendment to the regulation. There is no real control over the foundations, because the courts of registration do not have supervisory powers and the State Audit Office's control is also limited to prudency checks.<sup>52</sup>

49 K-monitor: *Uniósjogot sért az új bejelentővédelmi törvény*, Kormány.hu, 10 January 2024 [https://k.blog.hu/2024/01/10/unios\\_jogot\\_sert\\_az\\_uj\\_bejelentovedelmi\\_torveny](https://k.blog.hu/2024/01/10/unios_jogot_sert_az_uj_bejelentovedelmi_torveny)

50 Transparency International Hungary: *Assessment of Hungary's compliance with conditions to access European Union Funds (Az EU-s források értékelése Magyarországon, 2024. harmadik negyedév)*, December 2024, [https://transparency.hu/wp-content/uploads/2024/12/HU\\_EU\\_funds\\_assessment\\_Q3\\_2024\\_table.pdf](https://transparency.hu/wp-content/uploads/2024/12/HU_EU_funds_assessment_Q3_2024_table.pdf)

51 Transparency International Hungary: *Assessment of Hungary's compliance with conditions to access European Union Funds (Az EU-s források értékelése Magyarországon, 2024. harmadik negyedév)*, December 2024, [https://transparency.hu/wp-content/uploads/2024/12/HU\\_EU\\_funds\\_assessment\\_Q3\\_2024\\_table.pdf](https://transparency.hu/wp-content/uploads/2024/12/HU_EU_funds_assessment_Q3_2024_table.pdf)

52 Transparency International Magyarország: *A KEKVA-kat eltörölni kell*, Transparency International Magyarország, 22 January 2024 <https://transparency.hu/hirek/a-kekvakat-eltorolni-kell/>

## Investigation and prosecution of corruption

### Integrity Authority

The Integrity Authority was established in November 2022. The establishment of the authority was a decision taken under the conditionality mechanism. Corruption watchdog NGOs claim that as of now the Integrity Authority has the necessary independence, an adequate budget, and a competent staff of around 100 people, but lacks, in multiple areas, the adequate legal mandate to carry out its tasks.<sup>53</sup> Only a small percentage of the Integrity Authority's proposals have been accepted by the government, and only 23% of the Authority's proposals were accepted in 2024.<sup>54</sup>

It is worth mentioning that in April 2024, the Integrity Authority launched a public procurement call for professional partners to fight corruption and promote integrity values in public discourse. In July, a result was announced, but it was contested by Gyula Balássy's company, New Land Media, which has been the market leader in recent years in winning public communication contracts. The Public Tenders Committee, following an appeal by New

Land Media, annulled the Authority's public procurement procedure for communications, which the Authority challenges before court.<sup>55</sup>

### Anti-Corruption Task Force

The Anti-Corruption Task Force was set up in December 2022 as an independent body alongside the Integrity Authority. The Task Force is said to operate for an indefinite period, during which it will carry out analytical, proposal, opinion-forming and decision-preparation tasks. The Task Force is composed of 21 members, ten members representing designated public authorities, ten NGO members representing non-governmental actors and the President of the Integrity Authority, who is also the President of the Task Force. Átlátszó, K-Monitor and Transparency International voted against the adoption of the 2023 Report of the Anti-Corruption Task Force of the Integrity Authority. The three NGOs argue that the report does not give a realistic picture of the corruption problems in Hungary and does not contain sufficiently ambitious commitments, and lacks a real confrontation with the corruption situation in Hungary. At the same time, the presentation of specific cases and the risks of corruption highlighted were

53 Transparency International Hungary: *Assessment of Hungary's compliance with conditions to access European Union Funds (Az EU-s források értékelése Magyarországon, 2024. harmadik negyedév)*, December 2024, [https://transparency.hu/wp-content/uploads/2024/12/HU\\_EU\\_funds\\_assessment\\_Q3\\_2024\\_table.pdf](https://transparency.hu/wp-content/uploads/2024/12/HU_EU_funds_assessment_Q3_2024_table.pdf)

54 Transparency International Hungary: *Assessment of Hungary's compliance with conditions to access European Union Funds (Az EU-s források értékelése Magyarországon, 2024. harmadik negyedév)*, December 2024, [https://transparency.hu/wp-content/uploads/2024/12/HU\\_EU\\_funds\\_assessment\\_Q3\\_2024\\_table.pdf](https://transparency.hu/wp-content/uploads/2024/12/HU_EU_funds_assessment_Q3_2024_table.pdf)

55 Nagy Bálint: *Az Integritás Hatóság beleállt a kormány egyik kedvenc reklámcégébe*, Telex, 1 October 2024 <https://telex.hu/belfold/2024/10/01/integritas-hatosag-new-land-media-kozbeszerzesi-dontobizottsag-birosag>

missing: party financing, campaign spending, asset declarations or the issue of whistleblowers.<sup>56</sup> Last year, the Anti-Corruption Task Force also attempted to develop a system of indicators to detect corruption risks, or at least to understand the data needed to develop one. In most cases, however, this data was not available to the Task Force until mid to late February 2024. As a result, the possibility to draw conclusions and make recommendations was limited, as the law requires the report to be ready by 15 March.<sup>57</sup>

### **Sovereignty Protection Office**

Since the establishment of the Sovereignty Protection Office, there have been a total of

three investigations against NGOs. One of the NGOs concerned is Transparency International Hungary, which monitors corruption in Hungary. The Office has also opened an investigation against the investigative online newspaper (Átlátszó), which has also uncovered a number of corruption cases in recent years. The third investigation was launched against a small local organisation that raised its voice against the battery factory opened in the town of Göd. The Office's investigations against Transparency International Hungary and Átlátszó have already been completed, and in both cases the Authority found that the organisations posed a risk to national sovereignty.<sup>58</sup>

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56 Átlátszó: *Az Átlátszó, a K-Monitor és a Transparency idén sem fogadta el a Korrupcióellenes Munkacsoport éves jelentését*, Átlátszó, 15 March 2024 <https://atlatszo.hu/kozugy/2024/03/15/az-atlatszo-a-k-monitor-es-a-transparency-iden-sem-fogadta-el-a-korrupcioellenes-munkcsoport-eves-jelenteset/>

57 Átlátszó: *Az Átlátszó, a K-Monitor és a Transparency idén sem fogadta el a Korrupcióellenes Munkacsoport éves jelentését*, Átlátszó, 15 March 2024 <https://atlatszo.hu/kozugy/2024/03/15/az-atlatszo-a-k-monitor-es-a-transparency-iden-sem-fogadta-el-a-korrupcioellenes-munkcsoport-eves-jelenteset/>

58 Szuverenitásvédelmi Hivatal: *A Transparency International Magyarország káros tevékenységet fejt ki és dezinformációt terjeszt*, Szuverenitásvédelmi Hivatal, 18 June 2024 <https://szuverenitasvedelmihivatal.hu/hirek/a-transparency-international-magyarorszag-karos-tevekenyseget-fejt-ki-es-dezinformaciott-terjeszt> Szuverenitásvédelmi Hivatal: *Az Átlátszó tevékenysége szuverenitási kockázatot jelent Magyarországnak számára*, Szuverenitásvédelmi Hivatal, 25 June 2024 <https://szuverenitasvedelmihivatal.hu/hirek/az-atlatszo-tevekenysege-szuverenitasi-kockazatot-jelent-magyarorszag-szamara>



## MEDIA ENVIRONMENT AND MEDIA FREEDOM

### Key recommendations

- *Restore the public service nature of public media: Public media should serve the public interest on public channels, not be used for propaganda.*
- *Dissolve KESMA: The Central European Press and Media Foundation, with its vast network of media outlets, functions as a tool for disinformation and hate-mongering, rather than as a free press. A free press should critique the government, not serve it.*
- *Create a free media environment based on market principles: Move away from media dependent on state advertising funds, fostering a truly independent media landscape.*
- *The government should radically change the attitude toward the press: citizens should be able to hold public authorities accountable through the press. A critical press with effective access to public data and information on government actions is a fundamental democratic requirement. Journalists who ask tough questions serve the people, not foreign interests. The editorial independence of the public service media must be restored.*
- *Strengthen civil rights protection for reputation and honor: Utilise additional legal tools to ensure human dignity is safeguarded through civil law and other protections. Reconsider press vindication conditions, automate existing procedures, and provide effective guarantees for the enforcement of final court judgments.*

### Media and telecommunications authorities and bodies

There has been no significant improvement in terms of the existing media and telecommunications environment. The European Media Freedom Act did not induce new legislation, in fact, Hungary was the only country to veto

the regulation. The International Press Institute released an extensive report on Hungary's adherence to the European Media Freedom Act. Although in theory the legal framework guarantees the independence of public service media, the reality shows governmental interference.<sup>59</sup>

59 International Press Institute (IPI): *Hungary Media Capture Monitoring Report*, November 2024, <https://ipi.media/wp-content/uploads/2024/11/Hungary-Media-Capture-Monitoring-Report-Final-1.pdf>

Although the National Media and Infocommunications Authority (NMHH) is formally regulated as an independent body, government influence is significant. The decisions of the authority often align with the views of the governing party, and the lack of meaningful audits regarding pro-government media further demonstrates their loyalty.

The process for appointing the president of the NMHH and the Media Council, the Authority's regulatory body, remains unchanged. The President of Hungary appoints the president of the NMHH for a nine-year term based on the Prime Minister's recommendation, with dismissal also within the President's authority. Upon appointment, the president automatically becomes the nominee for the Media Council presidency and is elected by Parliament with a two-thirds qualified majority for a nine-year term. Parliament's role is limited to the option of rejecting the nominee. All members of the Media Council are elected by the two-thirds majority. This structure lacks transparency and suggests political control over media freedom.<sup>60</sup>

Under the Media Law, Parliament determines the NMHH's annual budget based on the proposal of its president, which also encompasses the Media Council's budget. Apart from that, the NMHH earns its own revenue as well.<sup>61</sup> In 2024, the Authority's budget was HUF 57.75 billion (ca. € 141 million). The Media Council's operating budget in 2024 was HUF 554 million (ca. € 1,35 million).<sup>62</sup> These amounts are theoretically suitable to guarantee high-level professional work, however, in the case of the Authority and the Media Council these serve as the price of loyalty, which is proved by its inactivity.<sup>63</sup>

The Council, among others, oversees the lawfulness of public service media, as well as the authorisation or prohibition of media mergers.<sup>64</sup> Despite state-owned media functioning as a tool of government propaganda, the Media Council avoids exercising its authority over it, showing lack of independence.

Although the media law establishes a co-regulatory system to involve journalist organisations in media-related decisions, these organisations have not been given a meaningful role.

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60 International Press Institute (IPI): *Hungary Media Capture Monitoring Report*, November 2024, <https://ipi.media/wp-content/uploads/2024/11/Hungary-Media-Capture-Monitoring-Report-Final-1.pdf>

61 International Press Institute (IPI): *Hungary Media Capture Monitoring Report*, November 2024, <https://ipi.media/wp-content/uploads/2024/11/Hungary-Media-Capture-Monitoring-Report-Final-1.pdf>

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

63 *Contributions of Hungarian CSOs to the European Commission's Rule of Law Report*, 2024, January 2024, [https://transparency.hu/wp-content/uploads/2024/01/HUN\\_CS0\\_contribution\\_EC\\_RoL\\_Report\\_2024-1.pdf](https://transparency.hu/wp-content/uploads/2024/01/HUN_CS0_contribution_EC_RoL_Report_2024-1.pdf)

64 International Press Institute (IPI): *Hungary Media Capture Monitoring Report*, November 2024, <https://ipi.media/wp-content/uploads/2024/11/Hungary-Media-Capture-Monitoring-Report-Final-1.pdf>

Self-regulatory bodies in Hungarian media remain weak and lack influence,<sup>65</sup> while most journalist associations remain largely inactive throughout the year.

### Pluralism and concentration

Media pluralism has not improved since the last rule of law report. The government continues to exert predominant influence over public interest media through the Media Service Support and Asset Management Fund (MTVA). In addition to public service media, since 2018 the Central European Press and Media Foundation (KESMA) has centralised pro-government media outlets, creating a pro-government media environment which relies heavily on state advertisements in terms of funding.

The rise of influencer-based propaganda noted in last year's report persists, leading to a phenomenon less regulated by media law. Its impact became evident during the 2024 campaign period, when Megafon-backed influencers achieved a reach comparable to major politicians.<sup>66</sup> Megafon's funding suggests ties to the government. This leads to more media

coverage, including online platforms, serving government interests.

Recently, RTL Hungary, one of the largest independent media outlets in the country, announced a strategic partnership with 4iG, an international group of infocommunications companies that has become a major market player with the help of the state.<sup>67</sup> RTL's CEO described the partnership as strategically important between two key market players. However, this partnership raises concerns about the increasing state capture of the media, and the risk of RTL losing its independence.<sup>68</sup>

Since Hungarian media regulation does not impose restrictions on media company ownership, large media conglomerates can emerge. From a competition law perspective, the Hungarian Competition Authority (HCA) has the authority to approve or prohibit company mergers, including those involving media companies. However, while the HCA must obtain a position statement from the Media Council, it is bound by that statement. Since the Media Council approves mergers without thoroughly examining their potential impact

65 Civil Liberties Union Europe: *Liberties Rule Of Law Report 2024, Hungary* [https://dq4n3btxmr8c9.cloudfront.net/files/\\_bc87u/HUNGARY\\_Liberties\\_RuleOfLaw\\_Report\\_2024.pdf](https://dq4n3btxmr8c9.cloudfront.net/files/_bc87u/HUNGARY_Liberties_RuleOfLaw_Report_2024.pdf)

66 Civil Liberties Union for Europe: *Elections Monitoring Report 2024, Hungary*, [https://dq4n3btxmr8c9.cloudfront.net/files/wyxo01/Elections\\_monitoring\\_2024\\_Hungary\\_FIN.pdf](https://dq4n3btxmr8c9.cloudfront.net/files/wyxo01/Elections_monitoring_2024_Hungary_FIN.pdf)

67 K-Monitor Database: *4iG Nyrt*, <https://adatbazis.k-monitor.hu/adatbazis/cimkek/4ig-nyrt>

68 Media1: *Az RTL a 4iG stratégiai partnere lett*, Media1, 13 August 2024. <https://media1.hu/2024/08/13/az-rtl-a-4ig-strategiai-partnere-lett/>

on media plurality, its function becomes effectively obsolete.<sup>69</sup>

In a speech in September, Prime Minister Viktor Orbán expressed dissatisfaction with pro-government media and influencers. This was followed by allegations of a plan for restructuring Mediaworks, Hungary's largest publisher under KESMA, by decentralizing it for better manageability, thus executing ownership changes. Some parts of the company were supposed to be placed under the authority of government-linked individuals. These changes further highlight the government's influence over major media publishers and the decline of media pluralism.<sup>70</sup>

### **Transparency of media ownership**

Compared to the previous rule of law report, no improvement can be observed.

Generally, the public has access to details of ownership through the company register, which includes media companies as well. The NMHH operates a register for the list of press products.<sup>71</sup> However, according to the Hungarian media law, Media service providers should

make some key information publicly available (such as legal name or corporate name, address or registered office, postal address and other means of contact), but this does not include other key information such as ownership, or the amount of public funds used for state advertising.<sup>72</sup>

However, new media-like platforms and actors are emerging that fall outside the scope of existing media regulations. One example is Holy Crown Radio (Szent Korona Rádió), which claims to convey “the sound of tradition” and operates as a blog. It publishes articles that could be interpreted as smear campaigns. Although it resembles official media websites, it is not listed as a press product by the NMHH, meaning its founders and ownership details are not accessible. Because it is not registered, no rectification or personality right procedures can be initiated against its content, leaving it outside the law with no regulations to limit its activities. To date, the NMHH has not taken any action to regulate the blog. Another example is Megafon, founded by the director of the Centre for Fundamental Rights, with the aim of “amplifying national voices” against what it describes as “left-liberal content” flooding

69 International Press Institute (IPI): *Hungary Media Capture Monitoring Report*, November 2024, <https://ipi.media/wp-content/uploads/2024/11/Hungary-Media-Capture-Monitoring-Report-Final-1.pdf>

70 Lits Benedek: *Feldarabolhatják a Mediaworksöt, Orbán Balázs alá kerülhet a Mandiner*, Forbes, 24 October 2024. <https://forbes.hu/uzlet/orban-balazs-mandiner-mediaworks-kormany-sajto/>

71 NMHH Sajtóközlemény: [https://sajtopub.nmhh.hu/sajto\\_kozzetetel/app/index.jsp?lang=1](https://sajtopub.nmhh.hu/sajto_kozzetetel/app/index.jsp?lang=1)

72 International Press Institute (IPI): *Hungary Media Capture Monitoring Report*, November 2024, <https://ipi.media/wp-content/uploads/2024/11/Hungary-Media-Capture-Monitoring-Report-Final-1.pdf> p. 27.



social media.<sup>73</sup> The company funds influencers who promote government propaganda, and its partners include pro-government figures like Philip Rákay and Dániel Deák. Although the financial background is not transparent, the Centre for Fundamental Rights is indirectly funded by the government according to investigative journalists.<sup>74</sup> This suggests strong ties to the government, but the uncertainty and lack of transparency highlights the ineffectiveness of media regulation in addressing such entities.

There are no regulations in place that limit the scope or set the rules for the transparency of state advertising. It is widely recognised that state advertisers prioritise pro-government companies and exclude independent media. This practice disrupts fair competition and distorts the market.<sup>75</sup> The scale of state advertising expenditures is disproportionately large, benefiting only pro-government companies,<sup>76</sup> that loyally promote government propaganda.

The state advertising spending is built on public procurement.

There are no rules limiting government ads. Between 31 December 2023 and 15 June 2024, a total of HUF 4.151 billion were spent on political ads on Facebook and Google in Hungary. On Facebook alone, the governing party (Fidesz) and government-related organisations (Megafon and CÖF) spent HUF 2.136 billion—with a significant portion of this funding coming from public funds—four times the amount spent by all opposition parties combined.<sup>77</sup>

### Public service media

Public service media, run by MTVA and centralised by the Public Service Public Foundation, is heavily influenced by the government. State media broadcasts government propaganda without allowing space for criticism or questioning. According to next year's budget,

73 Megafon Digital Incubator Nonprofit Ltd: <https://megafon.hu/>; K-Monitor Database: *Megafon Digitális Inkubátor Központ Nonprofit Kft.*, <https://adatbazis.k-monitor.hu/adatbazis/cimkek/megafon-digitalis-inkubator-kozpont-nonprofit-kft>

74 Sarkadi Nagy Márton: *Egy alapítványon keresztül önti a pénzt a kabinetiroda az Alapjogokért Központba*, *Átlátszó*, 4 March 2021, <https://atlatszo.hu/kozpenz/2021/03/04/egy-alapitvanyon-keresztul-onti-a-penz-t-a-kabinetiroda-az-alapjogokert-kozpontba/>

75 *Contributions of Hungarian CSOs to the European Commission's Rule of Law Report*, 2024, January 2024, [https://transparency.hu/wp-content/uploads/2024/01/HUN\\_CSO\\_contribution\\_EC\\_RoL\\_Report\\_2024-1.pdf](https://transparency.hu/wp-content/uploads/2024/01/HUN_CSO_contribution_EC_RoL_Report_2024-1.pdf)

76 Mérték Media Monitor, *Government Advertising Database (Állami hirdetések adatbázisa)*, <https://mertek.atlatszo.hu/allamihirdetesek/>

77 Világi Máté, *The government side spent record amounts on online advertising during the election campaign, even at European level (Európai szinten is rekordsokat költött netes reklámokra a kormányoldal a választási kampány során)*, *Telex*, 21 June 2024, <https://telex.hu/belfold/2024/06/21/internet-kampany-koltes-fidesz-valasztas-political-capital>

the MTVA will have more than HUF 165 billion to spend, 25 billion more than the amount foreseen for this year.<sup>78</sup>

This election year brought unprecedented events not seen in the past decade and a half regarding the public service media captured by the governing majority. With changes in the political landscape, for the first time since 2006, Hungary's EP list leaders were invited to have a relatively meaningful public debate.<sup>79</sup> Some list leaders were hesitant to attend,<sup>80</sup> as the MTVA—the state body that organised the event—set unrealistic boundaries for the debate.<sup>81</sup> As a result, instead of a real debate, the politicians simply delivered brief

monologues while standing side by side.<sup>82</sup> One of the speakers was Balázs Németh, formerly known as a controversial presenter on M1, state media. As a loyal individual to Fidesz, his central role in the debate seemed like a provocation to some.<sup>83</sup>

The organisation and funding structure of public interest media remain unchanged, maintaining its opacity and complexity. The ruling party's reluctance to improve is evident in their reaction to the European Media Freedom Act. Despite the act's goal to enhance the independence and transparency of public interest media, the government shows no willingness to cooperate.

78 Kovács Pál, *452 million forints a day to be spent on public media next year (Jövőre napi 452 millió forintot költhetnek a közmédiák működésére)*, Telex, 21 October 2024, <https://telex.hu/gazdasag/2024/10/21/160-milliard-forint-koltsegvetes-2025-kozmedia-mtva>

79 *The EP list leaders debated on public TV, while outside the Tisza party supporters gathered (A köztévében vitáztak az EP-listavezetők, miközben kint a Tisza-párt szimpatizánsai gyülekeztek)*, 444.hu, 30 May 2024, <https://444.hu/2024/05/30/magyar-peter-mar-az-ep-listavezetok-vitaja-elott-felszolal-a-varkert-bazarnal>

80 Botos Tamás: *"The propaganda TV is not organizing a debate, but has brought forward the New Year's Eve cabaret and expects us to serve as props for it"* („A propagandatévé nem vitát szervez, hanem előrehozta a szilveszteri kabarét, és elvárja, hogy biodíszletként szolgáljunk ehhez”), 444.hu, 22 May 2024, <https://444.hu/2024/05/22/a-propagandat-ve-nem-vitat-szervez-hanem-elorehozta-a-szilveszteri-kabaret-es-elvarja-hogy-biodiszletkent-szolgajunk-ehhez>

81 Urfi Péter: *Public Media's Invitation to the Lead Candidates' Debate Includes Gross Distortion (A közmédiák már a listavezetői vita meghívójában is óriásit csúsztat)*, 444.hu, 21 May 2024, <https://444.hu/2024/05/21/a-kozmedia-mar-a-listavezetoi-vita-meghivojaban-is-oriasit-csusztat>

82 Sarkadi Zsolt: *This was not a debate (Ez nem vita volt)*, Telex, 31 May 2024, <https://telex.hu/belfold/2024/05/31/valasztasi-vita-kozteve-dk-deutsch-tamas-magyar-peter-dobrev-klara>

83 Szalay Dániel: *MTVA confirmed that it is indeed Németh Balázs and Volf-Nagy Tünde who will host the 100-minute live election debate (Megerősítette az MTVA, tényleg Németh Balázs és Volf-Nagy Tünde vezeti a 100 perces élő választási vitát)*, Media1, 21 May 2024, <https://media1.hu/2024/05/21/ep-listavezetok-vitaja-nemeth-balazs-volf-nagy-tunde-mtva-megerosites/>

A Fidesz delegate described the EMFA as a “censorship law”, another attempt to undermine Member States’ sovereignty, arguing that it seeks to establish total control over the media.<sup>84</sup>

## Online media

Only a few regulations exist that target the online sphere. Independent press does not face major regulatory restrictions in the online media ecosystem.

Alongside independent media, government propaganda thrives through the rise of influencers promoting messages that align with the ruling Fidesz party’s narrative.<sup>85</sup> As previously mentioned, Megafon, the company behind these influencers, was founded to counter the so-called “left-liberal content” flooding social media, according to its founder. These influencers have a massive reach, as their ads are supported by significant funding. Between 31 December 2023 and 15 June 2024, political ad spending in Hungary totaled HUF 4.151 billion on Facebook and Google, with HUF

2.136 billion spent on Facebook by the government side (Fidesz, Megafon, and CÖF).<sup>86</sup>

Regarding copyright rules, the MTVA imposes excessive fees for using materials from their archives, regardless of whether the content is intended for journalistic purposes or to serve the public, as highlighted in the clash between Fortepan and the MTVA.<sup>87</sup>

This was the first full year that followed the amendment of the Penal Law decriminalisation the conduct of journalists publishing on matters of public debate. According to the new legislation, communications related to public affairs cannot lead to criminal liability for defamation or libel if they are made in the media and are not intended to “manifestly and seriously harm the dignity of the victim.”<sup>88</sup>

84 Márton Balázs: *The European Parliament voted on a law declaring the independence of public media, and Fidesz fears censorship. (A közmédia függetlenségét kimondó jogszabályt szavazott meg az EP, a Fidesz cenzúráról tart)*, Telex, 13 March 2024, <https://telex.hu/kulfold/2024/03/13/eu-europai-parlament-media-kozmedia-szabadsag-fuggetlenseg>

85 Civil Liberties Union for Europe: *Elections Monitoring Report 2024, Hungary*, [https://dq4n3btxmr8c9.cloudfront.net/files/wyxo01/Elections\\_monitoring\\_2024\\_Hungary\\_FIN.pdf](https://dq4n3btxmr8c9.cloudfront.net/files/wyxo01/Elections_monitoring_2024_Hungary_FIN.pdf)

86 Világi Máté: *At the European level, the government side spent record amounts on online advertisements during the election campaign (Európai szinten is rekordsokat költött netes reklámokra a kormányoldal a választási kampány során)*, Telex, 21 June 2024, <https://telex.hu/belfold/2024/06/21/internet-kampany-koltes-fidesz-valasztas-political-capital>

87 Zsuppán András: *Public media has won, every Hungarian loses – an in-depth interview with the founder of Fortepan (A közmédia győzött, minden magyar veszít – nagyinterjú a Fortepan alapítójával)*, Válasz Online, 2 May 2023, <https://www.valaszonline.hu/2023/05/02/tamasi-miklos-fortepan-mtva-interju-fenykep-digitalizacio-muzeumok-jozsef-attila/>

88 Article 226, paragraph 3 of the Criminal Code

The change came as a surprise as the governing party has, since coming to power, deliberately worked to systematically block channels of free public debate.<sup>89</sup> Although the reasons for which it was implemented do not reflect the public interest, it should have a positive impact on public life. According to some experts, the decriminalisation is also favorable for pro-government propaganda media as their journalists frequently published potentially unlawful contents in the previous years. This could be an additional reason for adopting such a law.

Alongside the improvement comes the projection of a regulation criminalising hateful comments.<sup>90</sup> The draft law was theoretically aimed at countering online aggression. In practice, it could potentially undermine freedom of expression, as it allows for very broad applications. Under the law, legislators do not seek to punish actions or even the preparation of actions, but merely the expression of intentions or wishes.<sup>91</sup>

## Public trust in media

As noted in our previous reports, trust in various media platforms and channels is heavily influenced by the audience's political views. However, a survey conducted by the Committee for Editorial Independence, published earlier this year, examined the opinions of the Visegrad Four countries on media freedom. The results revealed that of the countries observed, Hungarians expressed the least trust in their media, with an increasing number of Fidesz voters (33%) expressing concern about the state of public service media.<sup>92</sup>

The Law on the Protection of National Sovereignty, adopted in 2023, imposed additional indirect restrictions on media freedom, and its consequences have the potential to undermine public trust in the media. The Sovereignty Protection Office, created under this law, can investigate, among other things, media outlets for serving foreign interests as these outlets are not exempt from possible investigations. The President of the Sovereignty Protection Office

89 Hungarian Civil Liberties Union (TASZ): *TASZ welcomes the decriminalization of the free discussion of public affairs and calls attention to the government's further actions needed (A TASZ üdvözli a közügyek szabad megvitatásának dekriminalizációját és felhívja a figyelmet a kormány további teendőire)*, 26 April 2023, <https://tasz.hu/cikkek/a-tasz-udvozli-a-kozugyek-szabad-megvitasanak-kozelgo-dekriminalizaciojat-es-felhivja-a-figyelmet-a-kormany-tovabbi-teendoire/>.

90 Dévai László: *This is truly about the possibility of ending up at the police station because of a harsh comment (Itt tényleg arról van szó, hogy egy durva komment miatt a rendőrségen köthetsz ki)*, Telex, 18 December 2024, <https://telex.hu/belfold/2024/12/18/online-agresszio-visszaszoritas-magyar-kormany-fidesz-torveny-komment-borton>

91 Joób Sándor: *A new draft law proposes a one-year prison sentence for aggressive commenting (Egy év börtönnel büntetné az agresszív kommentelést egy új törvényjavaslat)*, Telex, 19 November 2024, <https://telex.hu/belfold/2024/11/19/internet-kommenteles-szabalyzat-nmhh-torvenyjavaslat-agresszio-halal>.

92 Bugyinszki György: *Visegrad Survey on Media Freedom and Trust in Public Media (Visegrádi felmérés a médiaszabadságról és a közmédiára iránti bizalomról)*, Media1, 26 April 2024, <https://media1.hu/2024/04/26/visegradi-felmeres-mediaszabadsag-kozmedia-bizalom/>

clearly stated in an interview with journalists at 444 that he did not consider the media dangerous, but that he did consider the activities of 444 dangerous.<sup>93</sup> This year, the Sovereignty Protection Office launched investigations against multiple editorial offices and civil society organisations, such as Transparency International Hungary (TI),<sup>94</sup> the investigative news portal Átlátszó, and Göd-ÉRT Egyesület (“For Göd Association”, an environmental and urban protection organisation stepping up against battery factories) and the Átlátszónet Foundation. According to Átlátszó, the investigation into the For Göd Association is warranted because the association, as a recipient of EU funding in partnership with the Átlátszónet Foundation and other NGOs, secured support for civil advocacy activities in 2023. Additionally, it participated in the 2024 election campaign, leading to the election of two of its candidates to the Göd council.<sup>95</sup>

These investigations do not just intimidate the investigated parties, but are intended

to undermine their credibility in the public eye. Years ago, Átlátszó created a platform to enhance and ease public access to public interest information, allowing citizens to submit FOI requests for data from government and public institutions. When submitted, these requests are sent through a generated, random email address ending in “kimittud.hu,” previously “atlatszo.hu.” At a recent local council meeting in the town of Tata, the mayor whose office had received an FOI request from such an email about a week earlier read out loud from the Sovereignty Protection Office’s report on Átlátszó. Neither the report nor Átlátszó were relevant to the discussion; the report was brought up solely because of the email address’s domain.<sup>96</sup> The intent seemed to be to discredit the media outlet, underscoring the potent impact of the Sovereignty Protection Office’s stigmatisation and its influence on discrediting independent media.

93 Plankó Gergő, Jelinek Anna, Kovács Bendegúz, Czinkóczi Sándor: *Tamás Láncki to 444: I do not consider the media dangerous, but I do consider your activities dangerous (Láncki Tamás a 444-nek: A médiát nem tartom veszélyesnek, az önök tevékenységét igen)*, 26 July 2024, <https://444.hu/2024/07/26/lanczi-tamas-a-444-nek-a-mediat-nem-tartom-veszelyesnek-az-onok-tevekenyseget-igen>.

94 Transparency International Hungary: *The Sovereignty Protection Office has initiated proceedings against Transparency International Hungary (A Szuverenitásvédelmi Hivatal eljárást indított a Transparency International Magyarország ellen)*, 25 June 2024, <https://transparency.hu/hirek/szuverenitasvedelmi-hivatal-eljaras-ti-magyarorszag/>.

95 Bodnár Zsuzsa, Bodoky Tamás: *The Sovereignty Protection Office has also targeted the Göd-ÉRT Association (A Göd-ÉRT Egyesületet is kipécézte a Szuverenitásvédelmi Hivatal)*, Átlátszó, 12 September 2024, <https://atlatszo.hu/orszagszerte/2024/09/12/a-god-ert-egyesuletet-is-kipecezte-a-szuverenitasvedelmi-hivatal/>.

96 Erdélyi Katalin, Katus Eszter: *The mayor read aloud from the report written by the Sovereignty Protection Office about Átlátszó (Felolvasott a Szuverenitásvédelmi Hivatal Átlátszóról írt jelentéséből a polgármester)*, Átlátszó, 6 December 2024, <https://atlatszo.hu/orszagszerte/2024/12/06/felolvasott-a-szuverenitasvedelmi-hivatal-atlatszorol-irt-jelentesebol-a-polgarmester/>.



## Safety and protection of journalists and other media actors

Physical attacks on journalists are rare, and instances of unjustified abuse by the police or other authorities are infrequent, but there were two notable cases in 2024 which fall into the latter category. However, the impact of legal obstacles and financial constraints is much more significant.

There are instances of journalists being intimidated, such as when investigations by the Sovereignty Protection Office result in stigmatisation<sup>97</sup>, or when journalists have to defend themselves against state institutions that initiate criminal or civil proceedings based on articles describing the institution's actions.

There are multiple instances where the work of the press is obstructed in nonviolent ways. For example, the police and the Counter-Terrorism Centre repeatedly asked Telex whether their camera in use had been a stolen camera and attempted to inspect it.<sup>98</sup> It is a recurring issue that the press is denied access to certain public events, such as speeches by the Prime Minister, other Fidesz-linked gatherings,<sup>99</sup> or public-interest events like evictions. This prevents journalists from performing their duties and hinders the facilitation of public debate.<sup>100</sup>

The issue of spyware remains unresolved. A recent ruling by the European Court of Human Rights in the case *Csikós v. Hungary* found that there are no adequate protections in Hungary to prevent the use of spyware against

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- 97 Erdélyi Katalin, Katus Eszter: *The mayor read aloud from the report written by the Sovereignty Protection Office about Átlátszó (Felolvasott a Szuverenitásvédelmi Hivatal Átlátszóról írt jelentéséből a polgármester)*, Átlátszó, 6 December 2024, <https://atlatszo.hu/orszagszerte/2024/12/06/felolvasott-a-szuverenitasvedelmi-hivatal-atlatszorol-irt-jelentesebol-a-polgarmester/>
- 98 HVG.hu: *“We’re checking the camera’s serial number to see if it’s wanted” – Telex has filed a complaint after police obstructed them from questioning Szijjártó („Kamerának ellenőrizzük a számát, nem-e körözzik” – feljelentést tett a Telex, amiért rendőrök akadályozták, hogy Szijjártót kérdezzék)*, hvg.hu, 25 June 2024, [https://hvg.hu/itthon/20240625\\_tel-ex-szijasarto-tek-rendorseg-feljelentes](https://hvg.hu/itthon/20240625_tel-ex-szijasarto-tek-rendorseg-feljelentes)
- 99 Mészáros Juli: *Police were called on Telex reporters at Szijjártó’s public forum in Kalocsa (Rendőroket hívtak a Telex munkatársaira Szijjártó kalocsai lakossági fórumán)*, 444.hu, 24 May 2024, <https://444.hu/2024/05/24/rendoroket-hivtak-a-telex-munkatarsaira-szijasarto-kalocsai-lakossagi-foruman>
- 100 Fazekas Lázár Benjámin: *The police are obstructing us from reporting on evictions – Who benefits from this? (A rendőrség akadályozza, hogy tudósítsunk a kilakoltatásokról – Kinek jó ez?)*, Mércse, 30 July 2024, <https://merce.hu/2024/07/30/sajtoszabadsag-ha-haborus-zonaban-csak-sebesulteket-az-olimpian-pedig-csak-dobogot-lathatunk/>, Bankó Gábor: *An entire apartment building was cordoned off, and the press was excluded to ensure the undisturbed eviction of a retired man in Csepel (Lezártak egy egész lépcsőházat és kizárták a sajtót, hogy zavartalanul rakhassanak utcára egy nyugdíjas férfit Csepelen)*, 444.hu, 19 July 2024, <https://444.hu/kepek/2024/07/19/lezartak-egy-egesz-lepcsohaz-at-es-kizartak-a-sajtot-hogy-zavartalanul-rakhassanak-utcara-egy-nyugdijas-ferfit-csepelen>

journalists.<sup>101</sup> Despite this, Hungarian authorities have not considered these practices illegal. In cases where the Hungarian Civil Liberties Union (HCLU) represented journalists targeted by the Pegasus spyware, the National Authority for Data Protection and Freedom of Information (NAIH) stated that it could not confirm whether wiretapping had occurred, but if it did, it was deemed lawful. HCLU challenged this decision, and while the first-instance court ruled that the NAIH failed in its constitutional duty by not recognizing the targeted individuals as journalists,<sup>102</sup> the Supreme Court upheld the NAIH's ruling as lawful.

The regulation of access to public information presents additional obstacles to journalistic freedom. The HCLU has encountered several instances where lawmakers altered the law specifically after a journalist began inquiring about a particular topic.<sup>103</sup> Inquiries from the press generally go unanswered. Regarding

press informants, it is important to note that many individuals choose to remain anonymous out of fear of retaliation. This year, in one of the Hungarian Civil Liberties Union (HCLU) cases, a municipal official was dismissed for speaking to the press about the local government's failure to fulfill its duties.

The emergence of GDPR-based SLAPPs poses a significant threat to independent journalism, obstructing their work and imposing substantial administrative, financial, and legal burdens on both publishers and journalists. In Hungary, wealthy individuals with political connections exploit the provisions of the European Union's General Data Protection Regulation (GDPR) to prevent the press from reporting on their significant business enrichment, which are often backed by public funds.<sup>104</sup> Despite these articles addressing matters of public interest, the GDPR is exploited as a means to shield these individuals from media scrutiny.

101 Márton Balázs: *Hungarian authorities violated human rights by wiretapping a journalist and are now required to pay a penalty (A magyar hatóságok emberi jogokat sértettek egy újságíró lehallgatásánál, büntetést kell fizetniük)*, Telex, 29 November 2024, <https://telex.hu/kulfold/2024/11/29/europa-tanacs-ejeb-jogallamisag-lehallgatas-ujsgiro-buntetes>

102 Hungarian Civil Liberties Union: *A court has ruled that the data protection authority failed to protect citizens in the Pegasus case (Bíróság mondta ki, hogy az adatvédelmi hatóság nem védte meg az állampolgárokat a Pegasus-ügyben)*, 21 March 2024. <https://tasz.hu/cikkek/birosag-mondta-ki-hogy-az-adatvedelmi-hatosag-nem-vedte-meg-az-allampolgarokat-a-pegasus-ugyben/>

103 K-Monitor: *Government Curtails Transparency by Overriding Court Decisions (A bíróságok döntéseit felülírva szűkíti az átláthatóságot a kormány)*, K-blog, 18 January 2024, [https://k.blog.hu/2024/01/18/a\\_birosagok\\_donteseit\\_felulirva\\_szukiti\\_az\\_atlathatosagot\\_a\\_kormany](https://k.blog.hu/2024/01/18/a_birosagok_donteseit_felulirva_szukiti_az_atlathatosagot_a_kormany)

104 Hungarian Civil Liberties Union: *'SLAPPed by GDPR' - How the General Data Protection Regulation can restrict press freedom (Adatvédelmi alapú sajtó elleni perek Magyarországon)*, 11 March 2024, <https://tasz.hu/cikkek/adatvedelmi-alapu-sajto-elleni-perek-magyarorszagon-elkeszult-a-tasz-jelentese/>, Zsiborás Gergő: *Hell Seeks Recall of Newly Released Forbes Magazine Issue (A Hell újra visszahívna az éppen megjelent Forbes magazint)*, Forbes, 5 Sept 2024, <https://forbes.hu/uzlet/a-hell-ujra-visszahivna-az-eppen-megjelent-forbes-magazint/>

Since Hungary did not adopt a journalistic exemption when implementing the GDPR, the balance between the right to privacy and freedom of the press is left to the discretion of the authorities. This has led to controversial and inconsistent jurisprudence, with opposing views that largely overlook the press's constitutional duty. However, in 2024, amidst several decisions following the previous narrative, some progressive rulings were issued by both the National Authority for Data Protection and Freedom of Information (NAIH) and the Supreme Court, offering some hope for a more balanced approach.<sup>105</sup>

To conclude, Hungary is still left with no dedicated law enforcement capacity to prevent

or investigate attacks on journalists. Furthermore, neither criminal law nor law enforcement practices recognise journalists as a group requiring enhanced protection, often legal remedies remain ineffective.

No progress has been made in Hungary regarding the implementation of the Anti-SLAPP Directive. The rise in SLAPP lawsuits highlights the urgent need to address this issue. However, given the slow and very formal adoption of the GDPR within the Hungarian legal framework, it is unlikely that the government will adopt a progressive, more protective Anti-SLAPP Directive.

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105 Hungarian Civil Liberties Union: *Success in the Bige László Case: Curia Rules Billionaire Cannot Remain Anonymous (TASZ siker: a Bige László ügyben a Kúria is megerősítette, hogy nem rejtozkodhet a milliárdos)*, 6 November 2024, <https://tasz.hu/cikkek/tasz-siker-bige-laszlo-ugyeben-a-kuria-is-megerositette-hogy-nem-rejtozkodhet-a-milliardos/>, HVG, *Curia's Decision: Bige László Cannot Remain Anonymous (Döntött a Kúria: nem rejtozkodhet Bige László)*, hvg.hu, 6 November 2024, [https://hvg.hu/kkv/20241106\\_Dontott-a-Kuria-nem-rejtozkodhet-Bige-Laszlo](https://hvg.hu/kkv/20241106_Dontott-a-Kuria-nem-rejtozkodhet-Bige-Laszlo)

## CHECKS AND BALANCES

### Key recommendations

- *The legislator should ensure the transparency and democratic nature of adopting laws by inducing meaningful debate, providing meaningful reasoning and involving key stakeholders in the process.*
- *The legislator should refrain from changing electoral law in a partisan manner, especially shortly before the elections.*
- *The government should refrain from regulating with state of emergency decrees issues that are not linked directly to the war in Ukraine, which is the constitutional reason for declaring a state of emergency.*

### Process for preparing and enacting laws

Generally it can be said that there was no observable progress in the procedural quality of legislation. According to the statistics provided by Wolters Kluwer, there is a decreasing trend in the number of emergency decrees (202 in 2023, whereas 96 in 2024), however, governing by emergency decrees still remains a constitutional concern. The end of the year was characterised by an influx of new laws (1040 pieces of law were amended in the last days of the year). This development works against transparency.<sup>106</sup>

### Framework, policy and use of impact assessments, stakeholders'/public consultations (particularly consultation of judiciary on judicial reforms), and transparency and quality of the legislative process

Politically sensitive subjects are regulated in a fashion that lacks the involvement of key stakeholders, especially political parties from the opposition. A recent example is the proposal for redrawing the electoral districts of the parliamentary elections. The new boundaries are poorly reasoned. For example, it is not clear why the boundaries in Somogy and Tolna County remained unaltered, although there are significant differences in terms of the number of voters there as well. An analysis of electoral

106 Ferenc Mátyás: *Mérsékelt év, de erős zárás*, 6 January 2025, Jogászvilág, <https://jogaszvilag.hu/szakma/mersekelt-ev-de-eros-evzaras/>

geographer Tamás Kovalcsik suggests that an explanation is that in that county Fidesz-KDNP has been strong.<sup>107</sup> Also, the draft law was introduced by the Justice Committee of the Parliament, therefore the statutory obligation of public consultation was not applicable. Indeed, the draft was not consulted with any stakeholders and it is opposed by the parliamentary opposition, therefore it is expected that it will be enacted without the support of the opposition parties. Another example is the modification of the electoral system of the General Assembly of Budapest, entering into force on 5 January 2024. The proposal was introduced as a private member's bill by MPs of the far-right party, Mi Hazánk, therefore it was not published for public consultation, and it was adopted without the votes of the opposition parties.

**Rules and use of fast-track procedures and emergency procedures (for example, the percentage of decisions adopted through emergency/urgent procedure compared to the total number of adopted decisions)**

A lot of topics are still regulated through emergency decrees, even if the subject does not relate to the war in Ukraine, that is, the reason for declaring the state of emergency. The government regularly uses its emergency power to intervene with individual procedures or political debates by issuing a government decree.

In October the draft bill extending the state of danger was introduced in Parliament, although its reasoning was only one sentence. The same sentence was used half a year earlier.<sup>108</sup> The state of danger has therefore been prolonged without any genuine justification. Also, the government regularly issues decrees on matters unrelated to the war. Watchdog NGOs, among them HCLU, made a list of all the decrees that are not linked to the war: so far there are 24 decrees, in which six are from 2024.<sup>109</sup> An example is an emergency decree related to transaction fees<sup>110</sup>. An emergency decree

107 Tamás Kovalcsik: *The shuffle in constituencies favours Fidesz, not Tisza - changes presented on the map*, 19 November 2024, Telex, <https://telex.hu/valasztasi-foldrajz/2024/11/19/uj-orszaggyulesi-valasztokerulet-terkep>

108 Amnesty International Hungary - Hungarian Helsinki Committee - Hungarian Civil Liberties Union: *Az Amnesty International Magyarország, a Magyar Helsinki Bizottság és a Társaság a Szabadságjogokért véleménye a szomszédos országban fennálló fegyveres konfliktus, illetve humanitárius katasztrófa magyarországi következményeinek elhárításáról és kezeléséről szóló 2022. évi XLII. törvény módosításáról szóló törvény tervezetéről*, 10 October 2024, [https://helsinki.hu/wp-content/uploads/2024/10/AI-MHB-TASZ\\_velemeney-veszelyhelyzet\\_20241010.pdf](https://helsinki.hu/wp-content/uploads/2024/10/AI-MHB-TASZ_velemeney-veszelyhelyzet_20241010.pdf)

109 Ibid at p.7-8.

110 Government Decree No 187/2024 (VII. 8.) on emergency regulation of certain consumer protection issues in the financial sector, <https://net.jogtar.hu/jogszabaly?docid=A2400187.KOR&dbnum=1>



was adopted that prohibited the banks from burdening their clients. It can be argued that this policy change does not link in any direct way to the war in the neighbouring country. Enacting regulations in this way bypasses the safeguards of parliamentary law-making, most importantly its public character.

Also, the above mentioned redraw of electoral boundaries took place on an extraordinary seating of the parliament on the week starting on 16 December and the bill was passed by the parliament on 17 December<sup>111</sup>, again, without the votes of the opposition parties.

### **Regime for constitutional review of laws**

The regime for constitutional review of laws did not change in 2024; both the regulatory background and the attitude of the court remained the same. Most notably, the court, even though it examined the case on the merits, did not annul the Act LXXXVIII of 2023 on the Protection of National Sovereignty mentioned several times in this report.

### **Other**

Finally, an unconstitutional governmental practice was observable when the government blackmailed the judiciary.<sup>112</sup> The salary of judges has been criticised for a long time, and by autumn 2024 it became evident that the government used the subject to force judicial self-governing organs to support its judicial reform plans.<sup>113</sup>

### **Independent authorities**

There is no observable progress in the work of independent authorities. Although these authorities have many statutory guarantees (e.g. long terms and immunity of their leaders), they are filled with persons not willing to step up effectively since the governing party has the two-thirds majority in the Parliament. The Ombudsman still does not use his powers effectively: for example, he did not refer the ‘Sovereignty Act’<sup>114</sup> to the Constitutional Court, nor did he challenge the constitutionality of any ultra vires pieces of emergency decrees. The Ombudsman equally refrained from using public communication to promote human rights. Also, since the Equal Treatment Authority (Egyenlő Bánásmód Hatóság) was integrated into the Ombudsman’s Office

111 Balázs Cseke: *Fidesz is preparing for 2026: the electoral map has been redrawn and the rules have been modified*, 17 December 2024, Telex, <https://telex.hu/belfold/2024/12/17/parlament-valasztasi-torveny-modositasa-valasztokeruleti-beosztas>

112 See “Quality of justice part” above.

113 Viktória Serdült: *“This is vile blackmail” – government demands judicial reforms in exchange for a salary rise for judges*, 18 November 2024, HVG.hu, [https://hvg.hu/itthon/20241118\\_birosagi-reform-fizetesemeles](https://hvg.hu/itthon/20241118_birosagi-reform-fizetesemeles)

114 Hungarian Parliamentary Act LXXXVIII of 2023 on the protection of national sovereignty, <https://net.jogtar.hu/jogszabaly?docid=a2300088.tv>

in 2021, the intensity of anti-discrimination protection dropped significantly.<sup>115</sup> This trend remained in 2024 as well.

The Integrity Authority was viewed by many as an exception to the general attitude of state institutions. Gyula Balásy is an influential businessman with close ties to the government, and his company did not win a public procurement announced by the authority because some professional concerns arose on behalf of the authority. When the authority's decision was overturned by the Arbitration Committee, the president of the authority gave unusually harsh criticism of Balásy's company, calling it a "company fattened up with taxpayer's money."<sup>116</sup> Such criticism, even indirect, of the political regime is very rare from leaders of state authorities. Indeed, as referred to in other parts of this report, the Authority at least tries to investigate corruption cases.

### **Accessibility and judicial review of administrative decisions**

Since 1 March 2020 there is no appeal against administrative decisions within the public administration system. Instead, individuals affected by the decisions need to request a judicial review. The trend since then is that there are less and less administrative court cases. Based on HCLU's experience the number of

administrative cases before the courts dropped dramatically.

### **Electoral framework**

One of the most important issues is the partisan lawmaking related to elections. It can be generally said that electoral law is adopted without meaningful consultation and the involvement of key stakeholders, especially the parliamentary and extra-parliamentary opposition. With a two-thirds majority, the governing parties can amend any electoral laws. One example is changing the date of the municipal elections in 2024. Elections were to be held in the autumn, but the governing parties amended the Fundamental Law, i.e. constitution, to make the municipal elections coincide with the EP elections. The constitutional amendment was adopted in the summer, with very low publicity and it was adopted without the supporting votes of opposition MPs. Although the government invoked budgetary reasons, the modification most probably served partisan purposes. That is, under the original schedule, the EP elections held in a PR system would have preceded the municipal elections that, in turn, has a more majoritarian character. This way the splintered opposition would not have been forced to cooperate and would have had clear feedback on the EP elections, which would have helped to sort out parties with

115 HCLU: Az egyenlő bánásmód védelmére hivatott hatóság működésének kritikája, 24 March, 2024, <https://tasz.hu/cikkek/az-egyenlo-banasmod-vedelmere-hivatott-hatosag-mukodesenek-kritikaja/>

116 Balázs Kaufmann: *Az Integritás Hatóság elnöke szerint Balásy cége adófizetők pénzén, mesterségesen lett felhízlalva*, 1 October 2024, 444.hu, <https://444.hu/2024/10/01/az-integritas-hatosag-elnoke-szerint-balasy-cege-adofizetok-penzen-mestersegesen-lett-felhizlalva>

virtually no voters.<sup>117</sup> Another example is the change of the electoral system of the General Assembly of Budapest - this modification is described above as the “process for preparing and enacting laws”. Political analysts argued that the motive behind the amendment could have been to splinter the General Assembly (by enacting a PR system) and make it less likely that there would be a majority behind the mayor, Gergely Karácsony.<sup>118</sup> These changes preceded the landslide changes starting in February, and therefore their political background changed dramatically. This, however, does not change the manipulative nature of these changes.

A related issue was that although the municipal elections took place on 9 June, the mandate of the acting municipal representatives was terminated on 1 October. This meant that voted-out mayors and representatives were in power for almost four months even though they knew that they would no longer hold the position. This led to the (attempt of) abuse of power on several occasions. Another problem with the change of date was that many voters who turned 18 after 9 June were not allowed

to vote, even though they could have done so if the elections had been held in the autumn.

A persisting problem is the overlap of the government’s and governing parties’ political campaign and communication. An example was a case where the government sent out emails to addresses collected to disseminate information on COVID-19. The email addressed the subject of the war in Ukraine and clearly amplified the government’s narrative. The Supreme Court rejected the complaint, prepared by the HCLU and the Hungarian Helsinki Committee on the grounds that an ordinary citizen does not have standing in the case. In addition, the Supreme Court did not initiate a preliminary ruling procedure before the CJEU - despite the petitioner’s request to do so - in the case, arguing that this would make the three-day decision period in electoral cases impossible. This interpretation of the law by the Supreme Court effectively creates a situation where the primacy of EU law in electoral matters cannot be guaranteed.<sup>119</sup>

Moreover, as a result of the ‘sovereignty protection’ law package, doubts arose in many civil society organisations as to whether they could

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117 Zoltán Pozsár-Szentmiklósy, János Mécs, Bernadette Somody: Hungary, in: Luís Roberto Barroso, Richard Albert (eds.) *The 2022 International Review of Constitutional Reform*, Program on Constitutional Studies at the University of Texas at Austin, 2023, 165-166, [https://papers.ssrn.com/sol3/papers.cfm?abstract\\_id=4623844&download=yes](https://papers.ssrn.com/sol3/papers.cfm?abstract_id=4623844&download=yes)

118 Political Capital: *Aránytalan arányosítás*, 22 November, 2023, [https://politicalcapital.hu/hireink.php?article\\_read=1&article\\_id=3293&fbclid=IwAR0zoidEXmh50eUuS57xgXNvyW3bVx3b8q4do6hefhLjXNAUYvmgCgG0fCM](https://politicalcapital.hu/hireink.php?article_read=1&article_id=3293&fbclid=IwAR0zoidEXmh50eUuS57xgXNvyW3bVx3b8q4do6hefhLjXNAUYvmgCgG0fCM)

119 Zsuzsanna Kunos: Amivel a kormány se számolt, mikor újra a vakcinaregisztrációs trükkel kampányolt, 26 September 2024, *ataszjelenti*, <https://ataszjelenti.444.hu/2024/09/26/amivel-a-kormany-se-szamolt-mikor-ujra-a-vakcinaregisztracios-trukkel-kampanyolt>; and decision Kvk.VII.39.089/2024/4. of the Curia.

continue their basic activities, especially their public activities which fundamentally belong to the freedom of expression and association, during the election campaign. The basis of the doubt is the element of the ‘sovereignty protection’ legal package, according to which a legal entity cannot provide support to nominating organisations. This had a chilling effect on many organisations that take a position on public issues, formulate opinions, develop and publish policy proposals, etc., which may be more favorable for some political actors and less favorable for others.

The 2024 electoral (EP and municipal) campaign<sup>120</sup> was distorted because of the influence of third-party campaigning. As an analysis pointed out “[w]hile the pro-Fidesz camp spent €5.4 million on Meta and Google ads from the beginning of the year until 15 June, all 15 opposition parties and their associated media spent a quarter of that, €1.4 million”.<sup>121</sup>

Also, it is to be mentioned that the ECtHR case *Bakirdzi and EC v Hungary*<sup>122</sup> still remains unimplemented by the legislator, thus the scheme allowing national minorities preferential mandates still remains contrary to the ECtHR.

### ***Limitations on the right to vote***

During the EP elections, Hungarian residents staying abroad on the election day could vote at Hungarian foreign representations abroad, while voters not residing in Hungary or in another EU country could vote by mail. Hungarian residents staying abroad on election day are therefore still not guaranteed a uniform way of exercising their right to vote which constitutes unlawful discrimination. Hungarian residents staying abroad on election day are not allowed to vote in municipal elections.

Hungary continues to violate its international legal commitments by disenfranchising persons under guardianship. The UN CRPD Committee has found that any restriction of the right to vote based on disability is incompatible with the UN Convention on the Rights of Persons with Disabilities Despite Hungary’s international commitments, persons with disabilities may be excluded from the right to vote by way of judicial decision.

120 Since the two elections were held on the same day, the 50-day campaign period preceding elections completely overlapped.

121 Political Capital, Mérték, Lakmusz, European Media and Information Fund: Fidesz & Co. flooded social media with anti-Western hostile disinformation in Hungary’s election campaign, reaching EU spending records, June 2024, [https://politicalcapital.hu/pc-admin/source/documents/Uncovering\\_analyzing\\_debunking\\_and\\_researching\\_sponsored\\_disinfo\\_project\\_summary\\_2024.pdf](https://politicalcapital.hu/pc-admin/source/documents/Uncovering_analyzing_debunking_and_researching_sponsored_disinfo_project_summary_2024.pdf) p.5.

122 ECtHR [GC], Judgment of 16 December 2024, *Bakirdzi and E. C. v. Hungary*, no. 49636/14 and 65678/14, <https://hudoc.echr.coe.int/eng#%7B%22fulltext%22:%5B%22Bakirdzi%22%2C%22documentcollectionid%22:%5B%22GRAND-CHAMBER%22%2C%22CHAMBER%22%2C%22itemid%22:%5B%22001-220672%22%5D%7D>

### **Irregularities, fraud and related safeguards, including independence and effectiveness of electoral bodies**

Electoral and polling station committees have members elected in a non-transparent manner,

with unclear selection criteria determined by a political body<sup>123</sup> (in the case of the National Election Committee, this political body is the Parliament with a two-third majority of government representatives).

## **CIVIC SPACE**

### **Key recommendations**

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

### **Freedom of association**

#### **Equal treatment among CSOs, including by reference to CSOs' focus of activities, type of activities, and geographical location of activities**

On 12 September 2024, the Office of Sovereignty Protection launched an investigation against the Göd-ÉRT Association for the Protection of the Environment and Towns to

check whether the Association used foreign funds that violated Hungary's sovereignty during the municipal election campaign. The association, which has achieved significant results in exposing the illegal and environmentally damaging operation of the Samsung battery factory in Göd, participated in the 2024 municipal election campaign, and two of its candidates were elected to the Göd municipality. The Association has indicated to the

123 20K - Hungarian Helsinki Committee -Mertek Media Monitor - Political Capital - Hungarian Civil Liberties Union - Unhack Democracy - *Civil Election Report, European Parliamentary and Municipal Elections, Hungary, 2024*, <https://www.20k.hu/letoltesek/civil-valasztasi-jelentes.pdf>



Office that it has not used foreign funding to influence the outcome of the elections.<sup>124</sup>

On 28 September, Amnesty International Hungary and the Association of Alternative Communities would have held the Common City - Debrecen Civil Festival. Although an agreement was reached in April with the Water Tower, owned by the University of Debrecen, which provided the venue, a week before the event the organisations were informed that the space had been promised to football fans on the same day, and that the organisations would have to reschedule the festival, which had been going on for months and had involved hundreds of people. They then signed a contract with the *Roncsbár* (popular club and event venue in Debrecen), but two days before the festival it was discovered that their building and courtyard had been turned into a building site (although they still held a concert that evening). The case illustrates the impact of ten years of anti-civil society government policy. The organisers wrote an open letter asking the Debrecen municipality to ensure that all NGOs can operate freely and without fear.<sup>125</sup>

***Financing framework for CSOs, including availability of and access to public funding, rules on fundraising, rules on foreign funding, tax regulations***

The amendment to the Act on Electoral Procedure extended the provisions on party funding to associations and their candidates. The § 124 (1b) of the Act generally prohibits any candidate from using foreign funds or assets derived therefrom for the purpose of influencing or attempting to influence the will of the electorate in relation to the election in question. When registering, the association and its candidate must also declare that it will not use foreign funding and funding from domestic legal entities, organisations without legal personality, anonymous donations or assets derived from these in relation to the election in question for the purpose of influencing or attempting to influence the will of the electorate [§ 129 (1) and § 307/D (3)].<sup>126</sup>

***Good administration and redress mechanisms in relation to decisions by public authorities affecting CSOs***

On 27 August 2024, the Government Office of the Capital City of Budapest removed the

124 Zsuzsa Bodnár, Tamás Bodoky, *NGO that revealed Samsung's pollution targeted by Sovereignty Protection Office*, *Atlatszo*, 14 September 2024, <https://english.atlatszo.hu/2024/09/14/ngo-that-revealed-samsungs-pollution-targeted-by-sovereignty-protection-office/>

125 Amnesty International Hungary and other NOs, *Communication, Why is the Debrecen municipality afraid of people with disabilities? (Miért fél Debrecen vezetése a fogyatékossggal élő emberektől?)*, 27 September 2024, <https://www.amnesty.hu/miert-fel-debrecen-vezetese-a-menhelyi-kutyaktol/>

126 National Assembly of Hungary, Act no. XXXVI of 2013 on the electoral procedure (A választási eljárásról szóló 2013. évi XXXVI. törvény), <https://net.jogtar.hu/jogszabaly?docid=a1300036.tv>

Wesley Kincsei Primary School and High School, operated by the Hungarian Evangelical Brotherhood as a registered church since 2007, from the register of public educational institutions, five days before the start of the school year on 2 September 2024. On 30 August the Government Office of Csongrád-Csanád County also closed the HEB-school in Szeged. The two schools were attended by hundreds of pupils, many of whom had special educational needs. The reason given for the closure was that, due to the financial and taxation difficulties of the schools and their maintainers, the legal conditions for the operation of the institutions were not met, jeopardising the continuous and safe education of pupils. However, the reasons cited in the decisions are based on the unlawful deprivation of the church status of the Hungarian Evangelical Brotherhood in 2012, the related litigation and the financial compensation for not having been granted the church status again.<sup>127</sup> The decisions were taken in the context of a procedure which had been initiated following an application for the amendment of the operating licence, in which the offices had no authority to decide on the

closure. Furthermore, the decisions were not formally communicated to the maintainer or to the parents of the pupils; instead, the Government Office staff personally delivered an information letter to the parents concerned. The information letter stated that the removal of the institution from the register would be accompanied by the termination of the legal status of the pupils in the institution.<sup>128</sup> The decisions were challenged by the institution and the parents before the administrative courts (which granted the application for immediate legal protection).<sup>129</sup>

### ***Criminalisation of activities, including humanitarian or human rights work***

At the end of 2023, the Criminal Code was amended to include a new provision on “illegal influence on the electorate” (Article 350/A), which stipulates that a member, responsible person or senior official of a nominating organisation, as well as a candidate who uses illegal foreign funding or, in order to bypass this prohibition, a financial advantage derived from an agreement disguising the origin of

127 ECtHR, Judgment of 25 April 2017, Magyarországi Evangéliumi Testvérközösség v. Hungary, no. 54977/12 (2017), <https://hudoc.echr.coe.int/eng?i=001-173104>

128 Ádám Kertész, *The Government Office closed the nurseries and schools of Gábor Iványi in the capital* (A kormányhivatal bezáratta Iványi Gáborék fővárosi óvodáit és iskoláit), 28 August 2024, <https://www.szabadeuropa.hu/a/a-kormanyhivatal-bezaratta-ivanyi-gaborek-fovarosi-ovodait-es-iskolait/33096556.html>

129 Ádám Kertész, *The Government Office closed the schools of Gábor Iványi in an illegal manner* (Jogsértő módon záratta be a kormányhivatal Iványi Gáborék iskoláit), 18 September 2024, <https://www.szabadeuropa.hu/a/jogserto-modon-zaratta-be-a-kormanyhivatal-ivanyi-gaborek-iskolait/33124854.html>; Ádám Kertész, *Another court rules that children's rights were not taken into account when Gábor Iványi's schools were closed* (Újabb bíróság mondta ki, hogy nem vették figyelembe a gyerekek jogait Iványi Gábor iskoláinak bezáratásakor), 2 October 2024, <https://www.szabadeuropa.hu/a/ujabb-birosag-mondta-ki-nem-vettek-figyelembe-a-gyerekek-jogait-ivanyi-gabor-iskolainak-bezaratasakor/33143622.html>

the illegal foreign funding, is punishable by up to three years of imprisonment. According to Article 52(5) of the Criminal Code, the perpetrator of the offense of illegal influence on the electorate shall be prohibited from holding positions of responsibility in any civil organisation and from holding a leading position in a political party. This legislation has a deterrent effect on NGOs that carry out advocacy and awareness-raising activities in relation to the right to vote and the electoral process.<sup>130</sup>

### **Rules on transparency**

Act XLIX 2021 on the transparency of NGOs carrying out activities suitable to influence public life is still in force,<sup>131</sup> which gives the State Audit Office of Hungary extensive audit rights over such foundations and associations, whose balance sheet total for the year under review reaches HUF 20 million. This law is unconstitutional because it interferes with the autonomy of associations established under the right of association, the private sphere of citizens who are involved in public affairs, and it has a detrimental effect on freedom of

expression and thus on the democratic public sphere as a whole.<sup>132</sup>

### **Rules on political campaigning**

Legal uncertainty arises from the fact that it is not clear under the law on the protection of sovereignty what is meant by unlawful influence on the will of the electorate in the campaign context.

## **Freedom of peaceful assembly**

### **Bans on protests**

#### Bans on pro-Palestinian demonstrations

Since October 2023, several attempts have been made to hold pro-Palestinian demonstrations in public venues and the police handled these cases differently depending on the political position of the protesters. The fifteen protests to this day that were planned to express solidarity with Palestinian victims were banned by the police despite the diversity of the organisers, the lack of their explicit support

130 National Assembly of Hungary, Act no. C of 2012 on the Criminal Code (A Büntető Törvénykönyvről szóló 2012. évi C. törvény), <https://net.jogtar.hu/jogszabaly?docid=a1200100.tv>

131 National Assembly of Hungary, Act no. XLIX of 2021 on the transparency of NGOs carrying out activities suitable to influence public life (A közélet befolyásolására alkalmas tevékenységet végző civil szervezetek átláthatóságáról szóló 2021. évi XLIX. törvény), <https://net.jogtar.hu/jogszabaly?docid=a2100049.tv>

132 Hungarian Civil Liberties Union, *Position on the law on the transparency of civil society organisations engaged in activities capable of influencing public life and on the amendment of certain related laws* (Álláspont a közélet befolyásolására alkalmas tevékenységet végző civil szervezetek átláthatóságáról és az ezzel összefüggő egyes törvények módosításáról szóló törvényről), 21 February 2024, <https://tasz.hu/cikkek/allaspoint-a-kozelet-befolyasolasara-alkalmas-tevekenyseget-vegzo-civil-szervezetek-atlathatosagarol-es-az-ezzel-osszefuggo-egy-es-torvenyek-modositasarol-szolo-torvenyrol/>

for Hamas, and their strong opposition to such inhumane acts and plans to explicitly demonstrate for peace, in solidarity with the civilian victims of the Gaza war. The reasoning behind the successive bans was the same in each case. All the bans were based mainly on the single concern that violent individuals might join the rally, despite the peaceful purpose and security measures offered by the organisers. The series of bans started right after Prime Minister Viktor Orbán publicly associated solidarity with the Palestinian people with support for terrorism, and declared a blanket ban for all future “sympathy demonstrations”.<sup>133</sup> In November 2023, the Supreme Court upheld one of the police decisions to ban solidarity demonstrations in support of the victims of the Gaza conflict. The Supreme Court found that based on the available evidence there was the potential breach of public order and public security was a realistic threat.<sup>134</sup> In May 2024 the Constitutional Court of Hungary rejected the complaint lodged against the ruling of the Supreme Court, without considering the merits.<sup>135</sup> Court rulings have legitimised a police

practice that effectively bans protests during times of conflict, deeming them inherently too dangerous. This logic implies that protests are only allowed once conflicts have subsided and peace has been restored—a reasoning that fundamentally undermines the essence of the right to protest. The rulings essentially mean that only one opinion – one that is in line with the Prime Minister’s – can now be expressed during a demonstration, undermining democracy by limiting the opportunity for a real dialogue on public issues. An application to the European Court of Human Rights against the Hungarian ruling is pending.

#### Bans on far-right extremist events

As in previous years, the February neo-nazi rally called the “Outbreak Day” commemoration was banned by the police,<sup>136</sup> but extremist groups were still allowed to gather in Buda Castle. This is the starting point of the so-called “breakout day” tour, which is not formally a public meeting but a leisure event, and is therefore not reported to the police. The

133 Brigitta Barnóczki, *Hungarian PM took action to ban pro-Palestinian demonstration in Budapest as soon as he found out about it*, Telex, 13 October 2023, <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>

134 Hungarian Civil Liberties Union, *According to the Supreme Court of Hungary, it is not illegal to prohibit peaceful demonstrations therefore, HCLU appeals to the Constitutional Court*, 24 November 2023, <https://hclu.hu/en/articles/according-to-the-supreme-court-of-hungary-it-is-not-illegal-to-prohibit-peaceful-demonstrations-therefore-hclu-appeals-to-the-constitutional-court>

135 Constitutional Court (Hungary), Order of 31 May 2024, No. 3191/2024., <https://alkotmanybirosag.hu/ugyadatlap/?id=3B65DDE102A4E897C1258AAF006187B3>

136 The Budapest Police Headquarters (Hungary), Decision of 17 December 2023, No. 01000-160/1715-3/2023. rendb., [https://www.police.hu/sites/default/files/2024.02.10.\\_Budapest%20I.%20ker%C3%BClet\\_tilt%C3%B3%20hat%C3%A1rozat.pdf](https://www.police.hu/sites/default/files/2024.02.10._Budapest%20I.%20ker%C3%BClet_tilt%C3%B3%20hat%C3%A1rozat.pdf)

Outbreak Day commemoration is therefore carried out in a different legal framework, but in the same way, and the ban does not prevent the event from taking place, nor does it make nazis and nazi ideas disappear. As the police ban the neo-nazi rally, the intention and meaning of counter-demonstrations are also called into question. The ban means, in legal terms, that there is no public gathering, and while it is still possible to hold a counter-demonstration, only a handful of committed, well-informed anti-fascists are able to voice their dissent, instead of a crowd of democrats, beyond sight and sound of the neo-nazi's leisure event.<sup>137</sup>

#### Limitation of the freedom of expression regarding China

The Chinese President visited Hungary in early May, but protests against him were blocked. Márton Tompos, MP, was prevented by Chinese volunteers from placing an EU flag at the Elisabeth Bridge. The same happened to the President of the Tibet Society, whose Tibetan flag on Gellért Hill was also blocked by the Chinese people. And Tímea Szabó, MP, who also put a Tibetan flag in the window of her office, was warned by the President of the

Parliament that the action was “known to the secret service”.<sup>138</sup>

#### **Policing practices, including dispersion of protests, use of force**

On 23 October 2024, at a state event in Millenáris Park, where the Prime Minister was giving a speech, a citizen was about to protest with a sign in his hand, but was immediately surrounded by three plainclothes police officers, who wrestled the sign out of his hand, led him out of Millenáris Park and searched him. During the search they found a snicker in his pocket, which he had used to prepare the sign. The person was arrested by police officers wearing uniforms and was brought to the police station, where he was held for 6 hours and a misdemeanour case was opened against him. Based on footage of the incident, it is clear that the action was based solely on the holding up of a sign critical of the Prime Minister.<sup>139</sup>

#### **Criminalisation of protesters**

On 12 August 2022, a demonstrator took part in an environmental demonstration in Budapest, wearing a gas mask as a symbol to protest

137 Hegyi Szabolcs, *Neo-Nazi demonstrations should not be swept under the carpet* (Nem lenne szabad a neonáci demonstrációkat a szőnyeg alá söpörni), A TASZ jelenti, 10 February 2024, <https://ataszjelenti.444.hu/2024/02/10/nem-lenne-szabad-a-neonaci-demonstraciokat-a-szonyeg-ala-soporni>

138 Viktor Mucsi, *Chinese activists hunted Tibetan flag bearers in Budapest* (Tibeti zászlókitűzőkre vadásztak Budapesten a kínai aktivisták), Index, 9 May 2024, <https://index.hu/belfold/2024/05/09/szabo-timea-tompos-marton-parbeszed-momentum-tiltakozas-kinai-elnok-hszi-csin-ping/>

139 Dóra Patakfalvi, *Video of a demonstrator holding a sign being led out of Viktor Orbán's 23 October rally* (Videón, ahogy Orbán Viktor október 23-i rendezvényéről kivezetnek egy táblát tartó tüntetőt), Telex, 20 November 2024, <https://telex.hu/belfold/2024/11/20/csogor-zoltan-orban-beszed-oktober-23-millenaris-tek-letartoztat-feljelentes>



against deforestation. Although it is forbidden to cover the face during a demonstration, the demonstrator removed the mask immediately when asked to do so by the police officers who were confronting him. Nevertheless, criminal proceedings were brought against him for violating the restrictions on the peaceful nature of the assembly. The case is at the court of second instance after the first-instance court found the demonstrator guilty.<sup>140</sup>

## Freedom of expression and of information

### Rules on hate speech and their enforcement

In 2024, a bill on combating aggression on the Internet was introduced in Parliament. The proposal aims to criminalise comments published on social media platforms as of 1 January 2025: it would punish anyone who uses or publishes in public with imprisonment of up to one year, via an electronic communications network, an expression, representation or recording that expresses an intention or wish to commit a criminal offence with intent to cause death by violence or with particular cruelty.<sup>141</sup>

## Attacks and harassment

### Online civic space

There are no such laws, regulations or practices specifically targeting NGOs, but in a broader context there are a number of worrying developments and shortcomings, which are outlined below.

### Online fundraising

Online fundraising is not directly prohibited, but the broad wording of the Sovereignty Protection Act may have a deterrent effect in cases where online fundraising is performed through the use of server(s) located in a foreign country.

### Digital surveillance

The judgments of the European Court of Human Rights in the cases of *Szabó and Vissy v. Hungary*<sup>142</sup> and of *Hüttl v. Hungary*<sup>143</sup> have not been implemented yet, therefore there is still no authorisation process in terms of secret surveillance for national security purposes (the Minister of Justice grants the surveillance instead of the court) and there is still no

140 Zsuzsanna Kunos, *Protested in a gas mask, treated like a criminal* (Gázmaszokban tüntetett, bűnözőként kezelik), A TASZ jelenti, 9 July 2024, <https://ataszjelenti.444.hu/2024/07/09/gazmaszokban-tuntetett-bunozokent-kezelik>

141 National Assembly of Hungary, Act no. LXXVIII of 2024 on combating aggression on the Internet (Az internetes agresszió visszaszorításáról szóló 2024. évi LXXVIII törvény), <https://njt.hu/jogszabaly/2024-78-00-00.0#SZ2>

142 ECtHR, Judgment of 12 January 2016, Szabó and Vissy v. Hungary, no. 37138/14 (2016) <https://hudoc.echr.coe.int/eng?i=001-160020>

143 ECtHR, Judgment of 29 September 2022, Hüttl v. Hungary, no. 58032/16 (2022) <https://hudoc.echr.coe.int/eng?i=001-219501>

effective remedy against such surveillance (due to a lack of judicial control) in Hungary.<sup>144</sup>

### **Digital attacks to IT infrastructure**

The Telex.hu news portal was hit by an overload (DDoS) attack a few hours after the publication of historian Krisztián Ungváry's latest article about the maternal grandfather of Zsolt Bayer, founder of Fidesz and right-wing media personality, who became a communist informer. Almost immediately after reporting the attack against Telex.hu, a cyber attack was launched against Media1, too. The cyber attacks are currently under investigation by the National Bureau of Investigation (NNI) Cyber Defence Department following a complaint by Media1.<sup>145</sup>

## **Public participation**

### **Rules on access to and participation in consultations and decision-making processes**

This year, opportunities for public participation in priority investments (matters of major importance for the national economy due to individual government decisions) have been further reduced. In Debrecen, the municipality only offered an online public hearing for the planned battery factory.<sup>146</sup> The government decided on the enlargement of the National University of Public Service without any prior consultation with the district government and residents concerned, and stuck to its decision despite their objections.<sup>147</sup>

144 Communication from an NGO (Hungarian Civil Liberty Union) (19/04/2024) concerning the case of Szabo and Vissy v. Hungary (Application No. 37138/14) [https://hudoc.exec.coe.int/eng?i=DH-DD\(2024\)541E](https://hudoc.exec.coe.int/eng?i=DH-DD(2024)541E)

145 Dániel Szalay, *Telex was hacked after the new part of the series of articles about Zsolt Bayer's body molesting informer relative* (Hackertámadással lőtték le a Telexet a Bayer Zsolt testüregmotozó besúgó rokonáról szóló cikksorozat új része után), Media1, 29 January 2024, <https://media1.hu/2024/01/29/hackertamadas-telex-ddos/>

146 Zsolt Porcsin, *Municipality and government office should stop the practice of public hearings without "public"* (Szüntesse be a "köz" nélküli közmeghallgatás gyakorlatát az önkormányzat és a kormányhivatal), Debreciner, 4 December 2024, <https://debreciner.hu/cikk/szuntesse-be-a-koz-nelkuli-kozmeghallgatas-gyakorlatat-az-onkormanyzat-es-a-kormanyhivatal>

147 *Residents of Diószegi Sámuel Street get a moratorium on moving out, but the expansion of the NKE will start next year* (Megkapják a kiköltözési haladékot a Diószegi Sámuel utcai lakók, de jövőre kezdődik az NKE bővítése), Népszava, 25 April 2024, [https://nepszava.hu/3233301\\_jozsefvaros-dioszegi-samuel-utcai-hazak-kisajatitas-torvenymodositas-nke-hatarido-parlament-bizottsag](https://nepszava.hu/3233301_jozsefvaros-dioszegi-samuel-utcai-hazak-kisajatitas-torvenymodositas-nke-hatarido-parlament-bizottsag)

The Minister of Construction is also unwilling to cancel the enlargement of the Pázmány Péter Catholic University, which will involve the demolition of the former Hungarian Radio building, despite professional and civil protests.<sup>148</sup>

### **Impact on civic space of emergency and crisis situations**

The state of danger, which has been in force since March 2020 – with a short interruption for a few months – is a special form of legal order. It allows the government to override the content of all legislation by decree. Regulations

are prepared in complete secrecy and citizens can only get to know their content when published. The time between publication and entry into force is sometimes only a few hours. The government regularly issues decrees on subjects which have no causal link with the reason for the emergency. Although the state of emergency was declared because of the armed conflict and humanitarian disaster on the territory of Ukraine and in order to avert their consequences in Hungary, the decrees often decide individual administrative matters or political disputes, raising serious questions about the rule of law.

## **DISREGARD OF HUMAN RIGHTS OBLIGATIONS AND OTHER SYSTEMIC ISSUES AFFECTING THE RULE OF LAW ENVIRONMENT**

### **Key recommendations**

- *The legislator should refrain from adopting laws that restrict fundamental rights without a legitimate purpose. In their activities, executive bodies should fully implement human rights standards required by domestic legislation and international legal instruments.*
- *The legislator should refrain from enacting or amending any legislation, in particular legislation governing elections, without social consultation and in an opaque procedure.*
- *The Hungarian State should fully implement all judgments of the ECtHR and CJEU.*

148 Bálint Nagy, *Who consulted us? – the resistance was in vain, Lázár could have already decided that the new Pázmány Campus will be built in the Palace Quarter* (Velünk ki egyeztetett? – hiába az ellenállás, Lázárék már eldönthették, hogy a Palotanegyedben lesz az új Pázmány Campus), Telex, 18 April 2024, <https://telex.hu/belfold/2024/04/18/pazmany-campus-budapest-palotanegyed-epitkezes-lakossagi-forum-lazar-janos-civilek-lakok>

## Systemic human rights violations

### **Widespread human rights violations and/or persistent protection failures**

#### Situation of people fleeing Ukraine

Since Russia's full-scale offensive against Ukraine, tens of thousands of refugees have been arriving in Hungary, several of them with a dual Ukrainian-Hungarian citizenship, rendering them ineligible for refugee status under Hungarian law. However, this did not exclude them from being granted residence on other grounds and from receiving aid (mostly housing) from the Hungarian state. There are hundreds of Roma refugees of Hungarian identity in Hungary who have come from the region of Transcarpathia, known as Zakarpatska Oblast. They were denied aid from the state due to the government decree of July 2024, which stipulates that only refugees from Ukraine who are fleeing from Ukrainian territories "affected by war operations" can receive state aid. The legislation ignores the fact that the entire territory of Ukraine, especially the energy infrastructure, is regularly hit by Russian air strikes and as a result the country currently has

no safe area. The same decree monopolised the participation in the assistance network by designating the Maltese Relief Service for these tasks. Under the decree, hundreds of people were forced to leave state-provided temporary accommodation at the end of August.<sup>149</sup>

#### Voting rights of people with disabilities

Hungary continues to illegally deprive some people under guardianship of their right to vote, contrary to its international legal obligations: the UN CRPD Committee has found that any restriction on the right to vote based on disability is incompatible with the UN Convention on the Rights of Persons with Disabilities. Despite Hungary's international commitment, certain groups of people with disabilities continue to be excluded from the right to vote.

In the guardianship proceedings in *Kiss Alajos v. Hungary*,<sup>150</sup> since 2012, exclusion from the right to vote is not automatic. However, this practice and the legal provisions behind it remain contrary to international human rights standards in the view of the CRPD Committee.<sup>151</sup> According to the latest data,

149 Gergely Nyilas: *Thousands may be excluded from refugee support starting from 20 August*, Telex, 20 August 2024, <https://telex.hu/belfold/2024/08/20/ezrek-szorulhatnak-ki-a-menekultellatasbol-augusztus-20-tol-kormanyrendelet-karpatalja-nyugat-ukrajna>

150 ECtHR [GC], Judgment of 20 October 2024, *Alajos Kiss v. Hungary* [GC], no. 98800/01, [https://hudoc.echr.coe.int/eng#{%22fulltext%22:\[%22alajos%20kiss%22\],%22documentcollectionid%22:\[%22GRANDCHAMBER%22,%22CHAMBER%22\],%22itemid%22:\[%22001-98800%22\]}](https://hudoc.echr.coe.int/eng#{%22fulltext%22:[%22alajos%20kiss%22],%22documentcollectionid%22:[%22GRANDCHAMBER%22,%22CHAMBER%22],%22itemid%22:[%22001-98800%22]})

151 Dr. Nóra Ilona Aujeszky - Dr. Dániel Döbrentey - Dr. Szabolcs Hegyi - Dr. Zsuzsanna Kunos - Dr. Attila Mráz - Dr. Emese Pásztor - Dr. Attila Szabó, *Report on the 2022 Parliamentary General Election and the National Referendum Held Concurrently*, Budapest, Társaság a Szabadságjogokért, 2023, pg. 43, [https://tasz.hu/wp-content/uploads/2024/01/tasz\\_valasztasi\\_jelentes\\_2022-2.pdf](https://tasz.hu/wp-content/uploads/2024/01/tasz_valasztasi_jelentes_2022-2.pdf)

57,250 persons were under guardianship on 31 December 2023.<sup>152</sup> Even though disenfranchisement is not mandatory, it is still used in more than 80% of those placed under guardianship. Although the primary purpose of a restriction of legal capacity is to protect the persons concerned, it often has the effect of diminishing their interests.<sup>153</sup> Disenfranchisement means banishment from the political community,<sup>154</sup> which leads not to a restriction of rights, but to a deprivation of rights. The case law analysis group of the Supreme Court has also confirmed that “people with psychosocial disabilities should not be excluded from participation in matters affecting the life of the community, but should be ‘barred’ from exercising their rights in public life.”<sup>155</sup>

### Residential care homes - supported housing

HCLU represents several parents caring for their children with severe cumulative disabilities – mostly alone -- who have filed a lawsuit against the responsible ministry to ensure that they are provided with the supported housing required by Hungarian law in Budapest, where the families live. The lives of the parents caring for their children have been completely

negatively affected, as many have had to give up their jobs and thus their dignified livelihoods altogether.

Supported housing is a form of care under Act III of 1993 (Social Act), which is the Hungarian equivalent of “community housing” provided by the Convention on the Rights of Persons with Disabilities (CRPD). Ratified by Hungary in July 2007, the CRPD states that people with disabilities have the right to live in community housing and to choose their place of residence. According to Article 17 (1) of Act XXVI of 1998, a person with a disability has the right to choose their preferred type of housing. According to Article 57 of the Social Act, one type of housing is supported housing. Since 2015, according to Article 66/A (1) of the Social Act, supported housing is the only type of housing that can be developed for the purposes of disabled people. According to Article 88 (1) b) and d), effective since 1 January 2013, the Hungarian State is obliged to provide supported housing for disabled persons living in its territory in all counties. The Directorate General for Social Affairs and Child Protection (DGSSCP) did not provide supported housing on the territory of Budapest, even after

152 Hungarian Central Statistical Office: *Number of people under guardianship*, [https://www.ksh.hu/stadat\\_files/szo/hu/szo0058.html](https://www.ksh.hu/stadat_files/szo/hu/szo0058.html)

153 János Fiala, *Guardianship Reform in Practice – The Impact of the Civil Code Adopted in 2013 on the Operation of the Guardianship System*, Disability and Society, Thematic Issue, ELTE Bárczi Gusztáv Faculty of Special Education, 2019/2. pg. 10., [http://real-j.mtak.hu/13819/7/FT\\_2019\\_2\\_vtematikus\\_szam.pdf](http://real-j.mtak.hu/13819/7/FT_2019_2_vtematikus_szam.pdf)

154 János Fiala, *Issues Concerning the Right to Vote of Persons with Disabilities in the Light of the Judgment in Alajos Kiss v. Hungary*, FUNDAMENTUM, 2010, 3, p. 116.

155 Supreme Court, *Summary of the findings of the practice-analysis groups – Findings of the practice-analysis group established in the field of guardianship proceedings*, pg. 1, [https://kuria-birosag.hu/sites/default/files/joggyak/2019.el\\_ii\\_jgy\\_.p.1.\\_kivonat.pdf](https://kuria-birosag.hu/sites/default/files/joggyak/2019.el_ii_jgy_.p.1._kivonat.pdf)

a call to do so, in public institutions far from the families' homes. But even these institutions have decades-long waiting lists and these are the very same institutions that the CRPD explicitly prohibits on the grounds that they violate peoples' rights. In 2017, plaintiffs filed a lawsuit against the public maintenance bodies (DGSSCP and the responsible ministry). They argued that the State's failure to provide care had violated the disabled plaintiffs' rights to autonomy, privacy and self-fulfillment. After winning the case both in the first and second instance, the Supreme Court, in its judgment in 2023, overturned the judgment and dismissed the action. The plaintiffs turned to the Constitutional Court (CC) arguing that the Supreme Court's judgment violated their fundamental rights to human dignity, equal treatment, and legal remedy. The CC rejected the complaint in its decision of 26 March 2024. It argued that the complaint "did not raise any question of fundamental constitutional significance, nor did it raise any issue of an infringement of fundamental law which would have had a substantial impact on the judicial decision".

#### Good conduct vetting of childcare protection workers

At the beginning of 2024, the state of the child protection system<sup>156</sup> caused an unprecedented public outrage, stemming from the so-called "clemency scandal": former President

of Hungary Katalin Novák pardoned the former deputy director of a children's home who was convicted of helping to cover up the pedophilic crimes of his superior by forcing one of the victims to withdraw their statement. The case caused a major public outcry, and led to Novák's resignation. Afterwards, Judit Varga also resigned, both from her parliamentary seat and from her role as leader of the Fidesz list for the European Parliament election as she, as Justice Minister, countersigned Katalin Novák's pardon decision.

As a response, the government has introduced new rules for the screening of staff in child protection institutions: the so-called "good conduct" check. According to HCLU's opinion, the vetting is completely inadequate to help select and retain the right child protection professionals in the system. It shows nothing about the actual professionals who are involved and how they treat the children in their care. Moreover, in the context of this investigation, the state is intruding to an unacceptable extent into the private lives of child protection professionals and their close relatives. The HCLU represents several child protection workers in labour lawsuits, where the intention is to take the legislation to the Constitutional Court.<sup>157</sup> In the course of the investigations, many workers' private lives were reportedly intruded upon in highly intrusive ways, such as examinations into their cabinets during on-site inspections,

156 Stefánia Kapronczay - Ilona Boros: *Child Protection Begins When the Government Takes Children's Interests Seriously and Listens to Them*, Telex, 22 February 2024, <https://telex.hu/velemeny/2024/02/22/gyermekvedelem-tasz-alapel-latas-intezet-bantalmazas>

157 Hungarian Civil Liberties Union (HCLU), *We help child protection professionals in labor court cases who refuse to let the state meddle in their private lives*, [tasz.hu](https://tasz.hu/cikkek/munkaugyi-perben-segit-juk-azokat-a-gyermekvedelmi-szakembereket-akik-nem-vallaltak-hogy-az-allam-a-maganeletukben-vajkaljon/), 12 September 2024, <https://tasz.hu/cikkek/munkaugyi-perben-segit-juk-azokat-a-gyermekvedelmi-szakembereket-akik-nem-vallaltak-hogy-az-allam-a-maganeletukben-vajkaljon/>



comments on their smoking habits at home, and asking questions about people in family photographs.<sup>158</sup> The National Defence Service has denied that any such acts were carried out by them.<sup>159</sup>

### **Follow-up to recommendations of international and regional human rights monitoring bodies**

#### Implementation of OSCE recommendations in the context of elections

In 2024, the election of members of the European Parliament, the election of municipal representatives and mayors, and the election of national minority representatives coincided. Therefore, in this section, we present the implementation of the country-specific recommendations of the final report of the OSCE 2022 mission.

In 2022, the OSCE made 11 priority recommendations and 19 other recommendations on the Hungarian electoral system.<sup>160</sup> Of the eleven priority recommendations, in ten cases, progress was not made and in one case partial progress can be identified. It should be noted that in the case of the first priority recommendation, a step was taken explicitly against the recommendation when, in November 2024, the Parliamentary Committee on Justice submitted<sup>161</sup> a bill to amend the boundaries of parliamentary single-member constituencies, bypassing the public consultation<sup>162</sup>, which amends other rules governing the election. The fulfilment of priority recommendation number eight can be considered partial in that it corrects the boundaries of parliamentary single-member constituencies by eliminating existing disproportionalities. However, it does not do so in the way recommended, i.e. through transparent preparation by an independent body.

158 Judit Muhari: *Child protection workers' good conduct checks – a questionnaire from the Ministry of Interior*, Népszava, 29 August 2024, [https://nepszava.hu/3248196\\_gyermekvedelem-dolgozok-eletvitel-ellenorzes-rendvedelmi-szervek-kerdoiv-belugyminiszterium](https://nepszava.hu/3248196_gyermekvedelem-dolgozok-eletvitel-ellenorzes-rendvedelmi-szervek-kerdoiv-belugyminiszterium)

159 László Szily: *The police claim they do not check the child protection workers' drawers during the good conduct check*, 444.hu, 29 August 2024, <https://444.hu/2024/08/29/a-rendorok-azt-allitjak-hogy-nem-neznek-be-a-gyermekvedelmi-dolgozok-fiokjaba-azok-eletvitelenek-ellenorzese-kozben>

160 OSCE/ODIHR, *Hungary, Parliamentary Elections and Referendum, 3 April 2022: Election Observation Mission Final Report*, 29 July 2022, Pg. 39-42, <https://www.osce.org/odihr/elections/523568>

161 *T/10000 Bill on amendments to certain election-related laws* [https://www.parlament.hu/web/guest/folyamatban-levo-torvenyjavaslatok?p\\_p\\_id=hu\\_parlament cms\\_pair\\_portlet\\_PairProxy\\_INSTANCE\\_9xd2Wc9jP4z8&p\\_p\\_lifecycle=1&p\\_p\\_state=normal&p\\_p\\_mode=view&p\\_auth=dn096Vwb&\\_hu\\_parlament cms\\_pair\\_portlet\\_PairProxy\\_INSTANCE\\_9xd2Wc9jP4z8\\_pairAction=%2Finternet%2Fcplsql%2Fogy\\_irom\\_irom\\_adat%3Fp\\_ckl%3D42%26p\\_izon%3D10000](https://www.parlament.hu/web/guest/folyamatban-levo-torvenyjavaslatok?p_p_id=hu_parlament cms_pair_portlet_PairProxy_INSTANCE_9xd2Wc9jP4z8&p_p_lifecycle=1&p_p_state=normal&p_p_mode=view&p_auth=dn096Vwb&_hu_parlament cms_pair_portlet_PairProxy_INSTANCE_9xd2Wc9jP4z8_pairAction=%2Finternet%2Fcplsql%2Fogy_irom_irom_adat%3Fp_ckl%3D42%26p_izon%3D10000)

162 Balázs Cseke: *Budapest will have two fewer representatives, the electoral map will be completely redrawn*, 19 November 2024, <https://telex.hu/belfold/2024/11/19/valasztasi-torveny-modositasa-igazsagugyi-bizottsag>

Of the nineteen other recommendations, there has been no progress in 16 cases, partial progress in two cases and one recommendation is considered to have been implemented. Recommendations 15 and 29 have been partially implemented. In the case of Recommendation 15, the minutes-amending possibilities of members of the polling station committees will be extended following the adoption of the above-mentioned bill<sup>163</sup>. Beyond this, however, the participation opportunities of election committee members will not be extended in terms of meaningful deliberation and dispute.

Recommendation 29 extends the scope of those present during the counting of votes to promote transparency.<sup>164</sup> Recommendation 28 can be considered fulfilled, as the number of accessible polling stations has increased compared to 2022<sup>165</sup> and there is a clear intention on the part of the electoral authorities to increase this number.

Overall, it can be concluded that the most important recommendations, regarding

- the amendment of electoral legislation,
- the creation of a framework for equal campaign opportunities and a level playing field,
- the independence of public bodies and public media in the campaign,
- equality of voting rights for voters staying abroad on election day,
- and possible reform of legal remedies

were not implemented.

163 *T/10000 Bill on amendments to certain election-related laws* § 40. [https://www.parlament.hu/web/guest/folyamatban-levo-torvenyjavaslatok?p\\_p\\_id=hu\\_parlament cms\\_pair\\_portlet\\_PairProxy\\_INSTANCE\\_9xd2Wc9jP4z8&p\\_p\\_lifecycle=1&p\\_p\\_state=normal&p\\_p\\_mode=view&p\\_auth=dn096Vwb&hu\\_parlament cms\\_pair\\_portlet\\_PairProxy\\_INSTANCE\\_9xd2Wc9jP4z8\\_pairAction=%2Finternet%2F-cplsql%2Fogy\\_irom.irom\\_adat%3Fp\\_ckl%3D42%26p\\_izon%3D10000](https://www.parlament.hu/web/guest/folyamatban-levo-torvenyjavaslatok?p_p_id=hu_parlament cms_pair_portlet_PairProxy_INSTANCE_9xd2Wc9jP4z8&p_p_lifecycle=1&p_p_state=normal&p_p_mode=view&p_auth=dn096Vwb&hu_parlament cms_pair_portlet_PairProxy_INSTANCE_9xd2Wc9jP4z8_pairAction=%2Finternet%2F-cplsql%2Fogy_irom.irom_adat%3Fp_ckl%3D42%26p_izon%3D10000)

164 *T/10000 Bill on amendments to certain election-related laws* § 18. [https://www.parlament.hu/web/guest/folyamatban-levo-torvenyjavaslatok?p\\_p\\_id=hu\\_parlament cms\\_pair\\_portlet\\_PairProxy\\_INSTANCE\\_9xd2Wc9jP4z8&p\\_p\\_lifecycle=1&p\\_p\\_state=normal&p\\_p\\_mode=view&p\\_auth=dn096Vwb&hu\\_parlament cms\\_pair\\_portlet\\_PairProxy\\_INSTANCE\\_9xd2Wc9jP4z8\\_pairAction=%2Finternet%2F-cplsql%2Fogy\\_irom.irom\\_adat%3Fp\\_ckl%3D42%26p\\_izon%3D10000](https://www.parlament.hu/web/guest/folyamatban-levo-torvenyjavaslatok?p_p_id=hu_parlament cms_pair_portlet_PairProxy_INSTANCE_9xd2Wc9jP4z8&p_p_lifecycle=1&p_p_state=normal&p_p_mode=view&p_auth=dn096Vwb&hu_parlament cms_pair_portlet_PairProxy_INSTANCE_9xd2Wc9jP4z8_pairAction=%2Finternet%2F-cplsql%2Fogy_irom.irom_adat%3Fp_ckl%3D42%26p_izon%3D10000)

165 National Election Office (Hungary), *Report by the President of the National Election Office, 2024*, <https://www.valasztas.hu/documents/d/guest/nvi-elnok-beszamolo> pg. 9.

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**Implementation of decisions by supranational courts, such as the Court of Justice of the EU and the European Court of Human Right**

Democracy Reporting International and the European Implementation Network issued their joint report<sup>166</sup> in September 2024, assessing the implementation of rulings of the European Court of Human Rights (ECtHR) and the Court of Justice of the European Union (CJEU) by EU Member States. In the words of Radio Free Europe, “The Hungarian government is at the forefront of sabotaging European court rulings”.<sup>167</sup>

The report states that Hungary has had the highest rate of non-compliance with ECtHR judgments in the last ten years among EU Member States, at 76%. This amounts to a total of 45 judgments. The report highlights four areas where Hungary has failed to execute a leading judgement:

- systemic threats to judicial independence,
- ill-treatment by police authorities and a lack of effective investigations therein,
- laws enabling secret surveillance of “virtually anyone” by the state and
- discriminatory assignment of Roma children to schools for children with mental disabilities.<sup>168</sup>

Although not mentioned in the report, it is of particular significance in the context of the elections that the government has not yet implemented the ruling<sup>169</sup> of the ECtHR on the conflict of nationality voting rights with the ECHR despite the recent re-regulation of the electoral legislation.

As for the CJEU rulings, the two worst performing countries are Romania and Hungary. Romania has 83.3% of its rule of law cases partially implemented, Hungary 52.6%, two

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166 Democracy Reporting International - European Implementation Network, *Justice Delayed and Justice Denied: Report on the Non-Implementation of European Judgments and the Rule of Law, 2024 Edition*, <https://democracyreporting.s3.eu-central-1.amazonaws.com/images/66ebdc6ca7643.pdf>

167 György Kerényi: *The Hungarian Government Leads in Overruling European Court Judgments*, Szabad Európa, 2024, <https://www.szabadeuropa.hu/a/a-magyar-kormany-elen-jar-az-europai-birosagok-iteleteinek-elszabotalasaban/33128063.html>

168 Democracy Reporting International - European Implementation Network, *Justice Delayed and Justice Denied: Report on the Non-Implementation of European Judgments and the Rule of Law, 2024 Edition*, pg. 108, <https://democracyreporting.s3.eu-central-1.amazonaws.com/images/66ebdc6ca7643.pdf>

169 ECtHR [GC], Judgment of 16 December 2024, Bakirdizi and E. C. v. Hungary, no. 49636/14 and 65678/14, <https://hudoc.echr.coe.int/eng#%7B%22fulltext%22:%5B%22Bakirdizi%22%2C%22documentcollectionid%22:%5B%22GRAND-CHAMBER%22%2C%22CHAMBER%22%2C%22itemid%22:%5B%22001-220672%22%5D%7D>

thirds of which have been pending for more than two years.<sup>170</sup> Failure to comply can be identified in 10.5% of the cases.<sup>171</sup>

## FOSTERING A RULE OF LAW CULTURE

### Efforts by state authorities

#### **The Hungarian government's attitude to the rule of law**

There are no initiatives by state authorities to promote or foster a rule of law culture in Hungary - quite the opposite can be observed. For years, the term “rule of law” has been demonised<sup>172</sup>, or relativised<sup>173</sup> by government politicians. Previously, Judit Varga, Minister

of Justice, has repeatedly stated that there is no universal definition of the rule of law.<sup>174</sup> Her successor, Minister of Justice Bence Tuzson, said that “the rule of law issue is just a political tool”, referring to the ongoing rule of law procedure against Hungary, in which he regularly referred to “double standards” in public.<sup>175</sup>

The non-implementation of a specific CJEU decision and the government's communication on it illustrate the Hungarian government's attitude to the requirements of the rule of law.

According to Democracy Reporting International,

“Hungary's failure to comply with the CJEU's ruling in case C808/18 of 17 December 2020 prompted the European Commission to bring a new action before the CJEU, which resulted,

170 György Kerényi, *The Hungarian Government Leads in Overruling European Court Judgments*, Szabad Európa, 2024, <https://www.szabadeuropa.hu/a/a-magyar-kormany-elen-jar-az-europai-birosagok-iteleteinek-elszabotalasaban/33128063.html>

171 Democracy Reporting International - European Implementation Network, *Justice Delayed and Justice Denied: Report on the Non-Implementation of European Judgments and the Rule of Law, 2024 Edition*, pg. 109, <https://democracyreporting.s3.eu-central-1.amazonaws.com/images/66ebdc6ca7643.pdf>

172 Author(s) unknown, *The term of the rule of law is an arbitrary political tool*, Kormany.hu, 13 March 2021, <https://kormany.hu/hirek/varga-judit-a-jogallamisag-fogalma-onkenyes-politikai-eszkoz>

173 Author(s) unknown, *Government: The rule of law has no universally accepted definition*, HVG, 13 November 2019, [https://hvg.hu/itthon/20191113\\_Kormany\\_A\\_jogallamisagnak\\_nincs\\_altalanosan\\_elfogadott\\_definicioja](https://hvg.hu/itthon/20191113_Kormany_A_jogallamisagnak_nincs_altalanosan_elfogadott_definicioja)

174 Author(s) unknown, *Judit Varga: The rule of law must not become a tool for political blackmail*, ATV.hu, 21 September 2020, <https://www.atv.hu/belfold/20200921/varga-judit-a-jogallamisag-nem-valhat-politikai-zsaroloeszkozze>

175 Author(s) unknown, *Bence Tuzson: The issue of the rule of law is merely a political tool*, Magyar Nemzet, 2024, 1 January, <https://magyarnemzet.hu/belfold/2024/01/tuzson-bence-a-jogallamisag-kerdes-csupan-egy-politikai-eszkoz-video> and Conversation with Minister of Justice Bence Tuzson, Tranzit Festival, August 2024, <https://www.youtube.com/watch?v=bYDBYzBqa8g>

in June 2024, in the imposition of significant financial penalties”.<sup>176</sup> The ruling has not been implemented and Hungary has to pay a daily fine. The government does not comply with the merits of the final ruling or with its obligation to pay the resulting fines, ignoring the CJEU decision. Government officials have also repeatedly stated that Hungary will not pay the fine.<sup>177</sup> Publicly ignoring a final ruling of a court by a government clearly does not foster a rule of law culture.

### **Contribution of civil society and other non-governmental actors**

The HCLU does not carry out campaigns or activities specifically aimed at fostering a rule of law culture. However, the promotion of rule of law values is, of course, a recurring element in the organisation’s advocacy activities and communication. The Hungarian Helsinki Committee deals with the rule of law in a comprehensive manner, Amnesty International Hungary focuses on the issue of judicial independence, and K-Monitor and Transparency International Hungary are among the better known Hungarian NGOs dealing with the unveiling and prevention of corruption. These and many other NGOs have been repeatedly attacked by the government in communication campaigns in recent years, and several laws have been passed that restrict their activities.

The most recent of these is the Act LXXXVIII of 2023 on the Protection of National Sovereignty, already mentioned several times in this report, which established the Office for the Protection of Sovereignty, which, as explained above, steps up against organisations that are acting in the interests of transparency, a value that is important for the rule of law.

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176 Democracy Reporting International - European Implementation Network, *Justice Delayed and Justice Denied: Report on the Non-Implementation of European Judgments and the Rule of Law, 2024 Edition*, pg. 39, <https://democracyreporting.s3.eu-central-1.amazonaws.com/images/66ebdc6ca7643.pdf>

177 Tamás Rugli, *EU Fine of 200 million Euros, Hungarian government refuses to pay*, 24.hu, 3 September 2024, <https://24.hu/kulfold/2024/09/03/unios-birsag-200-millio-euro-magyar-kormany-nem-fizet/>

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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 21 national civil liberties NGOs from across the EU.

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