

# HUNGARY 2020 HUMAN RIGHTS REPORT

## EXECUTIVE SUMMARY

Hungary is a multiparty parliamentary democracy. The unicameral National Assembly (parliament) exercises legislative authority. It elects the president (the head of state) every five years. The president appoints a prime minister from the majority party or coalition in parliament following national elections every four years. In parliamentary elections in 2018, the Fidesz-Christian Democratic People's Party alliance led by Fidesz party leader Viktor Orban won a two-thirds majority in parliament. The Organization for Security and Cooperation in Europe election observation mission found that "fundamental rights and freedoms were respected overall, but exercised in an adverse climate." Specifically, it characterized certain elements of the election as "at odds with the organization's commitments" and noted, "The widespread government information campaign was largely indistinguishable from Fidesz campaigning, giving it a clear advantage." Orban has been prime minister since 2010.

The National Police Headquarters, under the direction of the minister of interior, is responsible for maintaining order nationwide. The Counterterrorism Center is responsible for protecting the president and the prime minister and for preventing, uncovering, and detecting terrorist acts; it is directly subordinate to the minister of interior. The Hungarian Defense Forces are subordinate to the Ministry of Defense and are responsible for external security as well as aspects of domestic security and disaster response. Since 2015, under a declared state of emergency prompted by mass migration, defense forces may assist law enforcement forces in border protection and handling mass migration situations. The state of emergency was renewed in September for another six months. On April 29, the government amended a decree passed under the coronavirus state of emergency law that allows the minister of interior to involve police and the military to participate in the protection of medical resources and permits the military during the state of emergency to take part in street patrols and in monitoring compliance with security measures. Civilian authorities maintained effective control over the security forces. There were no reports that members of the security forces committed

## HUNGARY

abuses.

Significant human rights issues included: criminal penalties for spreading a “falsehood” or “distorted truth” or libel (although court decisions limited the impact of the latter); exposure of asylum seekers to risk of refoulement; allegations of corrupt use of state power to grant privileges to certain economic actors; reports of political intimidation of and legal restrictions on civil society organizations, including criminal and financial penalties for migration-related work of nongovernmental organizations; and threats of violence by extremists targeting Roma and lesbian, gay, bisexual, transgender, and intersex persons.

The government took some steps to identify, investigate, prosecute, and punish officials who committed human rights abuses. Impunity for human rights abuses was not widespread.

### **Section 1. Respect for the Integrity of the Person, Including Freedom from**

#### **a. Arbitrary Deprivation of Life and Other Unlawful or Politically Motivated Killings**

There were no reports that the government or its agents committed arbitrary or unlawful killings. There are no special bodies to investigate security force abuses. Authorities investigated and prosecuted alleged killings by members of the security forces in the same manner as alleged killings by civilians.

#### **b. Disappearance**

There were no reports of disappearances by or on behalf of government authorities.

#### **c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment**

The constitution and law prohibit such practices, but there were reports that inhuman and degrading treatment and abuse sometimes occurred. Nongovernmental organizations (NGOs) noted that the investigation of cases of

## HUNGARY

mistreatment was often inefficient, the success rate of holding officials accountable for alleged mistreatment through indictments and prosecutions was low, and in some cases law enforcement officials (such as police officers and penitentiary staff) who were sentenced to suspended imprisonment for committing criminal offenses involving the mistreatment of detainees were permitted to continue working.

On March 17, the Council of Europe's Committee for the Prevention of Torture (CPT) published a report on its 2018 visit to ascertain the situation of persons in police custody, juvenile prisoners, adult male prisoners serving life sentences or very long terms, and persons placed in social institutions. According to the report, there were some accounts of authorities resorting to unnecessary or excessive force when apprehending suspects and physical mistreatment of detainees shortly after arrival at police stations. There were also several accounts of racist verbal abuse. The report also noted some instances of interprisoner violence in juvenile prisons. Impunity among members of security forces was not a significant problem.

### **Prison and Detention Center Conditions**

Official statistics and NGOs reported overcrowding and poor physical conditions in the prison system. There were occasional reports of physical violence by prison guards, prisoner-on-prisoner violence, and authorities holding pretrial detainees and convicted prisoners together.

**Physical Conditions:** Prison overcrowding remained a problem. In December 2019 the Hungarian Prison Service reported that its facilities were occupied at 110 percent of capacity, a 3 percent decline from 2018. In response to a freedom of information request by the human rights NGO Hungarian Helsinki Committee, the National Prison Administration reported on June 18 that the prison occupancy rate was 112 percent.

On June 8, parliament adopted legislation that extended until December 31 the deadline for the state to pay compensation to inmates for inhuman or degrading prison conditions. After a court judgment, the general deadline for paying compensation was also extended from 60 days to 90 days. On December 16, parliament approved a bill submitted by the justice minister that restricted

## HUNGARY

government compensation payments to those imprisoned in inhuman conditions.

NGOs continued to report poor physical and sanitary conditions in certain penitentiaries, including the presence of bedbugs and other insects, insufficient toilet facilities, and toilets not separated from living spaces. NGOs also noted frequent shortages of both natural and artificial lighting in cells, a lack of adequate heating, and a continued shortage of psychological care.

In August inmates at the detention center for foreigners in Nyirbator, and subsequently in Győr, held a hunger strike. The detainees--who were awaiting deportation on noncriminal grounds and included some foreign citizens whose children hold Hungarian citizenship--reported the jail was overcrowded, with some alleging that authorities had not informed them of the reason for their detention.

**Administration:** NGOs reported that authorities occasionally failed to investigate credible allegations of mistreatment. There was no separate ombudsperson for prisons, but detainees could submit complaints to the ombudsperson or to the prosecutor's office responsible for supervising the lawfulness of detention. The ombudsperson handled prison complaints and conducted ex officio inquiries but had no authority to act on behalf of prisoners.

**Independent Monitoring:** Authorities allowed the CPT and the UN Subcommittee on the Prevention of Torture to conduct periodic and ad hoc visits to prisons and detention centers for both the country's citizens and foreign nationals. As of November the national preventive mechanism under the Optional Protocol to the UN Convention against Torture (OPCAT) undertook 19 visits (seven to prisons, two to correctional facilities, seven to police facilities, and three to social institutions).

There has been no independent NGO monitoring of police detention centers and prisons since 2017, when authorities terminated monitoring agreements with NGOs. The government introduced COVID-19 measures in prisons, which included an almost full ban on in-person visits from family members in detention facilities and suspension of temporary leave for inmates, which made the facilities more closed and less transparent for the public, according to NGOs. In May the Hungarian Helsinki Committee called on the government to consider the early

## HUNGARY

release of elderly and sick inmates due to the pandemic. Restrictions on inmates' right to family life due to the pandemic stayed in place.

The office of the commissioner for fundamental rights (ombudsperson) continued to operate prison-monitoring services prescribed by OPCAT. The Independent Police Complaints Board was terminated in February, and complaints of police misconduct and mistreatment were handled by the ombudsperson's office.

**Improvements:** On July 13, Minister of Justice Judit Varga announced new places for 2,750 inmates in the newly inaugurated wings of 10 prisons made from steel shipping containers located across the country.

### **d. Arbitrary Arrest or Detention**

The constitution and law prohibit arbitrary arrest and detention and provide for the right of any person to challenge the lawfulness of his or her arrest or detention in court. The government generally observed these requirements.

#### **Arrest Procedures and Treatment of Detainees**

Police are obligated to take into "short-term arrest" individuals apprehended while committing a crime or subject to an arrest warrant. Police may take individuals suspected of a crime or a petty offense into short-term arrest if they are unable or unwilling to identify themselves or are unaccompanied minors suspected of having run away. Short-term arrests generally last up to eight hours but may last up to 12 hours in exceptional cases. Police may hold persons under "detention for the purposes of public safety" for 24 hours. Persons who abscond from probation may be detained for up to 72 hours. Police, a prosecutor, or a judge may order detention of suspects for 72 hours if there is a well-founded suspicion of an offense punishable by imprisonment. A pretrial detention motion must be filed with a court prior to the lapse of the 72-hour period. A defendant may appeal a pretrial detention order.

Police must inform suspects of the charges against them at the beginning of their first interrogation, which must occur within 24 hours of detention. Authorities

## HUNGARY

generally respected this right.

There is a functioning bail system. Representation by defense counsel is mandatory in the investigative phase if suspects face a charge punishable by more than five years' imprisonment; their personal liberty is already restricted; they are deaf, blind, unable to speak, or have a mental disability; they are unfamiliar with the Hungarian language or the language of the procedure; they are unable to defend themselves in person for any reason; they are juveniles; or they are indigent and request appointment of a defense counsel. The court, prosecution, or the investigating authority (police) may also order a defense counsel in certain cases. Since 2018 local bar chambers, rather than the authorities, assign legal counsel to defendants who lack legal representation.

Police must inform suspects of their right to counsel before questioning them. The law requires that police or the prosecutor suspend interrogation and wait for up to two hours for an attorney to arrive if the suspect invokes this right. Some attorneys reported the right to an effective defense was violated in several cases. For example, in some instances detainees and their defense counsels were required to meet where government security cameras could monitor them. If bar chamber-appointed attorneys refuse the case or do not respond within one hour of appointment, authorities assign the defense counsel. The Hungarian Helsinki Committee found that appointed attorneys frequently neglected their work, with only 16 percent attending their clients' first court hearings, in contrast with 63 percent of retained attorneys. According to statistics cited in the Hungarian Helsinki Committee's report on the practice of assigning defense attorneys, authorities assigned at least a third of defendants' attorneys. The law permits short-term detainees to notify relatives or others of their detention within eight hours unless the notification would jeopardize the investigation. Investigative authorities must notify relatives of a detainee's short-term detention and its location within eight hours.

**Pretrial Detention:** An investigatory judge may order pretrial detention where there is a risk a detainee may flee, commit a new offense, or hinder an investigation. Cases involving pretrial detention take priority over other expedited

## HUNGARY

hearings. A detainee may appeal pretrial detention.

When the criminal offense is punishable by life in prison, the law does not limit the duration of pretrial detention. The presence of defense counsel at hearings related to pretrial detention is not mandatory.

### **e. Denial of Fair Public Trial**

The constitution and law provide for an independent judiciary. Some experts and legal scholars expressed concern over what they considered systemic threats to the country's judicial independence.

Amnesty International asserted in an April report on the Hungarian judiciary that increasing political control undermined judicial independence. Amnesty International noted, as others have previously, that the politically appointed president of the National Office for the Judiciary (OBH) wields greater power and authority than the 14-member panel of peer-elected judges (OBT) that is charged with oversight of the OBH. Amnesty International characterized the imbalance of power between the two bodies as a threat to judicial independence because the OBH's influence on the appointment of court leaders throughout the system enabled it to exert "tight control" over the lower courts, further hindering judicial independence. Judges interviewed for the report said "loyalty" was the main requirement for career advancement and administrative advantages in the judiciary.

In late 2019 the long-standing public dispute between then OBH president Tunde Hando and the OBT, which Amnesty International and the Hungarian Helsinki Committee characterized as a "constitutional crisis," ended with Hando's departure from the OBH for an appointment as a Constitutional Court judge. Alleging numerous procedural and legal violations as well as abuse of power, the OBT had unsuccessfully asked parliament to remove Hando from office in May 2019. Hando's nominated successor, Judge Gyorgy Barna Senyei, received the OBT's unanimous support in December 2019. The OBH and OBT have not feuded publicly since Senyei took office in December 2019. While observers viewed the absence of public conflict between the OBT and OBH since Hando's departure as an improvement, Amnesty International asserted that the "systemic problems caused by the ineffective supervisory powers of the OBT and other weaknesses in

## HUNGARY

the institutions of judicial self-governance will not be solved simply by a change of OBH president.”

In February the European Commission stated that “developments of checks and balances in the Hungarian courts system continued to raise concerns.” In September the European Commission stated in its first *Rule of Law Report* that the OBT faces challenges in counterbalancing the powers of the president of the OBH, but the appointment of a new president “may open the way for reinforced cooperation” between the two bodies. The report raised concerns over a decision of the Curia, the country’s supreme court, that declared a request for preliminary ruling to the European Court of Justice to be unlawful.

In January several senior government officials, including Prime Minister Orban and Minister of Justice Varga, criticized court rulings that awarded compensation to Romani families in a school segregation case and to prisoners for poor prison conditions. On January 17, Orban alleged that groups of lawyers profited, earning millions of forints from the state, through lawsuits over poor prison conditions by abusing the law. On February 28, Orban stated that a network of NGOs and lawyers that he claimed was linked to a prominent Hungarian-American businessman and philanthropist was responsible for this “prison business” (see sections 1, 5, and 6 for information on the Romani segregation and prisoner compensation cases). In a January 21 statement, Hungarian Bar Association chairman Janos Banati responded that the prime minister’s statements “undermine the rule of law in Hungary” and expressed his concerns over government attacks against independent courts and defense attorneys.

In December 2019 parliament adopted legislation (the Omnibus Bill) on judicial system reforms that granted state authorities the right to appeal legal decisions to the Constitutional Court if they allege a lower court decision violates their rights. Appealing to the Constitutional Court would enable the government to bypass the traditional route of appeal through the Curia, where appeals by the government would have previously ended. Domestic legal experts said they believed these reforms would allow the government to overturn unfavorable rulings via the Constitutional Court, in which all of the judges have been appointed by Fidesz-led governments and which has consistently ruled in favor of the government in



## HUNGARY

politically sensitive cases over the previous five years. While the Curia was considered to be largely apolitical and staffed by professional judges, many Constitutional Court judges were viewed as more politically aligned legal scholars with limited prior judicial experience. A judge interviewed for the Amnesty International's report in April asserted that the mere possibility that a judge's decision could be appealed to the Constitutional Court might be sufficient for the judge to rule in the government's favor. Another provision of the law requires judges to provide "additional judicial reasoning" if they depart from a previously published nonbinding Curia legal argument.

The European Commission's September *Rule of Law Report* noted that the Omnibus Bill allows members of the Constitutional Court, who are elected by parliament, to be appointed as a judge to the Curia without undergoing the formal application and evaluation procedure (in which the peer-elected OBT approves the appointment). The report also noted that the Omnibus Bill lowered the eligibility criteria for the Curia president, allowing time served at the Constitutional Court or at an international court to be taken into account when calculating the "experience as a judge," even though such an applicant may never have served as a judge in a courtroom. Following the change in the eligibility criteria, on October 5, President Janos Ader nominated Constitutional Court justice Andras Zsolt Varga--who has never served as a presiding judge--for the post of president of the Curia. On October 9, the OBT opposed Varga's nomination, citing his lack of courtroom experience. On October 19, despite the OBT's and opposition parties' objections, parliament elected Varga as the new Curia president. The Hungarian Helsinki Committee stated that Varga's election represented the "next stage in the government's series of attacks against the judiciary," as he was expected to be "a potential transmission belt of the executive within the judiciary."

### **Trial Procedures**

The constitution and law provide for the right to a fair public trial, and the judiciary generally enforced this right.

Defendants are presumed innocent until proven guilty. Suspects have the right to be informed promptly of the nature of charges against them and of the applicable legal regulations, with free interpretation as necessary. Trial proceedings are

## **HUNGARY**

public, although a judge may minimize public attendance and may order closed hearings under certain conditions. Trials generally occurred without undue delay. Defendants have the right to be present at their trial.

The law stipulates that the investigating authority shall schedule the interrogation to enable defendants to exercise their right to a defense. A summons for a court hearing must be delivered at least five days prior to the hearing. Defendants have the right to free interpretation from the moment charged. Defendants may challenge or question witnesses and present witnesses and evidence on their own behalf. The law states that no one may be compelled to provide self-incriminating testimony or produce self-incriminating evidence. Defendants have the right of appeal.

Courts may not impose prison sentences on juveniles who were between the ages of 12 and 14 when they committed an offense but may order their placement in a juvenile correctional institute.

Some observers and legal experts asserted that the country's system for assigning defense attorneys and the low compensation provided to those attorneys could hinder criminal defendants' access to adequate legal representation, and consequently, a fair trial (see section 1.d.).

### **Political Prisoners and Detainees**

There were no reports of political prisoners or detainees.

### **Civil Judicial Procedures and Remedies**

By law individuals or organizations may seek civil remedies for human rights violations through domestic courts. Individuals or organizations that have exhausted domestic legal remedies regarding violations of the European Convention on Human Rights allegedly committed by the state may appeal to the European Court of Human Rights (ECHR) for redress.

### **Property Restitution**

The government has laws and mechanisms in place, but there was little progress on

## HUNGARY

the resolution of remaining Holocaust-era claims.

Communal property restitution in the country was completed in the 1990s based on a law that allowed religious organizations to claim previously owned properties that were confiscated after January 1946. Work on private property restitution process took place in the 1990s and was completed by 2001. Holocaust survivors from the country receive pension supplements. The 1947 Paris Peace Treaty regulates the restitution of heirless Jewish properties in the country. In 2007 the government pledged and subsequently distributed \$21 million to assist Holocaust survivors in the country and survivors of Hungarian origin living abroad as an advance payment on an expected, subsequent agreement that would provide more comprehensive compensation for heirless property. The Jewish Heritage of Hungary Public Endowment, a domestic restitution foundation composed of local Hungarian Jews, government officials, and the World Jewish Restitution Organization (WJRO), distributed one-third of the funds to survivors living in the country, while two-thirds were transferred to the Conference on Jewish Material Claims Against Germany to fund social welfare services for survivors in need living outside the country.

In April 2019 the WJRO presented the government with its assessment of the government's second set of research on heirless property. As of December the government had not yet agreed to WJRO's requests for further discussions on a roadmap to begin negotiations.

For additional information regarding Holocaust-era property restitution and related issues, please see the Department of State's *Justice for Uncompensated Survivors Today (JUST) Act Report to Congress*, released publicly on July 29, 2020, at <https://www.state.gov/reports/just-act-report-to-congress/>.

### **f. Arbitrary or Unlawful Interference with Privacy, Family, Home, or Correspondence**

The constitution and law prohibit such actions, and there were no reports the government failed to respect these prohibitions.

There is no requirement for the Counterterrorism Center (known by its Hungarian

## HUNGARY

acronym TEK), or in certain cases the national intelligence services, to obtain prior judicial authorization for surveillance in national security cases that involve terrorism. In such cases the justice minister may permit covert intelligence action for 90 days, with a possibility of extension. Such intelligence collection may involve secret house searches, surveillance with recording devices, opening of letters and parcels, and checking and recording electronic or computerized communications without the consent of the persons under investigation. A decision to approve a covert intelligence action is not subject to appeal.

The country's criminal procedure code establishes a regime for covert policing and intelligence gathering. The law gives prosecutors unrestricted access to information obtained through covert investigations.

## **Section 2. Respect for Civil Liberties, Including**

### **a. Freedom of Expression, Including for the Press**

The constitution provides for freedom of expression, including for members of the press, and media were active and expressed a wide range of views. There were some formal restrictions on content related to “hate speech.”

On March 30, as part of the government's legislative package declaring a state of emergency due to COVID-19, parliament permanently amended the criminal code to increase the penalty for spreading a “falsehood” or “distorted truth” (“scaremongering”) that could obstruct or prevent successful protection under a special legal order to imprisonment of up to five years (see section 3 for more on the state of emergency). Government officials asserted that the legislation sought to discourage the spread of harmful “fake news” that could hinder attempts to keep the pandemic under control. Domestic and international observers spoke out against the legislation and raised concerns about its potential effects on media freedom. On March 27, the Office of the UN High Commissioner for Human Rights (OHCHR) expressed concerns that the amendments could negatively affect the work of journalists and have a potentially chilling effect on freedom of expression. On March 26, Reporters without Borders (RSF) stated that the law granted the government a tool to threaten journalists and intimidate them into self-censorship. On April 21, RSF also noted that before the legislation was submitted,

## HUNGARY

“progovernment media organizations” had called for the arrest of journalists critical of the government.

On June 25, the Constitutional Court ruled that the 2018 government decree classifying the nonprofit Central European Press and Media Foundation (KESMA)--which experts estimated controls between 80 and 90 percent of all commercial Hungarian media outlets and is managed by Fidesz party allies--as being of “national strategic importance” was constitutional. The Competition Authority and the Media Council cannot scrutinize transactions categorized as of national strategic significance. Government-linked media mounted mostly ad hominem attacks against the owner of the country’s largest independent media group. A law granting members of parliament the right to enter the offices of public buildings was repealed in 2019, and they now require prior notification or permission; experts viewed this as a response to opposition members of parliament having attempted to enter government and state-run media facilities as a form of protest. The European Commission reported that KESMA represented an “increased risk to media pluralism.”

During the COVID-19 pandemic, the government set up an Operative Board to manage and communicate government action. Operative Board members answered press questions submitted in writing and in advance at daily press briefings. Independent and government-critical media repeatedly complained that their questions were rarely answered.

**Freedom of Speech:** Criminal law provides that any person who publicly incites hatred against any national, ethnic, racial, religious, or certain other designated groups of the population may be prosecuted and convicted of a felony punishable by imprisonment for up to three years. The constitution includes hate speech provisions to “protect the dignity of the Hungarian nation or of any national, ethnic, racial, or religious community.” The law prohibits the public denial of, expression of doubt about, or minimization of the Holocaust, genocide, and other crimes of the National Socialist (Nazi) and communist regimes; such crimes are punishable by up to three years in prison. The law also prohibits as a misdemeanor the wearing, exhibiting, or promoting of the swastika, the logo of the Nazi SS, the symbols of the Arrow Cross, the hammer and sickle, or the five-pointed red star in

## HUNGARY

a way that harms human dignity or the memory of the victims of dictatorships. Judicial remedies exist for damage to individuals and communities that results from hate speech; however, NGOs representing the lesbian, gay, bisexual, transgender, and intersex (LGBTI) community reported that police officers continued to resist classifying incidents as hate speech and were unfamiliar with police hate crime protocols (see section 6). The media law also prohibits media content intended to incite hatred or violence against specific minority or majority communities and their members. The law includes the provision that media content must not have the potential to instigate an act of terrorism.

On May 12, police went to the home of a man from Borsod County with a search warrant based on suspicion of COVID-19 “scaremongering” because of his April 28 social media post. The man had questioned the government’s decision to lift curfew restrictions the day after a peak of the pandemic and appealed to “our dear dictator, our dear leader.” Police published photos and videos of the arrest, which was widely reported. Police released him that afternoon after questioning and told him he would not be charged since no crime had been committed.

On May 13, police also carried out a home raid and detained Janos Csoka-Szucs, a member of the opposition Momentum party in the town of Gyula, for a comment he made in a closed Facebook group on April 20. Csoka-Szucs had shared a post from an independent member of parliament about a protest against the government’s decision to discharge patients from hospitals to make room for potential COVID-19 cases. Police claimed his post “jeopardized the effectiveness of the defense in an emergency.” He was released after four hours of questioning, but police seized his computer and mobile phone. NGOs and opposition parties claimed the arrest was an attempt to suppress free speech and intimidate opponents of the government.

A law approved in 2018 imposed a 25 percent tax on civil entities that aid or promote illegal immigration, including groups that support media campaigns deemed to aid or promote immigration. Several NGOs sharply criticized the law, noting that it penalizes the public expression of opinions different from that of the government (see also section 5). According to press reports, no entity had paid any tax in 2019 under the law, and no known tax office investigation or audit had been

## HUNGARY

conducted to that effect.

On September 21, the independent news outlet *Telex* reported that, in a June 2 letter, the Ministry of Foreign Affairs and Trade deputy state secretary for development of European affairs, Jozsef Magyar, asked the country's EU-based embassies to report the professional visits of Hungarian journalists to those countries. According to the report, the letter asked the embassies to report when the visit(s) took place, which Hungarian outlets took part, and the organizations or local press outlets with which they met. In response to *Telex's* query as to the purpose of gathering such information, the ministry stated: "To fulfill its mandate, [the ministry] is doing everything against foreign interference in Hungarian domestic affairs. Experience has shown that Soros organizations tend to be behind such attacks."

On September 29, the Prosecutor General's Office indicted the president of the Momentum party, Andras Fekete-Gyor, and another member of the party on the charge of assaulting law enforcement personnel during the 2018 protests against the government's changes to the labor code, which critics dubbed the "slave law" (see section 7). Fekete-Gyor declared he was innocent of the charges, which he described as politically motivated, and opposition Democratic Coalition party released a statement of support, arguing that the government was attempting to use the justice system to stifle freedom of expression.

**Freedom of Press and Media, Including Online Media:** Independent media were active and expressed a wide variety of views without formal restriction. Media consolidation resulted in further expansion of government-friendly enterprises and reduction in other media voices. Some new independent media outlets were founded, one of them by reporters from a formerly independent outlet. Radio Free Europe/Radio Liberty (RFE/RL) relaunched its Hungarian service on September 8.

In February the beverage company Hell Energy Drink brought a lawsuit against the monthly magazine *Forbes Hungary* after it published a list of the richest Hungarians. *Forbes* was forced to recall the issue from newsstands because the privately owned family beverage company argued that the magazine had breached their privacy under the EU's General Data Protection Regulation (GDPR). In

## HUNGARY

October the company also obtained a court order barring the publication of parts of an article in the weekly *Magyar Narancs*, which noted that companies connected to the family had received large amounts in state and EU grants and subsidized loans in previous years, citing again GDPR regulations.

On March 31, government-aligned media mogul Miklos Vaszily purchased 50 percent of Indamedia, the advertising sales company that generated virtually all revenues for the independent news site *Index*, at the time the country's most visited online news outlet. With ad revenues decreasing due to the COVID-19 pandemic, a newly appointed adviser proposed a reorganization plan that would have stripped part of the editorial board's control. In June, *Index*'s editor in chief, Szabolcs Dull, publicly opposed the proposal, warning that the outlet was under increasing political pressure. In response, Laszlo Bodolai, chairman of the board of *Index*'s parent foundation, fired Dull on July 22. Bodolai asserted that Dull's actions had endangered *Index*'s economic viability while denying that the outlet's independence was at risk. *Index* journalists publicly called Dull's dismissal "unacceptable" and an open attempt at pressure, which would lead to "the end of independent reporting." On July 24, more than 70 journalists--the majority of *Index*'s staff--resigned in protest. On November 23, Indamedia announced it had purchased all of *Index*'s shares. As of November the website was still operating under the same name but with different staff and with far fewer investigative stories.

Some progovernment outlets relied almost completely on government advertising for their revenues. According to Freedom House, "while private, opposition-aligned media outlets exist, national, regional, and local media are increasingly dominated by progovernment outlets, which are frequently used to smear political opponents and highlight false accusations. Government advertising and sponsorships favored progovernment outlets, leaving independent and critical outlets in a financially precarious position." The European Commission stated that advertising directed at progovernment outlets permitted the government to exert indirect control over media.

The government and government-linked entities often excluded independent and



## HUNGARY

opposition media from their events and press conferences.

The National Media and Info-Communications Authority (NMHH), subordinate to parliament, is the central state administrative body for regulating media. The authority of the NMHH includes overseeing the operation of broadcast and media markets as well as “contributing to the execution of the government’s policy in the areas of frequency management and telecommunications.” The NMHH president serves as the chair of the five-member Media Council, the decision-making body of the NMHH that supervises broadcast, cable, online, and print media content and spectrum management. The NMHH consists exclusively of persons named by the governing parties. Some experts criticized the NMHH’s frequency awarding practices for allegedly penalizing radio stations that are critical of the government. In December 2019 the NMHH declined to extend the frequency license of a prominent Budapest community radio station, citing previous minor violations of the media law for which the station had already been fined. The station continued to operate online throughout the year. The Capital City Court of Law ruled in July that a September 2019 Media Council resolution that exonerated a public television station from accusations of unlawful bias violated the media law. The court ordered the Media Council to conduct new proceedings into the case. In September the NMHH announced it would not renew the frequency license for Klubradio, set to expire in February 2021, due to minor national content violations. Klubradio had previously broadcast news critical of the government.

The state news agency, MTI, which offers its services free of charge, is mandated by law to provide balanced, objective, nonpartisan coverage. Media watchdogs and independent outlets criticized the state media for concealing facts and opinions unfavorable to the government. Because MTI’s news services are free, its news products are broadcast widely by national and local outlets. Opposition politicians complained that they were rarely able to appear on state-run broadcasts or were given significantly less time to articulate their positions.

A November independent press report described a concerted effort by state-run media to promote the political agenda of Fidesz ahead of the 2019 European Parliament elections. The report included audio recordings from officials at state media conglomerate MTVA from March and April 2019, in which MTVA chief

## HUNGARY

editor Balazs Bende and news director Zsolt Nemeth were heard directing MTVA employees to promote the government agenda in advance of the elections. Bende made repeated threats that employees were to get on board with the directive or “get out.” According to the independent press report, the Media Council stated it had “received a complaint which was being investigated.”

The speaker of parliament, Laszlo Kover, continued to ban parliamentary access for various individuals--primarily journalists--for alleged violations of parliamentary rules. On May 26, the ECHR ruled that the bans Kover imposed on journalists working for independent and government-critical media in the spring of 2016 unlawfully restricted the work of media and violated the rights of the reporters. Kover issued a statement declaring that the ruling did not mandate his office to change the existing rules governing press work.

**Violence and Harassment:** There were no reports of violence against journalists or of physical or legal harassment. Nevertheless, government officials and government-aligned media continued to refer to some independent journalists as “Soros agents” or “Soros mercenaries” and independent media as the “Soros media,” or in one instance as the “Soros blog.” In 2018 an investigative reporter for an independent news website was admonished in a summary procedure before a district court in Budapest for alleged abuse of personally identifiable information by using publicly available information in an article on a Hungarian person who criticized Sweden’s migration policy. The reporter demanded a full trial. In September 2019 another court notified the reporter of its nonbinding resolution exonerating him, since the person in question was a public figure who must tolerate in-depth scrutiny in the public interest. The prosecutors appealed the court ruling, and the Capital City Appeal Court remanded the case to the original court for a new trial in February. The case remained pending as of November.

In November 2019 an extreme right-wing website published an anti-Semitic drawing of a journalist from an independent outlet, which was then shared by a mainstream progovernment outlet. A few days later, anti-Semitic and anti-Israeli posters appeared in downtown Budapest with the photographs of two reporters who at that time worked for the country’s most widely read news site. The posters suggested the two journalists were foreign agents. The Action and Protection

## HUNGARY

Foundation and the mayor of the district where the posters appeared filed police reports, citing hate speech, against unknown perpetrators. In March the chief of the Budapest police told a press outlet that no proceedings had been launched as there was no indication of a public crime, and no private prosecution had been initiated.

On multiple occasions, government-aligned outlets criticized nongovernment-aligned, independent, and international journalists by name for their reporting. The outlets, many of which belong to the Fidesz-affiliated media conglomerate KESMA (see above), accused these journalists, among other accusations, of being “Soros agents” and, on at least one occasion, reported comments calling for a journalist to be prosecuted under the “scaremongering” provision of the COVID-19 state of emergency law. Some publications included details about the journalists’ backgrounds, where they reside, and photographs of them. Some journalists and commentators were specifically named on multiple occasions, including by a government representative in a press briefing.

For example, an April 16 article in a KESMA-held media outlet published the names of two international journalists, claiming that the “sole purpose of their article was to denigrate the Hungarian government” and included pictures of the journalists. On April 9, the host of a KESMA-held news channel identified by name one of the journalists who resides in Budapest as a native of another country. In an April 16 press conference, the head of the Prime Minister’s Office, Gergely Gulyas, singled out one of the international reporters for criticism over his reporting. An April 6 article in the KESMA-held *Magyar Nemzet* quoted a constitutional lawyer who said an article the journalist published on COVID-19 in Hungary qualified as the “spread of horror” and therefore a crime under the scaremongering provision of the emergency law. The lawyer also suggested that a Hungarian news portal that reported on the article should be liable under the law, and both comments were later reported on a KESMA-held news channel. Journalists targeted in this manner by media and government officials reported receiving threats to their safety from individuals.

**Censorship or Content Restrictions:** The law provides content regulations and standards for journalistic rights, ethics, and norms that are applicable to all media,

## HUNGARY

including news portals and online publications. It prohibits inciting hatred against nations; communities; ethnic, linguistic, or other minorities; majority groups; and churches or religious groups. It provides for maintaining the confidentiality of sources with respect to procedures conducted by courts or authorities.

The law mandates that every media service provider that delivers news to the public must report in a balanced manner, and that public service media providers should pursue balanced, accurate, detailed, objective, and responsible news and information services. These requirements were widely disregarded, including by public media. Public television station M1 and its news website, *hirado.hu*, launched a segment monitoring “fake news” related to the COVID-19 pandemic. The independent media watchdog Mertek Media Monitor noted in a June 16 analysis that the featured reports were “a mix of items published on actual fake news sites and of articles published by independent and government-critical media that obviously do not seem like fake news at all; in fact, the series even included as alleged fake news statements by opposition politicians.”

The Media Council may impose fines for violations of content regulations, including on media services that violate prohibitions on inciting hatred or violating human dignity or regulations governing the protection of minors. The Council may impose fines of up to 200 million forints (\$666,000), depending on the nature of the infringement, type of media service, and audience size. It may also suspend the right to broadcast for up to one week. Defendants may appeal Media Council decisions but must appeal separately to prevent the implementation of fines while the parties litigate the substantive appeal.

As of August 24, the Media Council had issued 86 resolutions concerning various alleged violations of the media law, of which 57 imposed fines totaling some 23.14 million forints (\$77,800) on 46 media service providers.

**Libel/Slander Laws:** Journalists reporting on an event may be judged criminally responsible for making or reporting false statements. Both individuals and media outlets may be sued for libel for their published statements or for publicizing libelous statements made by others. Plaintiffs may litigate in both civil and

## **HUNGARY**

criminal courts.

Public officials and other public figures continued to use libel and defamation laws in response to criticism from citizens and journalists. Opposition politicians and government-critical private individuals sued government-allied media outlets in several high-profile cases. Courts tended to pass verdicts that protected private individuals from libel or slander by government-affiliated media and their reporters.

### **Internet Freedom**

The government did not restrict or disrupt access to the internet and generally did not censor online content. There were no substantiated reports that the government monitored private online communications without appropriate legal authority.

In cooperation with internet service providers, the NMHH maintained a nonpublic database to store and cooperate in the implementation of court rulings and tax authority resolutions to block websites that violate the law, including content-related legislation.

### **Academic Freedom and Cultural Events**

In 2017 an amendment to the higher education law required universities from non-EU countries to have a physical presence in their country of origin, operate under an intergovernmental agreement between Hungary and the country of accreditation, and ensure that the university's name in Hungarian reflects an exact translation of the name in the country of origin. The U.S.-accredited Central European University (CEU) established a presence at Bard College in New York in 2018, and the government and the State of New York negotiated an intergovernmental agreement. The government argued, however, that CEU had not sufficiently complied with the provisions of the law and declined to sign the draft agreement to bring CEU into compliance with the law. In 2018 CEU announced it would move its U.S.-accredited programs to Vienna and did so in 2019. In July 2019 CEU was accredited as an Austrian private university under the name of Central European University, and in November 2019 it officially opened its campus in Vienna. The European Commission launched an infringement

## HUNGARY

procedure against Hungary over the matter in 2017. The Constitutional Court suspended the case until the European Court of Justice (ECJ) makes its decision.

The ECJ ruled on October 6 that the amendment violated EU law and contradicted the EU Charter of Fundamental Rights relating to academic freedom. The ECJ also found the law violated the international General Agreement on Trade in Services and World Trade Organization regulations. The ruling stated that the condition of an international treaty between Hungary and the third country constituted a “means of arbitrary discrimination because of the decisive nature of the political will of the Hungarian authorities.” The CEU rector, Michael Ignatieff, described the ruling as a legal and moral vindication but underscored that CEU’s move to Vienna was final, adding that the ruling “lifts the whole burden of Lex CEU off our backs and restores our freedom.”

In 2019 parliament passed a law that gave the government control, through a newly established organization, over the funding of 15 research institutes previously funded and managed by the Hungarian Academy of Sciences. The law received domestic and international criticism as infringing upon the principles of academic freedom and the self-governance of scientific institutions. In July the research institutes received a one-day deadline to submit their “research plan descriptions,” which renewed concerns over the evaluation process of research funding.

Under legislation passed by parliament on May 19, the government assigned private foundations the right to operate six public universities starting August 1. Following the model introduced at Corvinus University in 2019, the Veterinary University, the University of Miskolc, the Moholy-Nagy University of Arts, Neumann Janos University, the University of Sopron, and Szechenyi Istvan University began operating under new structures financed by foundations and in some cases with government officials as members of the board.

On July 3, parliament adopted a law that transferred the ownership of the University of Theater and Film Arts to a foundation as of September 1. The government disregarded the university’s proposal on the composition of the foundation board, instead appointing National Theater director Attila Vidnyanszky as the head of the foundation. The university senate asserted that Vidnyanszky “consistently and deliberately sought to destroy the reputation of the university for

## HUNGARY

years, while the other members of the board have no significant experience in higher education.” Several instructors announced their resignations following the announcement. The university’s students, staff, artists and the public held several demonstrations against the law, and students barricaded themselves inside university buildings, demanding university autonomy. Students ended the blockade due to the government announcement of a ban on assemblies on November 10 as part of measures to prevent the spread of COVID-19.

In an exceptional procedure on March 24 during the COVID-19 pandemic, parliament passed an amendment to the act on culture that removed state-funded Budapest theaters from the control of the municipal government and placed them under central government control. The central government also gained the right to appoint theater leadership. Referring to an allegation of sexual harassment at a Budapest theater at the end of 2019, the government argued that if it provided all funds for the operation of the theaters then it should also be entitled to make personnel and financial decisions, adding that it could no longer support the operation of theaters that did not allow inspection into their affairs. The cabinet introduced the amendment without any professional consultations. In April the central government and the municipality of Budapest concluded an agreement on the operation of Budapest theaters. Under the agreement the municipality of Budapest will finance four theaters without government funding, with the right to decide on the appointment of their directors.

### **b. Freedom of Peaceful Assembly and Association**

The constitution and law provide for the freedom of peaceful assembly, and the government generally respected this right. The constitution and law provide for freedom of association, and the government generally respected this right, with some exceptions.

#### **Freedom of Peaceful Assembly**

The constitution includes a provision on the protection of privacy, which stipulates that freedom of expression and the exercise of the right to assembly shall not harm others’ private and family life and their homes, potentially restricting protests in public spaces near politicians’ homes and protests in other public spaces that have

## HUNGARY

apartments nearby. The law also permits the government to regulate public demonstrations, including holding organizers liable for damages caused by their events, and to ban protests in advance. Under the law authorities may ban or dissolve gatherings that unnecessarily and disproportionately harm the dignity of the nation or other national, ethnic, or religious communities. The law also criminalizes the nonviolent disturbance or impediment of a demonstration.

The criminal code provides that harassment of “official persons” (including members of parliament, judges, and prosecutors) when they are not performing public duties is a crime punishable by up to three years’ imprisonment.

During the first wave of the COVID-19 pandemic, the government introduced restrictions on indoor and outdoor public gatherings and events. In May police fined drivers who participated in a protest against the government’s decision to release patients from hospitals due to COVID-19 by honking their car horns. Police considered the May 28 protest of far-right groups against “Gypsy crime” as falling outside the scope of the law on assembly (see also section 6 on ethnic minorities). During the second wave of the COVID-19 pandemic, the government put a blanket ban on assemblies in public spaces and imposed fines for violations of up to 500,000 forints (\$1,670) for participants of banned protests.

On May 26, the ECHR ruled that police interfered with a private individual’s right to peaceful assembly by unjustifiably dismissing his notification of intent to hold a demonstration in front of the president’s residence in 2013. Police argued that TEK had closed the area in question, rendering it no longer a public space available for demonstrations for the requested period. Subsequent court scrutiny removed the legal basis of the ban but only at a time when the reason for the demonstration had already become obsolete. The ECHR ordered the state to pay the private individual 2,600 euros (\$3,100) as compensation for nonpecuniary damage.

### **Freedom of Association**

On June 18, the ECJ ruled that the country’s 2017 law requiring NGOs that receive foreign funding to register and label themselves as “foreign-funded organizations”



## HUNGARY

violated EU law (see section 5).

A 2011 law on religion deregistered more than 300 religious groups and organizations that had previously held incorporated church status; most were required to reapply for registration. The government had not approved any applications for incorporated church status since it amended the law in 2012, but it approved many applications for a lesser status of religious organizations. In 2019 an amendment to the law entered into force creating four different statuses for religious organizations. Observers noted that while the amendment provides a simpler procedure for religious entities to gain an intermediate-level status, it only restores some of the rights those religious groups could exercise before 2011.

### **c. Freedom of Religion**

See the Department of State's *International Religious Freedom Report* at <https://www.state.gov/religiousfreedomreport/>.

### **d. Freedom of Movement**

The constitution and law provide for freedom of internal movement, foreign travel, emigration, and repatriation, and the government generally respected these rights.

### **e. Status and Treatment of Internally Displaced Persons**

Not applicable.

### **f. Protection of Refugees**

The government cooperated with and provided the Office of the UN High Commissioner for Refugees (UNHCR) access to refugees and asylum seekers, with the exception of those held in detention under the aliens policing procedure.

**Abuse of Migrants, Refugees, and Stateless Persons:** Human rights advocates and UNHCR criticized the government's treatment of migrants and asylum seekers, including its pushbacks of migrants and asylum seekers to the Serbian side of the Serbia-Hungary border fence, even if they had not entered Hungary through

## HUNGARY

Serbia.

Domestic human rights NGOs reported that their attorneys had difficulties in maintaining contact with foreigners kept in aliens-policing or asylum-detention facilities.

**Refoulement:** The CPT report published in March noted there were no legal remedies offering effective protection against forced removal or refoulement, including chain refoulement. Human rights advocates reported that 11,101 pushbacks to Serbia took place in 2019, according to official police statistics.

**Access to Asylum:** The law provides for asylum and establishes a procedure for asylum seekers outside the country to apply for it, but UNHCR stated on June 29 that the new law (see below) “further undermines the effective access to territory and asylum for those fleeing wars and persecution which had been already seriously constrained before.” UNHCR called on the government to bring its asylum system into conformity with international refugee and human rights law.

Following the ECJ’s May 14 ruling that classified the government’s holding of asylum seekers in two transit zones on the Hungary-Serbia border as unlawful detention, the government announced on May 21 the closure of the transit zones and introduced a new asylum system in a government decree as of May 27. Based on the new legislation, asylum seekers arriving at Hungary’s border were subsequently turned away and directed to submit a statement of intent to request asylum at the Hungarian embassies in Belgrade or Kyiv. The asylum authority had 60 days to examine the statement of intent and make a proposal to the embassy whether to issue the asylum seeker a special single-entry travel permit to enter Hungary. In case the permit is issued, the asylum seeker travels on their own to Hungary within 30 days and, upon arrival, immediately avail themselves to the border guards who present them to the asylum authority within 24 hours. Those not granted the special one-time entry permit at one of the embassies cannot request asylum in Hungary. The decree was later included as part of the bill ending the state of emergency that entered into force on June 18. On June 29, UNHCR expressed concern that the law exposes asylum seekers to the risk of refoulement. All third-country nationals found anywhere in the country without already having a right to stay (e.g., a valid visa or residence permit) are “escorted”

## HUNGARY

to the other side of the border fence. As of November the asylum authority had not approved any submitted statements of intent.

On October 30, the European Commission opened an infringement procedure due to the new asylum rules, which it considers to be unlawful as they preclude persons who are in the country's territory, including at the border, from applying for international protection.

On December 17, the ECJ ruled that restricting access to the international protection procedure, detaining asylum applicants for that protection procedure in transit zones, and moving third-country nationals who were illegally present to the Hungary-Serbia border area without observing the safeguards in a return procedure were in breach of EU law.

On June 21, the Hungarian Helsinki Committee reported that between 2017 and the closure of the transit zones in May, thousands of adults and children were detained unlawfully for extensive periods of time, up to almost two years. Authorities deprived 34 individuals of food in 24 cases for one to eight days. In each case the Hungarian Helsinki Committee had to request interim measures from the ECHR to stop the deprivation of food.

On March 1, Prime Minister Orban's domestic security adviser Gyorgy Bakondi announced the indefinite suspension of the admission of new asylum seekers due to COVID-19. On March 8, the government extended the "crisis situation due to mass migration"--first introduced in 2015 and renewed since every six months--until September 7 due to COVID-19 and the security risk posed by the situation at the border between Turkey and Greece. On September 1, the government extended the "crisis situation" for a further six months. On August 6, Surgeon General Cecilia Muller stated that uncontrolled migration posed an "extreme danger" to the country because most "illegal migrants" came from countries with a high number of COVID-19 cases and may be infected with other diseases no longer common in the country.

**Safe Country of Origin/Transit:** The government maintained lists of "safe countries of origin" and "safe third countries." Both lists included Serbia, Bosnia and Herzegovina, and Kosovo. UNHCR repeatedly objected to the government's

## HUNGARY

designation of Serbia as a safe third country on the grounds that it does not have effective asylum procedures. In 2018 parliament modified the constitution to state that persons arriving in the country “through a country where he or she was not exposed to persecution or a direct risk of persecution should not be entitled to asylum.” Parliament also amended the asylum law and restricted the right to asylum to only those persons who arrived in Hungary directly from a place where their life or freedom were at risk.

On March 19, the ECJ ruled that national legislation, which stipulated that an asylum application by an asylum seeker arriving in an EU member state through a safe transit country was inadmissible, breached EU law. The court ruled that EU member states were obliged to assess the asylum seekers’ “connection” to the transit country when determining the admissibility of their application; merely transiting through the country was not sufficient to provide the basis of such connection. The case concerned a Syrian Kurd’s asylum application that the immigration authority deemed inadmissible because the applicant had transited Serbia, which the government considers a safe transit country.

**Freedom of Movement:** Following the closure of the transit zones, the new asylum provisions prescribe the automatic “placement of the applicant in a closed facility” for four weeks following the registration of their asylum request, without any available remedy to challenge the placement. After four weeks the applicant can either be placed in an open facility or in detention, with a legal remedy available against that detention decision. The law permits the detention of rejected asylum seekers under an aliens policing procedure for a maximum of 12 months, or for six months under asylum detention in certain cases of pending asylum applications. Immigration detention generally took place in immigration detention centers.

In May authorities expelled 15 Iranian students who had allegedly broken COVID-19 quarantine restrictions while being examined at a Budapest hospital. The expulsions came after national political leaders claimed that foreigners, particularly Iranians, were spreading the disease. On July 15, media reported that the decisions were under review.

**Access to Basic Services:** The National Directorate-General for Aliens Policing

## HUNGARY

(asylum authority) has 60 days to make a proposal to the Hungarian embassy in Belgrade or Kyiv on whether to grant an asylum seeker a one-time entry permit. During this time the asylum seeker is not entitled to accommodation or any support services and does not enjoy any protection.

Human rights advocates reported that, from the closure of transit zones at the end of May until the end of August, no formal education was provided in either the Vamosszabadi or Balassagyarmat refugee reception centers on the Hungary-Slovakia border, where the government moved nearly all of the asylum seekers previously kept in the transit zones. In Balassagyarmat social workers were present in adequate numbers, but psychosocial assistance was not available on a regular basis on site, while a psychologist was contacted on demand. A similar situation was reported in Vamosszabadi.

The law limits benefits and assistance to persons given international protection on the grounds they should not have more advantages than citizens. Authorities do not provide housing allowances, educational allowances, or monthly cash allowances to asylum seekers, refugees, or beneficiaries of subsidiary protection.

In 2019 the European Commission referred Hungary to the ECJ, stating the legislation that criminalizes providing assistance to asylum seekers who were not subject to persecution in their home country or who had already transited a safe country curtailed the asylum seekers' right to communicate with and be assisted by national, international, and nongovernmental organizations. The case remained pending as of November.

**Durable Solutions:** Refugees are allowed to naturalize, but according to civil society organizations, the applications of refugees and stateless persons were approved at a lower rate than those of other naturalization seekers. The Hungarian Helsinki Committee criticized the procedural framework for naturalization, noting decisions were not explained to applicants and no appeal of rejections were allowed. There were no reported cases of onward refugee resettlement from the country to other states.

**Temporary Protection:** The law provides for a specific temporary protection status for situations of mass influx, but organizations working on the problem

## HUNGARY

reported that it was not used in practice. Under the law all forms of international protection (refugee status, subsidiary protection, tolerated stay, stateless status, etc.) are temporary by nature, with periodic review of the entitlement to protection.

In 2019 the ECJ ruled that judges may grant international protection status to asylum seekers if an administrative body has overruled their decision without establishing new elements in the case. A 2015 regulation had stripped the courts of the right to overrule immigration authorities on asylum applications.

### **Section 3. Freedom to Participate in the Political Process**

The constitution and law provide citizens the ability to choose their government in periodic elections held by secret ballot and based on universal suffrage.

#### **Elections and Political Participation**

**Recent Elections:** National elections were held in 2018 under a single-round national system to elect 199 members of parliament. The elections resulted in the ruling parties gaining a third consecutive two-thirds supermajority in parliament, receiving 49 percent of party-list votes while winning 91 of the country's 106 single-member districts, decided by a first-past-the-post system.

Nationwide municipal elections were held in October 2019 under a single-round national system to elect local council representatives, mayors, and ethnic minority self-government members. With 48.6 percent turnout, the elections resulted in governing Fidesz-Christian Democratic People's Party (KDNP) candidates retaining the majority of mayoral positions in smaller towns and villages, and the opposition capturing the mayoral seats of Budapest, 14 of the capital's 23 districts, and 11 of the country's 23 county seats. Observers suggested the relative success of the opposition resulted from the nomination of a single opposition candidate running against Fidesz-KDNP in most key races. Domestic observers noted the lack of changes to the electoral and media environment and referenced the findings of the Organization for Security and Cooperation in Europe (OSCE) mission deployed to the country in 2018 (see below).

A mission representing the OSCE's Office for Democratic Institutions and Human

## HUNGARY

Rights (ODIHR) observed the 2018 national elections. In its final report on the elections, the mission characterized the election as “at odds with OSCE commitments” and concluded that a “pervasive overlap between state and ruling-party resources” undermined contestants’ ability “to compete on an equal basis.”

The ODIHR election observation mission report highlighted that despite the “large number of contestants, most did not actively campaign, ostensibly registering to benefit from public campaign-finance entitlements or to dilute the vote in tightly contested races.” The report called attention to the lack of a “periodic review of constituency boundaries in a transparent, impartial, and inclusive manner by an independent body.”

During the COVID-19 pandemic, stipulations of the COVID-19 state of emergency law enacted by parliament included a ban on holding by-elections during the crisis. Upon termination of the state of emergency, the National Election Office announced that 20 local by-elections had been postponed during the period of the pandemic; all 20 were subsequently scheduled on later dates.

**Political Parties and Political Participation:** The ODIHR report on the 2018 elections noted several problems with media influence that “undermined the level playing field for campaigning and raised questions with regard to the abuse of administrative resources and the blurring of the line between state governing and party campaigning, which is at odds with OSCE commitments.” The report also noted campaign finance laws limited the transparency and accountability of political parties.

Citizens living abroad but having permanent residency in the country were required to appear in person at embassies or consulates to vote, while citizens without Hungarian residency could vote by mail, but only for party lists. ODIHR election observers noted that the practice of applying different procedures to register and vote depending on whether or not a person had a permanent address in the country “challenged the principle of equal suffrage.”

On December 15, parliament modified the electoral law, stipulating that any party wishing to put forward a national party list must nominate candidates in at least 71

## HUNGARY

(up from the previous 27) of the 106 individual parliamentary constituencies.

Following the outbreak of COVID-19, the government introduced a state of emergency by government decree on March 11. Under the state of emergency, the government is entitled to issue emergency government decrees which, in line with the constitution, expire after 15 days. On March 30, parliament passed a bill to extend the scope of the emergency decrees indefinitely, authorizing the government to govern by emergency decrees without parliamentary approval.

The bill generated domestic and international criticism for its expansion of the government's powers without a specified end date and for permanently changing the criminal code in a manner that observers claimed could restrict the free press (see also section 2.a., Freedom of Expression). On March 27, the OHCHR stated that the "bill appears to give the government practically unlimited powers to rule by decree and bypass parliamentary scrutiny with no clear cut-off date." The OHCHR stressed that "under international human rights law, emergency legislation and measures should be strictly temporary." On March 30, ODIHR director Ingibjorg Solrun Gisladdottir expressed concerns about the bill and added, "emergency legislation being adopted by governments across the OSCE region must include a time limit and guarantee parliamentary oversight." On March 30, the European Commission stated that it was not preventing anyone from doing their job, but would vigilantly ensure that European norms are respected in all policy areas while combating COVID-19. On June 16, parliament passed a bill compelling the government to lift the state of emergency, effective June 17.

Observers noted that many of the decrees and legislation enacted during the state of emergency, including imposing prison time for "scaremongering" under a special legal order and measures critics said were unrelated to the pandemic, remained on the books after the state of emergency was lifted. The Hungarian Helsinki Committee, the Hungarian Civil Liberties Union, and Amnesty International Hungary called the termination of the state of emergency an "optical illusion," asserting that an omnibus bill passed concurrently contained provisions that allow the government to once again rule by decree for an indefinite period of time.

Under the state of emergency in April, the government issued a decree that



## HUNGARY

classified the area of the city of God, which is led by opposition parties and home to a Samsung factory, as “strategically important” and a “priority economic zone,” thus transferring jurisdiction of that zone, including tax collection, from the municipality to the Fidesz-led county government. In May parliament passed a similar bill that allowed the government to declare any site hosting investment projects worth more than approximately five billion forints (\$16 million) as a “special economic zone.” Critics noted that this provision was unrelated to the COVID-19 pandemic and seemed designed to target municipalities controlled by opposition parties, stripping them of tax revenue.

Following the increase of COVID-19 cases during the fall, the government reintroduced a state of emergency on November 4. On November 10, parliament passed a bill to extend the government’s state of emergency powers for an additional 90 days. Also on November 10, the government introduced approximately 30 bills to parliament, including constitutional amendments and other legislative actions on far-ranging issues such as LGBTI rights (see section 6), fiscal transparency (see section 4), judicial independence, and electoral law. On November 20, the Council of Europe commissioner for human rights, Dunja Mijatovic, called on parliament to postpone a vote on the measures, scheduled for December, because they could have “serious adverse effects on human rights in the country” if enacted, and because the state of emergency restricts “opportunities for meaningful democratic discussion and public scrutiny.” Parliament passed the bills on December 15.

**Participation of Women and Members of Minority Groups:** No laws limit participation of women and members of minority groups in the political process. Representation of women in public life, however, was very low. The ODIHR report on the 2018 elections noted, “Women are underrepresented in political life and there are no legal requirements to promote gender equality in elections.” Following the elections, women constituted 12.5 percent of members of parliament. As of November the 15-member cabinet included three women, and 13 percent of subcabinet-level government state secretaries were women, a figure that has remained relatively constant across Fidesz-KDNP administrations since 2010. The UN Human Rights Committee’s *Sixth Periodic Report* expressed concern that women were underrepresented in decision-making positions in the

## HUNGARY

public sector, particularly in government ministries and parliament.

The electoral system provides 13 recognized national minorities the possibility of registering for a separate minority voting process in parliamentary elections, by which they vote on the minority candidate list instead of the party list. While all 13 national minorities registered candidate lists in the 2018 elections, only one--the German minority--obtained enough votes to win a minority seat in parliament. National minorities that did not win a seat were represented in parliament by nonvoting spokespersons whose competence was limited to discussing minority issues. Regarding the 2018 election campaign, the ODIHR stated it was informed of several instances where pressure was put on Romani voters not to register as minority voters and instead to vote for national lists. Due to privacy laws regarding ethnic data, no official statistics were available on the number of members of a minority who were in parliament or the cabinet.

### **Section 4. Corruption and Lack of Transparency in Government**

While the law provides criminal penalties for corruption by public officials, few such cases were lodged or prosecuted during the year. The European Commission and NGOs contended that the government did not implement or apply these laws effectively and that officials and those with close government connections often engaged in corrupt practices with impunity.

Anticorruption NGOs alleged government corruption and favoritism in the distribution of EU funds. The Corruption Research Center Budapest identified several cases of bid rigging and other corruption risk indicators in public tenders with EU funding. The research center concluded that companies with close links to the government faced significantly less competition and were able to obtain higher prices when bidding for EU-funded projects.

In its September 30 *Rule of Law Report*, the European Commission found deficiencies in the country's anticorruption policies and that the government did not sufficiently address nepotism and favoritism, noting specifically that, "when serious allegations arise, there is a systematic lack of determined action to

## HUNGARY

investigate and prosecute corruption cases involving high-level officials or their immediate circle.” The report also noted, “tight interconnections between politics and certain national businesses are conducive to corruption.”

On December 15, parliament modified the constitution by introducing a new definition of public funds that limited them to “income, expenditures, and claims of the state.” Another amendment declared that the creation and operation of so-called asset management foundations--such as the ones that granted the government ownership of several universities, including the University of Theater and Film Arts (see section 2, Academic Freedom)--were governed by cardinal law requiring a two-thirds majority to change. Transparency watchdogs and opposition parties criticized both amendments, warning that under the new definition of public funds the government would not be compelled to release data on the operation of state-owned enterprises and public funds in response to freedom of information requests, shielding the government from public scrutiny.

In February the European Commission’s *European Semester Report* on the country stated that corruption remained an important concern. Although the commission noted minimal improvement during the previous year, it stated that further steps were necessary to strengthen transparency and competition in public procurement. The report also called for the Prosecutor General’s Office to pursue corruption cases more effectively and determined that “systemic action by Hungarian authorities to prosecute high-level corruption was lacking.” “The weakening of checks and balances, weak accountability and obstacles to access to public information hinder the fight against corruption,” the report concluded.

**Corruption:** In its 2019 annual report released on September 10, the European antifraud office OLAF found 43 cases of potential fraud in the country associated with EU development funds received between 2015 and 2019. OLAF recommended that the government repay 3.93 percent of the funds it received during the 2015-19 period. Observers noted that OLAF’s limited resources allowed it to review only a fraction of the tens thousands of EU cases in which EU funds were disbursed to member states.

On January 14, a criminal case against ruling Fidesz party member of parliament Gyorgy Simonka was launched in the Budapest Court of Justice. In August 2019

## HUNGARY

prosecutors charged Simonka and 32 associates of running a criminal organization that fraudulently obtained 1.4 billion forints (\$4.6 million) in EU and state funds through a complex web of companies. Simonka was also accused of both paying and accepting bribes, reportedly paying 20 million forints (\$67,000) in bribes to stop Tax Office investigations at his companies. According to the charges, two companies linked to him undertook overpriced EU and state-funded projects with Simonka's help and transferred kickbacks in cash and other forms through intermediaries to the politician. Prosecutors were reportedly seeking an eight-and-a-half-year prison sentence for Simonka and the confiscation of his assets in the value of 850 million forints (\$2.8 million).

**Financial Disclosure:** The law requires members of parliament, senior government officials, the president of the Supreme Court and his deputies, and the prosecutor general to publish asset declarations on a regular basis. NGOs claimed that public officials circumvented the required disclosures by placing assets in the names of spouses, who are not required to file asset declarations. The vast majority of public-sector employees, including law enforcement and army officers, judges, prosecutors, civil servants, and public servants, were also obliged to submit asset declarations, which are not publicly accessible. NGOs noted there were no criminal or administrative sanctions for submitting inaccurate asset declarations and asserted there was no effective method to detect violators. The European Commission's *Rule of Law Report* noted a lack of transparency in political party financing, asset disclosure, and lobbying.

### **Section 5. Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Abuses of Human Rights**

Domestic and international human rights groups operated with some government restrictions affecting their funding. Government officials were generally uncooperative and unresponsive to their views.

On June 18, the ECJ ruled that the country's 2017 law requiring NGOs that receive foreign funding to register and label themselves as "foreign-funded organizations" violated EU law. The ECJ declared that the legislation unduly restricted free

## HUNGARY

movement of capital and interfered with fundamental rights, including protection of personal data and freedom of association, respect for private life, as well as citizens' right to participate in public life. Reacting to the ECJ ruling, an umbrella organization for the affected NGOs, the Civilization Coalition, wrote, "The decision is particularly important for all of Hungarian society, because the government has for years been trying to undermine NGOs working for the common good." Justice Minister Judit Varga stated the government was committed to ensuring the transparency of NGOs. Despite the ruling, in September a government-established public foundation rejected an EU grant application from a human rights NGO over alleged noncompliance with the law. The law had not been repealed as of November.

At the beginning of the year, several government officials and progovernment media alleged that NGOs and their attorneys were profiting from "prison business" when, representing inmates, they sued the state for compensation due to poor prison conditions (also see section 1.c., Prison and Detention Center Conditions). Speaking about the Gyongyospata school segregation lawsuit (see section 6, Members of Minority Groups) and referring to human rights groups as "Soros organizations," the officials also claimed such NGOs should not be able in future to "use Roma families as a tool to launch fundraising campaigns, disturb social peace, and reward those who do not go to school."

On December 21, Norway's Foreign Ministry announced the signing of an agreement with Hungary on the disbursement framework for 214.6 million euros (\$262 million) in grants from the Norwegian government to support NGOs, climate protection projects, renewable energy, and other development projects. The government initially insisted on determining which NGOs would receive money designated for civil society but reached a compromise whereby a company acceptable to both parties would be chosen to determine the allocation of grant funds to NGOs. Norway stressed that the company's independence from governmental influence remained a precondition to the agreement. Norway, Iceland, and Liechtenstein suspended payment to Hungary in 2014 after the government insisted on playing a bigger role in disbursing funds to NGOs in the country, and the government's audit office raided the offices of one of the NGOs responsible for managing the grants, in what civil society organizations described

## HUNGARY

as a politically motivated investigation that did not result in any charges.

In October, NGOs reported that authorities had closed the investigation into the October 2019 attack on the Aurora NGO center, during which approximately 50 members from the neo-Nazi Legio Hungaria group vandalized the center and burned the pride flag that was hanging outside, without filing any charges (see section 6).

On November 17, the Budapest Capital Regional Court ruled that police had failed in their duty when they did not take immediate action against a group of far-right extremists who had forced their way into an LGBTI event at the Aurora Center in September 2019, chanting homophobic slurs and physically harassing the event participants for three hours, forcing organizers to cancel it (see section 6).

In November 2019 Amnesty International and Human Rights Watch released statements regarding a media report that the state media conglomerate MTVA banned its staff from covering human rights organizations' reports, which they described as an attempt to undermine media freedom and further restrict NGOs' work in the country.

**Government Human Rights Bodies:** The constitution and law establish a unified system for the office of the commissioner for fundamental rights (ombudsperson). The ombudsperson has two deputies, one responsible for the rights of national minorities and one for the interests of "future generations" (environmental protection). The ombudsperson is nominated by the president and elected by a two-thirds majority of parliament. The ombudsperson is solely accountable to parliament and has the authority to initiate proceedings to defend the rights of citizens from abuse by authorities and entities providing public services. The constitution provides that the ombudsperson may request that the Constitutional Court review laws. The ombudsperson is also responsible for collecting electronically submitted reports of public benefit, e.g., whistleblower reports on public corruption, and operates the national preventive mechanism against torture. Ombudsperson recommendations are not binding. During the international re-accreditation process of the ombudsperson's office as a "national human rights institution," the October 2019 report by the Global Alliance of National Human Rights Institutions (GANHRI) noted that the office "did not demonstrate adequate

## HUNGARY

efforts in all human rights issues, nor has it spoken out in a manner that promoted and protected all human rights.” During the year GANHRI decided to defer the review of the ombudsperson’s office for one year. On December 1, parliament voted to transfer the mandate and tasks of the Equal Treatment Authority to the ombudsperson as of January 1, 2021 (see section 6).

### **Section 6. Discrimination, Societal Abuses, and Trafficking in Persons**

#### **Women**

**Rape and Domestic Violence:** Rape of men or women, including spousal rape, is illegal. Although there is no crime defined as rape, the equivalent crimes are sexual coercion and sexual violence. These crimes include the exploitation of a person who is unable to express his or her will. Penalties for sexual coercion and sexual violence range from one year in prison to 15 years in aggravated cases.

The criminal code includes “violence within partnership” (domestic violence) as a separate category of offense. Regulations extend prison sentences for assault (“light bodily harm”) to three years, while grievous bodily harm, violation of personal freedom, or coercion may be punishable by one to five years in prison, if committed against domestic persons.

By law police called to a scene of domestic violence may issue an emergency restraining order valid for three days in lieu of immediately filing charges, while courts may issue up to 60-day “preventive restraining orders” in civil cases, without the option to extend.

Women’s rights NGOs continued to criticize the law for not placing sufficient emphasis on the accountability of perpetrators and the tendency of authorities to blame the victims. In November 2019 local media reported on a woman who shared photos on Facebook about how she had been physically assaulted on several occasions by her partner, a former member of the defense forces. While an investigation was underway in the case, her partner sued the woman for defamation and breach of his privacy rights. Women’s rights groups held a solidarity protest

## HUNGARY

during the court hearing in Miskolc on September 28.

The Ministry of Human Capacities continued to operate a 24-hour toll-free hotline for victims of domestic violence and trafficking in persons. The ministry also sponsored crisis centers and secure shelters for victims of domestic violence operated by civil society organizations and church institutions. The crisis centers provided immediate accommodation and care for individuals and families for up to 90 days. The secure shelters addressed the needs of severely abused women whose lives were in danger, who were allowed a maximum stay of six months at the shelters. One type of service was the “crisis ambulance,” which provided mobile walk-in consultations, but not accommodation, for survivors of domestic violence.

NGOs criticized the lack of training on gender-based violence for professionals and emphasized the need for broader awareness-raising efforts among the public to encourage victims to seek assistance and report violence without stigmatization.

**Sexual Harassment:** By law harassment of a sexual nature constitutes a violation of the equal treatment principle but is not a crime.

**Reproductive Rights:** Couples and individuals have the right to decide the number, spacing, and timing of their children. Individuals have the right to manage their reproductive health, and most had access to the information and means to do so, free from discrimination, coercion, or violence. During the year the state took over fertility clinics and began providing state-subsidized assisted reproductive services (artificial insemination and in vitro fertilization), primarily tailored to support heterosexual married couples who experienced difficulty conceiving naturally. LGBTI NGOs characterized access to assisted reproductive technologies as discriminatory against same-sex couples.

Contraceptives were available but were not covered by the state health-care system, which limited access of marginalized groups living in poverty, including Romani women. Sterilization for family-planning (nonmedical) reasons is limited to persons who are older than age 40 or already have three biological children.

The government operated state-funded shelters and a hotline for victims of crime, including sexual violence against women, but these did not provide specialized



## HUNGARY

assistance and sexual and reproductive health services for survivors.

**Coercion in Population Control:** There were no reports of coerced abortion or involuntary sterilization on the part of government authorities.

**Discrimination:** The law provides for the same legal status and rights for women as for men. According to the *Economist's* 2018 glass ceiling index, women constituted 14.5 percent of company board membership, based on 2017 data. Women's rights organizations asserted that Romani women could suffer multiple forms of discrimination on the basis of gender, ethnicity, and class, and experienced barriers to equal access in education, health care, housing, employment, and justice.

### Children

**Birth Registration:** An individual acquires citizenship from a parent who is a citizen. Births were registered immediately. NGOs asserted the law provides only partial safeguards against statelessness at birth because all children of foreign parents born in the country are registered on birth certificates as being of unknown nationality. In addition the NGOs claimed that children born to stateless parents or to noncitizen parents who cannot pass on their nationality to their children were in some cases born and remained stateless.

**Education:** Although the law provides for free and compulsory education between the ages of three and 16 and prohibits school segregation, NGOs reported the segregation of Romani children in schools and their frequent misdiagnosis as mentally disabled. The European Commission opened an infringement procedure in 2016 due to concerns about the disproportionate overrepresentation of Romani children in special schools with intellectual disabilities as well as a considerable degree of segregated education in mainstream schools.

On February 13, the UN Committee on the Rights of the Child published its observations regarding the country's adherence to the UN Convention on the Rights of the Child between 2014 and 2019. The report expressed concerns about continuing segregation of Romani children in schools and the increased gap in attainment between Romani and non-Romani children in different levels of

## HUNGARY

education. The findings also noted that while there were more than 200 amendments of general legislation affecting children's rights, the government did not assess the impact of these amendments before and after their adoption.

On March 13, the government announced that all schools would stay closed as an effort against the spread of COVID-19, with all students required to continue education through digital platforms. This posed a problem for disadvantaged children, particularly in the Romani community. Throughout March several Romani NGOs drew attention to the fact that Romani children often lived together with adults in small, overcrowded spaces that were unsuitable for distance learning and often lacked internet connections and electronic devices. They added that many Romani parents were undereducated and unable to help their children with their studies at home or to give them hot meals, which schools typically provided. More than 120 civil organizations across the country set up an action group to deliver food and other donations to families living in deep poverty.

On May 12, the Supreme Court upheld an earlier lower-level court ruling that ordered 99 million forints (\$330,000) in damages be paid to 60 Romani students who were unlawfully segregated by and received inferior education from a local primary school in Gyongyospata for 14 years (see section 6, Ethnic Minority Groups). In response to the ruling, parliament in June amended the public education law to ban courts from awarding financial compensation as damages to those who received segregated education.

A 2019 report prepared by Romani and pro-Roma NGOs stated that one-half of Romani students dropped out of the education system. Only 24 percent of Romani students finished high school, compared with 75 percent of non-Romani students. Only 5 percent of Romani students entered university, compared with 35 percent of non-Romani students. The report noted that segregating Romani children in schools and lowering the mandatory school age to 16 contributed to high dropout rates.

In September the Ministry of Human Capacities cut state subsidies to public schools run by the Hungarian Evangelical Fellowship and Igazgyongy Foundation

## HUNGARY

as well as the Dr. Ambedkar School, attended mostly by Romani children.

**Child Abuse:** Efforts to combat child abuse included a “child protection signaling system” to detect and prevent the endangerment of children; law enforcement and judicial measures; restraining orders; shelters for mothers and their children; and removal of children from homes deemed unsafe. The law provides that failure of a parent to “cooperate” with the doctors, district nurses, teachers, or family supporters in the signaling system automatically constitutes gross endangerment, even without any other signs of negligence or endangerment.

In December 2019 a man from the city of Győr who was just released from prison for attacking his wife with a hammer in 2016, beat his 13-year-old stepdaughter and 10-year-old son to death, then hanged himself. The case received widespread media attention.

**Child, Early, and Forced Marriage:** The legal minimum age of marriage is 18. The Social and Guardianship Office may authorize marriages of persons between the ages of 16 and 18. The guardianship authorities consider whether a girl is pregnant in making their determination. Limited data exists regarding the prevalence of child marriage in the country, including in the Romani community.

**Sexual Exploitation of Children:** The law prohibits child pornography. The statute of limitations does not apply to sexual crimes against children. The government generally enforced the law. The minimum age for consensual sex is 12, provided the older partner is 18 or younger. Persons older than 18 who engage in sexual relations with a minor between the ages of 12 and 14 may be punished by one to five years’ imprisonment. By law statutory rape is a felony punishable by five to 10 years’ imprisonment if the victim is younger than 12.

NGOs criticized the practice of punishing children who were victims of sexual exploitation as misdemeanor offenders. On March 10, parliament passed amendments to laws regarding “action against exploitation of victims of human trafficking.” The new provisions entered into force on July 1 and prohibit the punishment of minors exploited in prostitution. Procuring minors for prostitution and exploitation of child prostitution is now a crime punishable by imprisonment

## HUNGARY

between two to eight years.

In July the country's former ambassador to Peru received a one-year suspended prison sentence and was ordered to pay a 540,000 forint (\$1,800) fine for the possession of pornographic photos of children. The sentence prompted public and legal debates that punishments involving child pornography should be more stringent.

**Institutionalized Children:** The February report of the UN Committee on the Rights of the Child expressed concern over the high number of children living in institutional settings, including 300 children under three years of age. According to UNICEF Hungary, approximately 23,000 children were living in state care institutions. Pro-Roma NGOs noted that institutionalized children living in state care were especially vulnerable to human trafficking for prostitution and criticized the lack of special assistance for child victims of trafficking. In a 2018 report, the ombudsperson stated that one-third of children were placed in child protection care because of their families' poor financial circumstances.

In August former residents and staff of the children's home in Kalocsa told local media about the physical and verbal abuse that took place inside the institution for decades. The ombudsperson's report from 2016 had concluded that supervisors regularly abused children.

**International Child Abductions:** The country is a party to the 1980 Hague Convention on the Civil Aspects of International Child Abduction. See the Department of State's *Annual Report on International Parental Child Abduction* at <https://travel.state.gov/content/travel/en/International-Parental-Child-Abduction/for-providers/legal-reports-and-data/reported-cases.html>.

### Anti-Semitism

According to the 2011 census, 10,965 persons identified their religion as Judaism. According to estimates from the World Jewish Congress, the Jewish population numbered between 35,000 and 120,000 persons. A 2018 study published in *Szombat*, a leading Hungarian Jewish news outlet, found that 82 percent of Hungarian Jews had a direct family member or ancestor who lost their life in the

## HUNGARY

Holocaust. Jewish organizations considered the Holocaust to represent a defining element in the identity of Hungarian Jews, and they regarded it as vital to preserve the memory of what occurred during the Holocaust.

The Action and Protection Foundation, a Jewish group monitoring anti-Semitism, registered 35 anti-Semitic hate crimes in 2019. These were 27 cases of hate speech, six of vandalism, one threat, and one case of assault.

A prominent Jewish leader said that while Jews are not physically threatened in the country, the government engages in what often appears as anti-Semitic rhetoric that hurts many Jewish persons.

In an opinion piece published in the progovernment online outlet *Origo* on November 28, ministerial culture commissioner Szilard Demeter called a Jewish Hungarian-American businessman and philanthropist the “liberal Fuhrer” and wrote that Europe was his “gas chamber” with “poisonous gas” flowing from the capsule of a “multicultural open society.” Referring to the row over the EU’s new rule of law mechanism, Demeter described Poles and Hungarians as “the new Jews” targeted by “liber-aryans.” The Federation of Hungarian Jewish Communities (Mazsihisz) condemned Demeter’s comments as a “textbook example of Holocaust relativization” and “incompatible with the government-proclaimed zero tolerance against all forms of anti-Semitism”; the Unified Hungarian Jewish Congregation called Demeter’s comments “tasteless” and “unforgivable.” As of December government officials continued to defend Demeter’s continued tenure as a ministerial commissioner, arguing he had retracted the piece and apologized.

On March 5, graves at a Jewish cemetery in Kiskufelegyhaza were vandalized. Repair costs were estimated at between 300,000 and 2.5 million forints (\$1,000 to \$8,000).

On January 6, state-run Kossuth Radio station announced the appointment of Beatrix Siklosi as its new director. On January 27, in light of Siklosi’s history of making and spreading anti-Semitic and racist statements, 21 Jewish organizations published a joint open letter to the CEO of the public media organization MTVA, Daniel Papp, asking him to terminate Siklosi’s appointment. Papp rejected the

## HUNGARY

accusations of anti-Semitism against Siklosi as unfounded.

On August 20, the government awarded the Hungarian Order of Merit to historian Erno Raffay, who has been criticized for disseminating anti-Semitic views. The European Commission coordinator on combatting anti-Semitism, Katharina von Schnurbein, condemned Raffay in a social media post on August 25 for openly spreading “anti-Semitic speech and conspiracy myths.”

On January 31, the government adopted a new national curriculum that was introduced on September 1 in elementary and secondary public schools. Jewish groups expressed concern that the mandatory reading material included works by writers widely viewed as anti-Semitic and removed works by Imre Kertesz, Nobel laureate for literature and Hungarian Holocaust survivor.

On February 8, approximately 500 to 600 members of radical right-wing and neo-Nazi groups from Hungary and other European countries gathered for a “Day of Honor” in Budapest, commemorating the attempted breakout of German and Hungarian troops in February 1945 during the siege of Budapest by the Soviet Red Army. Dressed in black and carrying flags of their respective far-right movements, they laid wreaths to honor “hero” Nazis and their collaborators. While police initially banned the event, a subsequent court ruling overturned the ban. Separated by a line of police, some 300 to 500 counterdemonstrators, including Romani groups, chanted and drummed during the event. No major conflicts were reported. The commemoration was followed by a march to the outskirts of Budapest following the route of the attempted siege-breakers, in which some participants wore historical uniforms and insignia. No senior government officials publicly condemned the event.

The opening of the House of Fates, a planned new Holocaust museum concept and education center in Budapest, remained pending due to controversy around the museum’s proposed concept. Leading Jewish groups and Holocaust scholars criticized the museum’s proposed concept as an attempt to obscure the involvement of the World War II-era Hungarian state and its leader, Miklos Horthy, in the Holocaust, given that Horthy allied Hungary with Nazi Germany and deported more than 400,000 Hungarian Jews in summer 1944 to Nazi death

## HUNGARY

camps.

On March 1, approximately 1,000 demonstrators took part in a march organized by the far-right party Mi Hazánk and the Betyarsereg and 64 Counties extremist groups honoring the centennial of Horthy's coming to power.

Jewish leaders criticized Laszlo Biro, a Jobbik party member and the opposition parties' unsuccessful joint candidate in the October 11 by-election in Borsod County, for anti-Semitic and racist statements.

### **Trafficking in Persons**

See the Department of State's *Trafficking in Persons Report* at <https://www.state.gov/trafficking-in-persons-report/>.

### **Persons with Disabilities**

The constitution and the law prohibit discrimination against persons with physical, sensory, intellectual, communicational, and psychosocial disabilities in employment, education, air travel and other transportation, access to health care, or the provision of other state services.

There were no data available on the percentage of government buildings accessible to persons with disabilities.

The government reviewed its 2019-36 deinstitutionalization strategy to reduce the number of persons with disabilities living in institutions with capacities greater than 50 persons. On April 28, it published its action plan, valid until 2022, to implement the 2015-25 national program on disability issues. International and domestic NGOs called on the government to avoid sustaining institutional culture by building mini-institutions because risks for persons in these settings remain as serious as for those in larger institutions. In a report released April 16 on its visit to the country in 2019, the UN Committee on the Rights of Persons with Disabilities stated that maintaining and expanding a national system of social care institutions "perpetuated segregation and isolation from society." The report also stated that children with disabilities requiring high levels of support were overrepresented in segregated education. It also observed the prevalence of poor

## HUNGARY

conditions in these institutions, overmedication, and violations of sexual and reproductive rights.

The constitution provides that a court may deprive persons with disabilities who are under guardianship of the right to vote in its adjudication of the individual's limited mental capacity. NGOs noted that depriving persons with intellectual or psychosocial disabilities of their legal rights violated international conventions on the rights of persons with disabilities. Disability rights experts noted that persons with disabilities living in institutions were often placed under guardianship and noted the relative lack of government support for personal assistance in independent living situations.

### **Members of National/Racial/Ethnic Minority Groups**

Roma were the country's largest ethnic minority. According to the 2011 census, approximately 315,000 persons (3 percent of the population) identified themselves as Roma. A University of Debrecen study published in 2018, however, estimated there were 876,000 Roma in the country, or approximately 9 percent of the country's population. The study claimed the 2011 census underestimated the size of the Romani community, since Romani respondents often preferred not to disclose their minority status. To avoid biased responses, the researchers gathered data from municipal governments and from Romani self-government bodies instead of asking respondents to self-report their ethnicity.

Human rights NGOs continued to report that Roma suffered social and economic exclusion and discrimination in almost all fields of life. According to an October 12 report prepared for the Council of Europe by the Advisory Committee on the Framework Convention for the Protection of National Minorities, Roma faced discrimination in education, employment, and access to housing and health care.

On May 28, the Mi Hazank party, joined by a few hundred supporters, held a demonstration against what they called "Gypsy crime" in front of the building of the National Roma Self-Government in Budapest. The demonstration was in response to a double homicide in downtown Budapest in which a teenager stabbed two young men. Unconfirmed press reports in some conservative and right-wing media alleged that the suspect was of Romani ethnicity. A Mi Hazank politician



## HUNGARY

claimed, “The majority of perpetrators [of criminal acts] belonged to the Romani minority.” Police prohibited the gathering citing COVID-19 restrictions, but the party maintained that the demonstration was an “act of mourning” outside the scope of the law. Under heavy police presence, some protesters lit smoke bombs, chanted, “Yes, Gypsy crime exists,” and marched to the site of the scene of the killing joined by individuals from far-right paramilitary organizations. In a May 28 statement, the National Roma Self-Government stated that hostile incitement against Roma was increasing and criticized those who hold them collectively responsible for criminal acts instead of acknowledging individual responsibility. On June 1, Romani civil rights activists reported that the Roma Holocaust memorial in Budapest was defaced with the text “Eradicating Gypsies = eradicating crime.”

In a high-profile May 12 ruling, the Supreme Court upheld an earlier lower-level court ruling that ordered 99 million forints (approximately \$330,000) in damages be paid to 60 Romani students who were unlawfully segregated by and received inferior education from a local primary school in Gyongyospata for 14 years. The educational authority and local government had asked the court to allow for educational instead of financial compensation, or to lower the compensation amount, but the court rejected both requests. On May 15, Prime Minister Orban called the ruling “unfair” and added: “It serves the law, but it does not deliver justice. From downtown Budapest, where the court is, justice for Gyongyospata is invisible. But we will find it.” The Fidesz member of parliament from Gyongyospata, Laszlo Horvath, called the ruling a “bad decision which disrupts social peace as it unilaterally and overwhelmingly punishes a whole town for the real or assumed grievances of a minority.”

On August 26, the Curia announced its ruling in favor of Romani mothers who were discriminated against in the maternity ward of a hospital in the city of Miskolc. The court agreed with the request by the plaintiff, the European Roma Rights Center, that the hospital immediately terminate the practice of requiring pregnant women’s family members to pay for a hygienic garment in order to accompany them in the hospital room. The plaintiff noted that Romani women were more likely to give birth alone and exposed to the risk of racist abuse and

## HUNGARY

harassment by medical practitioners.

Segregation of Romani children in schools and their frequent misdiagnosis as mentally disabled remained a problem (see section 6, Children). Observers claimed the public education system continued to provide inadequate instruction for members of minorities in their own languages as required by law and that Romani language schoolbooks and qualified teachers were in short supply.

The law establishes cultural autonomy for nationalities (replacing the term “minorities”) and recognizes the right to foster and enrich historic traditions, language, culture, and educational rights as well as to establish and operate institutions and maintain international contacts.

### **Acts of Violence, Criminalization, and Other Abuses Based on Sexual Orientation and Gender Identity**

The law prohibits discrimination based on sexual orientation. In addition, the law prohibits certain forms of hate speech and prescribes increased punishment for violence against members of the LGBTI community. Victims of discrimination had a wide choice of remedies, including a procedure by a designated government agency (the Equal Treatment Authority), enforcement of personality rights via civil court procedure, and sectoral remedies in media law. Only the civil procedure allows for the awarding of pecuniary and nonpecuniary damages. The Constitutional Court also offers possibilities to challenge allegedly discriminatory legislation. NGOs reported that the Equal Treatment Authority and courts enforced these antidiscrimination laws. On December 1, parliament voted to abolish the Equal Treatment Authority, viewed by LGBTI groups as one of the few remaining public bodies that delivered decisions against discrimination based on sexual orientation and gender identity, and to place it under the ombudsperson’s office as of 2021.

On December 15, parliament adopted a government-submitted amendment introducing additional gender-specific language into the constitution, declaring that “the basis for family relations is [heterosexual] marriage,” and “the mother is a woman, the father is a man.” It also declared that the country “protects children’s right to an identity based on their gender at birth” and that children must be

## HUNGARY

guaranteed an “upbringing based on values stemming from [Hungary’s] constitutional identity and Christian culture.” Parliament also adopted government-submitted legal provisions on adoption allowing only married couples consisting of a woman and a man to adopt children, unless the minister for family affairs grants special permission.

On May 19, parliament adopted an omnibus bill that included provisions replacing the term “gender” with “gender at birth” in the civil registry and prohibited gender change on all official documents, such as identification cards, passports, and driving licenses. LGBTI organizations expressed public concern that as a result, transgender persons could face harsh workplace and health-care discrimination or could be accused of fraud when presenting personal identity documents. Before the adoption of the amendment, a group of 63 members of the European Parliament sent an open letter to Justice Minister Judit Varga and the chief of the Prime Minister’s Office, Gergely Gulyas, asking them to withdraw the proposal.

In October, Prime Minister Orban stated that a book that depicted fairy tales with minority, Romani, LGBTI, and characters with disabilities was an “act of provocation.” The leader of the Mi Hazank party tore up a copy of the book in public, and a conservative campaign group collected signatures calling for a boycott. The Hungarian Publishers and Bookseller’s Association condemned the actions, comparing them to censorship under Communism or Nazi book burning.

On August 14, during the Budapest Pride Festival, members of the “Aryan Greens”--a supporters’ group of the Ferencvaros soccer club that includes far-right extremists--tore down the pride flag flying from the Budapest 9th district city hall building and shared photos on Facebook of demonstrators stepping on the flag and burning it. Police identified and detained one suspect on suspicion of harassment. NGOs noted that authorities did not classify the act as a hate crime. Subsequently the vice president of Mi Hazank, Elod Novak, tore down pride flags from two Budapest district city hall buildings. Party president Laszlo Toroczka stated they would continue to take action against “violent, deviant homosexual propaganda, supported by international background forces,” which he said had reached a point where the symbol of “this satanic group” appeared on the facade of local council buildings. On August 17, a small group of far-right extremists attempted to disrupt

## HUNGARY

a pride festival event but backed off after police asked for their identification. A group of approximately 20 persons dressed in black shirts with the text “Hungarian resistance” appeared at another pride event on August 18, where they damaged the restrooms of Loffice Budapest, which hosted the event.

On November 17, the Budapest Capital Regional Court ruled that police had failed in their duty when they did not take immediate action against a group of far-right extremists who had disrupted an LGBTI event at Aurora Center in September 2019. The Hungarian Helsinki Committee, which represented the plaintiffs, welcomed the court decision for finding that the intruders’ threatening actions and verbal violence were sufficient grounds for police intervention and for providing “clear guidance” to the authorities on what actions they must take if there is an attack on the LGBTI community.

### **Other Societal Violence or Discrimination**

According to the 2011 census, 5,579 persons identified their religion as Islam. Government officials regularly made statements in defense of a “Christian Europe.” In an essay published on the occasion of the start of the fall parliamentary session, Prime Minister Orban wrote in the daily *Magyar Nemzet* on September 21 that, while Central European countries were choosing a migration-free future, the majority population in large Western European cities and 20 percent of the European population would be Muslim by 2050. On August 31, Deputy Prime Minister Zsolt Semjen stated that the government had built or refurbished approximately 3,000 churches in the Carpathian Basin since 2010 and pledged that “none of those churches will be turned into mosques or shopping malls.”

## **Section 7. Worker Rights**

### **a. Freedom of Association and the Right to Collective Bargaining**

The labor code provides for the right of workers to form and join independent unions without previous authorization and conduct their activities without interference, although unions alleged requirements for trade union registration were excessive. The labor code prohibits any worker conduct that may jeopardize

## HUNGARY

the employer's reputation or legitimate economic and organizational interests and explicitly provides for the possibility of restricting the workers' personal rights in this regard, including their right to express an opinion during or outside of working hours. Violations of this law could result in a fine to compensate for damages in case the employer turns to court, although this labor code provision was rarely implemented and there were no reported instances during the year. With the exception of law enforcement and military personnel, prison guards, border guards, health-care workers, and firefighters, workers have the right to strike. In other spheres of the public sector, including education or government services, minimum service must be maintained. The law permits military and police unions to seek resolution of grievances in court. The law prohibits antiunion discrimination and provides for reinstatement of workers fired for union activity.

Workers performing activities that authorities determine to be essential to the public interest, such as schools, public transport, telecommunications, water, and power, may not strike unless an agreement has been reached on provision of "sufficient services" during a strike. Courts determine the definition of sufficient services. National trade unions opposed the law on the basis that the courts lacked the expertise to rule on minimum service levels and generally refused to rule on such cases, essentially inhibiting the right to strike.

The government effectively enforced laws providing for freedom of association and collective bargaining. Penalties for violations were generally commensurate with those for other violations. In the public sector, administrative and judicial procedures to determine adequate services were sometimes subject to lengthy delays and appeals.

Authorities and employers generally respected freedom of association and the right to collective bargaining. Trade unions alleged that national prosecutors restricted trade union activities and in some cases reported antiunion dismissals and union busting by employers. There were also reports of unilateral termination of collective agreements, which employers in some cases attributed to financial difficulties resulting from the COVID-19 pandemic. Unions reported the government continued to attempt to influence their independent operation.

While the law provides for reinstatement of workers fired for union activity, court

## HUNGARY

proceedings on unfair dismissal cases sometimes took more than a year to complete, and authorities did not always enforce court decisions.

### **b. Prohibition of Forced or Compulsory Labor**

While the law prohibits all forms of forced or compulsory labor, observers asserted the government failed to enforce it effectively and forced labor occurred. Penalties for forced labor were comparable to penalties for other serious crimes.

Groups vulnerable to forced labor included those in extreme poverty, undereducated young adults, Roma, and homeless men and women. Hungarian men and women were subjected to forced labor domestically and abroad, and labor trafficking of Hungarian men in Western Europe occurred in agriculture, construction, and factories. The COVID-19 pandemic reduced the number of seasonal workers, including Hungarians, as numerous hostels and workplaces became hot spots of infections and were subsequently closed. The government implemented temporary travel restrictions, quarantine, or testing for those entering the country to control the pandemic, while also increasing law enforcement efforts and sustaining its prevention efforts.

Also see the Department of State's *Trafficking in Persons Report* at <https://www.state.gov/trafficking-in-persons-report/>.

### **c. Prohibition of Child Labor and Minimum Age for Employment**

The constitution generally prohibits child labor. The law prohibits children younger than 16 from working, except that children who are 15 or 16 may work under certain circumstances as temporary workers during school vacations or may be employed to perform in cultural, artistic, sports, or advertising activities with parental consent. Children may not work night shifts or overtime or perform hard physical labor. The government performed spot-checks and effectively enforced applicable laws; penalties were commensurate with those of other serious crimes.

Through the end of 2018, the employment authority reported 10 cases, involving 17 children, of labor by children younger than 15. The employment authority also reported eight cases involving 11 children between the ages of 15 and 16 who were

## HUNGARY

employed without the consent of their parents or legal representatives during the school year, as well as 16 cases involving 18 children between the ages of 16 and 18 who were employed without the consent of their parents or legal representatives. The employment authority noted child labor cases increased as a result of tighter legislation, which requires presentation of parental permission during an inspection.

### **d. Discrimination with Respect to Employment and Occupation**

The constitution and laws prohibit discrimination based on race, sex, gender, disability, language, sexual orientation and gender identity, infection with HIV or other communicable diseases, or social status. The labor code provides for the principles of equal treatment. The government failed to enforce these regulations effectively. Penalties were not commensurate with laws related to civil rights.

Observers asserted that discrimination in employment and occupation occurred with respect to Roma, women, and persons with disabilities. According to NGOs there was economic discrimination against women in the workplace, particularly against job seekers older than 50 and those who were pregnant or had returned from maternity leave. A government decree requires companies with more than 25 employees to reserve 5 percent of their work positions for persons with physical or mental disabilities. While the decree provides fines for noncompliance, many employers generally paid the fines rather than employ persons with disabilities. The National Tax and Customs Authority issued “rehabilitation cards” to persons with disabilities, which granted tax benefits for employers employing such individuals.

### **e. Acceptable Conditions of Work**

In 2018 the net national minimum monthly wage for full-time employment of unskilled workers and the special minimum monthly wage for skilled workers exceeded the poverty level.

The law sets the official workday at eight hours, although it may vary depending on industry. A 48-hour rest period is required during any seven-day period. The regular workweek is 40 hours with premium pay for overtime. On January 1,

## HUNGARY

amendments to the labor code became effective that increased the limit on maximum overtime from 250 to 400 hours per year. The code also provides for 10 paid annual national holidays. Under the new code, overtime is to be calculated based on a three-year time period, i.e., employees have a right to overtime pay only if, over a three-year period, they have worked an average of more than 40 hours per week. Observers noted the provision could allow employers to avoid paying overtime for work in one year by requiring employees to work less than full time during both or one of the two other years if it lowered their average workweek over the entire three-year period to 40 hours or less. The changes to the labor code led to a series of worker demonstrations in late 2018 and early 2019, following which most employers agreed not to take advantage of the overtime calculation provision of the new labor code and to continue paying overtime in the following pay period. The government effectively enforced minimum wage and overtime laws and penalties for violations were commensurate with those for other similar violations.

During the COVID-19 pandemic, the government passed a decree allowing employers and employees not to apply the prescriptions of the labor code in contracts and work schedules. Trade unions claimed this decree was unconstitutional because it enabled employers to force disadvantageous contracts upon employees and undermined their legal protections. As trade unions have no right of appeal to the Constitutional Court, they appealed to opposition parties to request constitutional review.

The government rewrote established occupational safety and health standards to include pandemic protection measures. The government shut down several economic sectors during the pandemic, including tourism, catering, and culture. Workers continued to have the right to remove themselves from situations that endangered their health or safety without jeopardy to their employment, and authorities effectively protected employees in such situations.

The government effectively enforced occupational safety and health laws in the formal sector. Penalties for violations were commensurate with those for other similar offenses. Labor inspectors regularly provide consultations to employers and employees on safety and health standards. Labor laws also apply to foreign workers with work permits. Labor standards were not enforced in the informal



## **HUNGARY**

economy. The number of inspectors was sufficient to enforce compliance in the formal sector, and inspectors had the authority to make unannounced inspections and initiate sanctions.

The employment authority and the labor inspectorate units of government offices monitored and enforced occupational safety and health standards and labor code regulations. According to the Labor Protection Directorate of the Finance Ministry, 24,055 injuries and 83 fatalities occurred at workplaces in 2019, a slight increase from 2018. Most of the injuries and deaths occurred in the processing, manufacturing, transport and warehousing, agricultural, and retail sectors.