

# Hungary 2023 Human Rights Report

## Executive Summary

The human rights situation in Hungary deteriorated during the year. Authorities began enforcing the 2021 “child protection” law, restricting access to written materials on lesbian, gay, bisexual, transgender, queer, and intersex themes and dismissed a museum director for failing to restrict access to an exhibit that included a single photograph depicting such individuals. The government began to use intelligence services and government-controlled media to investigate civil society organizations and independent media outlets that received foreign funding, depicting them as potential threats to the country’s sovereignty. This laid the groundwork for the introduction in December of a bill dubbed the “sovereignty protection bill,” which would give the government vast additional powers to investigate and subpoena civil society organizations and others deemed to be “influencing democratic debate and the decision-making process.”

Significant human rights issues included credible reports of: serious problems with the independence of the judiciary; arbitrary or unlawful interference with privacy; serious restrictions on freedom of expression and media freedom, including censorship; substantial interference with the freedom of peaceful assembly and freedom of association (including overly restrictive laws on the organization, funding, or operation of

nongovernmental and civil society organizations); serious government corruption; serious government harassment of domestic and international human rights organizations; crimes involving threats of violence targeting Roma; crimes, violence, or threats of violence motivated by antisemitism; and crimes involving violence or threats of violence targeting lesbian, gay, bisexual, transgender, queer, or intersex persons.

The government took credible steps to identify and punish officials who may have committed human rights abuses, although action against high-level, politically connected corruption was negligible.

## **Section 1. Respect for the Integrity of the Person**

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

There were no reports the government or its agents committed arbitrary or unlawful killings, including extrajudicial killings, during the year.

### **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, and Other Related Abuses**

The constitution and law prohibited such practices, but there were reports inhuman and degrading treatment and abuse sometimes occurred.

Nongovernmental organizations (NGOs) noted the investigation of cases of 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) were permitted to continue working even though they were sentenced to suspended imprisonment for committing criminal offenses involving the mistreatment of detainees. The European Court of Human Rights (ECtHR) determined there was a lack of thorough and effective domestic investigation into claims of mistreatment and violation of the prohibition of torture in at least three judgments in 2020, 2021, and 2023.

In a January decision, the ECtHR ruled the country's Prosecutor's Office failed to investigate the 2017 case of police officers who broke the shoulder of a woman while handcuffing her. The woman had a mental condition for which she received treatment, but relatives called an ambulance after suspecting her condition had worsened. When she refused to open the door, police forced their way in and handcuffed her even though she showed no resistance, as evidenced by a video recorded by the woman's

friend. Authorities reportedly did not question the officers involved in the incident.

## **Prison and Detention Center Conditions**

Official statistics and NGOs reported an increase in prison overcrowding, while physical conditions in the prison system varied.

**Abusive Physical Conditions:** The Hungarian Helsinki Committee (HHC) reported government austerity measures had a detrimental effect on material conditions within penitentiaries. The HHC received regular complaints of extreme weather conditions from detainees due to a lack of adequate insulation and heating. NGOs noted deficiencies in relation to detainees' access to independent and adequate medical examination, presence of police officers at medical examinations, and lack of recording devices in police vehicles and police detention facilities.

**Administration:** NGOs reported authorities occasionally failed to investigate credible allegations of mistreatment, and the investigation of cases of mistreatment (when undertaken) was often inefficient.

There was no separate ombudsperson for prisons, but the Ombudsperson's Office handled complaints of police misconduct and mistreatment that did not reach the level of a criminal offense. NGO statistics showed less than 5 percent of investigations resulted in indictment for alleged mistreatment in official proceedings, while more than 70 percent of investigations of

“violence against an official person” resulted in indictment.

**Independent Monitoring:** Authorities allowed the Council of Europe’s Committee for the Prevention of Torture and the UN Subcommittee on the Prevention of Torture to conduct periodic and ad hoc visits to prisons and detention centers for both citizens and foreign nationals. In May a delegation of the Committee for the Prevention of Torture carried out a periodic visit, but as of December, a report on the visit was not shared publicly. The national preventive mechanism under the Optional Protocol to the UN Convention against Torture undertook 21 visits to the country (13 prisons, one hospital, three police detention centers, and four social institutions).

In 2017 authorities terminated monitoring agreements with NGOs.

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

The constitution and law prohibited arbitrary arrest and detention and provided for the right of any person to challenge the lawfulness of their arrest or detention in court. The government generally observed these requirements.

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

Police were obligated to take into “short-term arrest” individuals apprehended while committing a crime or subject to an arrest warrant.

Police could take individuals suspected of a crime or a petty offense into short-term arrest if they were unable or unwilling to identify themselves or were unaccompanied children suspected of having run away. Short-term arrests generally lasted up to eight hours but could last up to 12 hours in exceptional cases. Police could hold persons under “detention for the purposes of public safety” for 24 hours. Persons who absconded from probation could be detained for up to 72 hours, and police, a prosecutor, or a judge could order detention of suspects for 72 hours if there was a well-founded suspicion of an offense punishable by imprisonment. A pretrial detention motion had to be filed with a court prior to the lapse of the 72-hour period. A defendant could appeal a pretrial detention order.

Police were required to inform suspects of the charges against them at the beginning of the first interrogation, which needed to occur within 24 hours of detention. Authorities generally respected this right.

There was a functioning bail system. Representation by defense counsel was mandatory in the investigative phase if suspects faced a charge punishable by more than five years’ imprisonment; had restricted personal liberty; were deaf, blind, unable to speak, or had a mental disability; were unfamiliar with the Hungarian language or language of the procedure; were unable to defend themselves in person for any reason; were juveniles; or were indigent and requested appointment of a defense counsel. The court, prosecution, or investigating authority (police) could also order a defense

counsel in certain cases. Local bar chambers assigned legal counsel to defendants who lacked legal representation.

Police had to inform suspects of their right to counsel before questioning them. The law required police or the prosecutor to suspend interrogation and wait for up to two hours for an attorney to arrive if a suspect invoked 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 security cameras could monitor them. If bar chamber-appointed attorneys refused the case or did not respond within one hour of appointment, authorities assigned the defense counsel. Investigative authorities had to notify relatives of a detainee's short-term detention and location within eight hours, and the law permitted short-term detainees to notify relatives or others of their detention within eight hours unless the notification would jeopardize the investigation.

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

The constitution and law provided for an independent judiciary. Experts and legal scholars expressed concern regarding systemic threats to the country's judicial independence.

According to the European Commission's *2023 Rule of Law Report*, judicial reforms parliament adopted in May addressed several justice-related

recommendations from the 2022 report, including strengthening the role of the National Judicial Council to counterbalance the powers of the president of the National Office for the Judiciary (OBH) and increasing the transparency of the functioning of the Curia (supreme court equivalent).

Under the legislation, the National Judicial Council had access to all documents, information, and data connected to court administration, and legislators needed to consult the council on proposals affecting the judicial system. The law provided the council with legal capacity and resources and authorized the council to issue a binding opinion regarding the point system for evaluating applications for judicial positions, as well as on a series of individual decisions made by the OBH president, including annulment of appointment procedures for judicial and court executive positions, transfer of judges to another court, and removal of judges without their consent from the pool of judges that heard special cases.

The OBH president, however, retained the ability to appoint transferred judges to a judicial leadership position, which circumvented the normal application process and bypassed the merit-based criteria for promotion of judges.

Police investigated the high-profile corruption case of Gyorgy Schadl, former president of the Hungarian Association of Judicial Officers. The investigation revealed several irregularities in the operation of the association, including Schadl and former Ministry of Justice State Secretary Pal Volner arranging to



open a special exam time slot to accommodate a former deputy state secretary of the Ministry of the Interior. Prosecutor General Peter Polt appointed the former deputy state secretary as a prosecutor in December 2022. An opposition political party submitted a public interest data request in April for the results of a classified internal investigation into Schadl's influence within the OBH, but the OBH president denied the request.

The adopted judicial reforms barred Constitutional Court judges (who were not required to serve as courtroom judges) from being appointed as members of the ordinary court system, which circumvented the obligatory application procedure. While Constitutional Court judges appointed under the previous rules could not be appointed to the Curia, they could still opt for a transfer to any court of appeal, the second highest court instance in the country. Rule of law watchdogs noted the reforms did not fully address all concerns regarding the independence of the Curia, including lack of transparency regarding case allocation, unjustifiably limiting the pool of potential Curia presidential candidates, and keeping legislative provisions allowing the Curia president to continue serving beyond the mandated term. The Curia president was an ex officio member of the National Judicial Council, and the judicial reforms allowed the Curia president to be elected as president of the National Judicial Council, against the recommendations of judicial independence advocates.

Legal watchdogs criticized the legal procedure “complaint for the unification

of jurisprudence,” which granted the Curia president power to appoint judges to panels conducting unification procedures, in the adjudication of individual cases, and in shaping the mandatory interpretation of the law. The 2023 judicial reforms cemented the Curia president’s rules regarding the composition of uniformity complaint chambers.

## **Trial Procedures**

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

Some observers and legal experts asserted the country’s system for assigning defense attorneys (available at no cost for indigent defendants under conditions set out in law) and the low compensation provided to those attorneys could hinder criminal defendants’ access to adequate legal representation and, consequently, to a fair trial.

## **Political Prisoners and Detainees**

There were no reports of political prisoners or detainees.

## **f. Transnational Repression**

Not applicable.

## **g. Property Seizure and Restitution**

As in previous years, the government did not make significant progress on resolving Holocaust-era claims, including for foreign citizens, even though it had laws and mechanisms in place, and it had not agreed with the World Jewish Restitution Organization on a plan for negotiations on resolving Holocaust-era heirless property restitution and compensation.

The Department of State's *Justice for Uncompensated Survivors Today (JUST) Act Report* to Congress, released publicly in July 2020, can be found on the Department's website: <https://www.state.gov/reports/just-act-report-to-congress/>.

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

The constitution and law prohibited such actions, but there were reports the government used advanced spyware (Pegasus) to surveil or compromise the privacy of journalists, lawyers, businesspersons, and politicians. There was no requirement for the Counterterrorism Center, or in certain cases the national intelligence services, to obtain prior judicial authorization for surveillance in national security cases involving terrorism. In such cases, the justice minister could permit covert intelligence action for 90 days, with the possibility of extension. Such intelligence collection could involve secret

house searches, surveillance with recording devices, opening letters and parcels, and checking and recording electronic or computerized communications without the consent or knowledge of the persons under investigation. A decision to approve a covert intelligence action was not subject to appeal.

In 2021 an international team of investigative journalists, including a domestic media outlet, reported that spyware manufactured by a foreign cybersecurity firm, NSO Group (Pegasus), was used to surveil investigative journalists and media owners, as well as lawyers and politicians. In May the European Parliament Committee of Inquiry to Investigate the Use of Pegasus and Equivalent Surveillance Spyware determined that an “illegitimate use of spyware” had taken place and stated the system existed “in blatant violation of European requirements and standards set for the surveillance of citizens” by the ECtHR. The committee described it as “complete and total” political control over the use of surveillance in the country, where the government could “target lawyers, journalists, political opponents and civil society organizations with ease and without fear of recourse.” The report found that the use of surveillance programs was part of a “calculated and strategic campaign to destroy media freedom and freedom of expression by the government.” Former Minister of Justice Judit Varga refused to meet the delegation of committee members, maintaining that national security was the exclusive competence of member states.

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

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

### **a. Freedom of Expression, Including for Members of the Press and Other Media**

The constitution provided for freedom of expression, including for members of the press and other media, but the public service and majority of private media were under direct control or took instruction from the ruling party, and market conditions favored them to the detriment of independent media. There were some formal restrictions on content related to “hate speech” and content viewed as depicting lesbian, gay, bisexual, transgender, queer, or intersex (LGBTQI+) topics, including fines against bookstores that did not wrap books determined to be objectionable.

The 2023 Media Plurality Monitor noted “the governing party had a very strong influence over content production and editorial decision making” in public service and private media. The country's public service media was “completely under the control of governing parties” and was “considered a government mouthpiece that amplified the government's narratives.” The country report pointed out that many newsrooms were under the direct

control of the government's proxies, publishing content heavily biased towards the government. The European Commission's *2023 Rule of Law Report* saw no significant legislative or policy changes in terms of improvements to the governance and funding of public service media.

**Freedom of Expression:** Criminal law provided that any person who incited hatred against any national, ethnic, racial, religious, or certain other designated groups of the population could be prosecuted and convicted of a felony punishable by imprisonment for up to three years. The constitution included hate speech provisions to “protect the dignity of the Hungarian nation or of any national, ethnic, racial, or religious community.” The law prohibited public denial of, expression of doubt regarding, or minimization of the Holocaust, genocide, and other crimes of the National Socialist (Nazi) and communist regimes; such crimes were punishable by up to three years in prison. The law also prohibited, 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 a way that harmed human dignity or the memory of the victims of dictatorships. The media law also prohibited media content intended to incite hatred or violence against specific minority or majority communities and their members. The law included a provision prohibiting media content that could instigate an act of terrorism.

The law imposed a 25 percent tax on civil entities that aided or promoted

immigration. There were no reports of any entity paying any tax during the year under the law and no reports of any tax office investigation or audit conducted to that effect. The *2023 Rule of Law Report* explicitly recommended the government repeal the law.

Independent media were active and expressed a wide variety of views despite government harassment and shrinking operating space, with some legislative restriction on LGBTQI+ content. In July the Hungarian Media Council ruled that, under the 2021 “child protection law,” a television commercial for Budapest Pride did not qualify as a public service advertisement, but because it “promoted homosexuality,” it could only be broadcast between 10 p.m. and 5 a.m. and was to be labeled as not recommended for viewers younger than 18.

The *2023 Media Pluralism Monitor* rated transparency of media ownership, media concentration, and state advertising in the country as high risk. The *2022 Election Observation Mission Final Report* from the Organization for Security and Cooperation in Europe’s Office for Democratic Institutions and Human Rights (OSCE ODIHR) noted distribution of government advertising funds to media outlets mainly benefited outlets supporting the government, at times becoming their main source of revenue. Many independent journalists faced difficulties accessing members of government and events and press conferences of government and government-linked entities, thus depriving them of free and fair access to public officials. Parliamentary

press regulations restricted the movement and work of journalists in parliament to a small cordoned off area. Since 2021, the area surrounding the Office of the Prime Minister where reporters could access cabinet members was closed, and government officials confirmed in August this was for “facility protection purposes” rather than construction works, as previously claimed. Opposition politicians repeatedly dismantled the fence in front of the Prime Minister’s Office, prompting police to initiate administrative proceedings and at times use force against them.

Four independent weeklies – *Magyar Narancs*, *Elet es Irodalom*, *Jelen*, and *Magyar Hang* – announced in March they would take legal action against the government because of media market distortions and an unequal distribution of state advertisements. The outlets, represented by the HHC, also planned to initiate proceedings with the European Competition Office and the Hungarian Competition Office.

The National Media and Info-Communications Authority (NMHH), subordinate to parliament, was the central state administrative body for regulating media. The mandate of the NMHH included 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, nominated by the prime minister, served as chair of the five-member Media Council, the decision-making body of the NMHH that supervised broadcast, cable, online, and



print media content and spectrum management. The 2023 *Media Pluralism Monitor* registered the independence and effectiveness of the NMHH as high risk.

The Media Council consisted exclusively of persons named by the governing parties. Some experts criticized the Media Council's radio-frequency-awarding practices for allegedly penalizing radio stations that were critical of the government. In 2020 the Media Council refused to renew the broadcasting license of independent radio station Klubradio based on its alleged failure to comply with certain administrative obligations. Following the denial of Klubradio's license, all independent radio stations moved their operations to online only, with none holding a traditional broadcast license.

The state news agency, MTI, which offered its services free of charge, was mandated by law to provide balanced, objective, nonpartisan coverage.

Media watchdogs and independent outlets criticized state media for concealing facts and opinions unfavorable to the government. There were also concerns as to public service media's editorial independence and role in amplifying disinformation by third parties. Following Russia's full-scale invasion of Ukraine in February 2022, government-affiliated personalities frequently repeated pro-Russian talking points and disinformation in Hungarian media. A June government video calling for peace in Ukraine and framing the war as one between the United States and Russia showed Crimea as part of Russia on a map that appeared briefly. The video also

blurred Russian insignia on a firing tank. Following public backlash, the government quietly corrected the video but made no official comment.

**Violence and Harassment:** There were no reports of violence against journalists or of physical harassment. Nevertheless, government officials and government-aligned media routinely conflated independence with opposition, portraying journalists asking challenging questions as “political actors” spreading “fake news” in service of the political opposition. The government portrayed Hungarian-American businessman and philanthropist George Soros as the mastermind behind numerous purported plots against the country, claiming certain media outlets were under his influence. The anti-Soros campaign had antisemitic overtones, as the prime minister and others linked Soros and the purported plots to “shadowy globalist forces,” a common antisemitic trope. In his weekly radio interviews, Prime Minister Orbán regularly referenced Soros, accusing him of encouraging illegal migration, being a warmonger, and seeking access to Russia’s natural resources. Government-controlled media labeled independent outlets as the “dollar media,” accusing them of being under western influence in exchange for financial support. For more than a year, one of the government’s flagship media outlets kept a tab at the top of its website linking to stories promoting conspiracy theories and falsehoods regarding western support for the political opposition and independent media outlets. Several independent journalists were targets of intensive financial audits by the national tax authority as retaliation for their critical reporting on senior-

level corruption and other improprieties.

**Censorship or Content Restrictions for Members of the Press and Other**

**Media, Including Online Media:** The law provided content regulations and standards for journalistic rights, ethics, and norms that were applicable to all media, including news portals and online publications. It prohibited inciting hatred against nations; communities; ethnic, linguistic, or other minorities; majority groups; and churches or religious groups. It provided for maintaining the confidentiality of sources with respect to procedures conducted by courts or government authorities.

The law mandated that public service media providers pursue balanced, accurate, detailed, objective, and responsible news and information services. These requirements were often disregarded. Independent media reported in June that after a teacher on strike gave an interview to a local station regarding unfair wages and how he and his colleagues were considering teaching abroad, public media manipulated footage to distort the speaker's words and change his message. Journalists also reported a high degree of self-censorship by some editorial boards – particularly by outlets reliant on government advertising revenue – sometimes refraining from reporting critically on issues they knew would make them targets of government retaliation. In May independent media acquired leaked unedited footage of the state television's news program revealing that editors manipulated interviews to reflect the government's position.

The Media Council could impose fines for violations of content regulations, including on media services that violated prohibitions on inciting hatred or violating human dignity or regulations governing the protection of children. The council could impose fines of up to 200 million Hungarian forints (\$520,000), depending on the nature of the infringement, type of media service, and audience size. It could also suspend the right to broadcast for up to one week. Defendants could appeal Media Council decisions but needed to appeal separately to prevent implementation of fines while the parties litigated the substantive appeal.

In February state media censored Prime Minister Orbán's name in a musical performance critical of the government by rapper Beton.Hofi. In August far-right National Legal Service filed a public complaint against YouTube's service provider, Google Ireland, for a Sziget Festival advertisement featuring same-sex individuals kissing. The group claimed the advertisement violated the constitution and the "child protection law" by depicting homosexuality on a platform available to children.

**Libel/Slander Laws:** Journalists reporting on an event could be judged criminally responsible for making or reporting false statements. Both individuals and media outlets could be sued for libel for their published statements or for publicizing libelous statements made by others. Plaintiffs could litigate in both civil and criminal courts. In May parliament passed an amendment to the criminal code regarding libel and slander, decriminalizing

defamatory statements made in the course of free discussion of public affairs in media, as long as the statements were not intended to deny the human dignity of the target. According to a freedom of information request published in February, government-aligned media lost 29 libel lawsuits and independent media lost six lawsuits in 2022.

Government-friendly television channel TV2 was fined 500,000 forints (\$1,300) in April after failing to comply with a court decision ordering the network to issue corrections for spreading falsehoods 16 times regarding former opposition politician Peter Juhasz. TV2 refused to read the full text of the correction due to “time constraints.”

## **Internet Freedom**

The government did not restrict or disrupt access to the internet and generally did not censor online content. There were no reports the government monitored private online communications without appropriate legal authority. Experts pointed out, however, that formal approvals of secret surveillance activities against citizens were relatively easy to obtain.

Freedom House’s 2023 *Freedom of the Net Report* classified the country as “partly free” in terms of internet freedom. According to the report, threats to the country’s internet freedom increased with the consolidation of the telecommunications market and independent media outlets facing cyberattacks.

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 violated the law, including content-related legislation.

In accordance with the so-called child protection law, websites containing any form of LGBTQI+ content (for example, photographs of families participating in the Budapest Pride march) required users to verify they were 18 or older with warnings concerning “adult content.”

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

The constitution and law provided for the freedoms of peaceful assembly and association, and the government generally respected these rights, with some exceptions to freedom of association.

### **Freedom of Peaceful Assembly**

The constitution included a provision on the protection of privacy, which stipulated that freedom of expression and the exercise of the right to assembly should 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 with nearby apartments. The law also permitted 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 could ban or dissolve gatherings that unnecessarily or disproportionately harmed the “dignity of the Hungarian nation or of any national, ethnic, or religious community.” The law also criminalized the nonviolent disturbance or impediment of a demonstration.

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

In February 2022 the government issued a decree effectively banning teachers’ strikes. Hundreds of teachers took part in “civil disobedience,” and as of December 2022, more than a dozen teachers had been dismissed from their jobs for their participation. The Constitutional Court upheld the limitations on teachers’ right to strike.

On multiple occasions during the year, police fired tear gas to disperse crowds in front of the prime minister’s office, which the Hungarian Civil Liberties Union argued was unjustified, claiming video recordings showed police used tear gas on peaceful protesters without prior warning and did so disproportionately. Authorities denied the allegations, and government officials commended the police response to the demonstrators.

## Freedom of Association

A 2021 law mandated that the State Audit Office report annually on NGOs with an annual budget greater than 20 million forints (\$52,000) that were “capable of influencing public life.” Sports, religious, and national minority organizations were exempted.

### c. Freedom of Religion

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

### d. Freedom of Movement and the Right to Leave the Country

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

### e. Protection of Refugees

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

**Access to Asylum:** The law provided for the granting of asylum and



established a procedure for asylum seekers outside the country to apply for asylum. International and domestic organizations, however, stated the legal framework undermined effective access to territory and asylum for those fleeing wars and persecution.

Since 2020 asylum seekers had to first make a declaration of intent to apply for asylum at a Hungarian embassy in Serbia or Ukraine and be issued a special entry permit for the purpose of applying for international protection. The country's asylum authority had 60 days to examine the statement of intent and make a proposal to the embassy whether to issue the asylum seekers a special single-entry travel permit. If a permit was issued, asylum seekers needed to arrive at the border within 30 days of issuance and, upon arrival, immediately identify themselves to border guards, who were required to present the asylum seekers to the asylum authority within 24 hours. Those not granted a special single-entry permit at one of the country's embassies could not request asylum. During this process, the asylum seeker was not entitled to accommodation, support services, or legal protection.

According to information acquired by the HHC through freedom of information requests, there were 19 asylum applications between January and June. In June the European Court of Justice (ECJ) found that not allowing asylum seekers in the country violated EU law. Under the judgment, the government needed to abolish the "embassy procedure" and

ensure fair treatment for asylum seekers.

As a matter of policy, all third country nationals who did not have the right to remain in the country (e.g., through a valid visa or residence permit), regardless of where they were located, were “escorted” by police to the other side of the fence along the border with Serbia, despite a 2020 declaration by the ECJ that this system, known as pushbacks, violated EU law.

In September the government extended by another six months the “crisis situation due to mass migration,” which authorized police to automatically push back any third country national intercepted for unlawfully entering or staying in the country. The “crisis situation due to mass migration” was first declared in certain counties near the Serbian border in 2015 and broadened to the whole country in 2016; it also authorized armed forces to assist police at the borders to prevent entry of migrants and asylum seekers. The European Commission launched an infringement procedure in 2020 for the country’s suspension of the application of EU public procurement rules related to migration during the “crisis situation.”

**Abuse of Refugees and Asylum Seekers:** Testimonies from patients and corroborating 2022 medical data from Doctors Without Borders indicated use of violence, allegedly committed by Hungarian authorities, against persons crossing the border between Serbia and Hungary. Beatings with belts and batons, kicking, punching, various forms of humiliation, and use of

pepper spray and tear gas were reported to be common deterrence practices, prior to pushbacks and denial of assistance. During the HHC's March visit to northern Serbia, victims of violence claimed they were severely beaten by members of the Hungarian Defense Forces and gave detailed descriptions of uniforms of "field guards," a special law enforcement unit from nearby Ásotthalom.

Based on data from the national police website, between January and November, 99,975 pushback measures were implemented, and there were 70,927 cases of prevented entry. In 2021, the ECtHR issued a judgment in the first case involving a pushback. The court ruled that pushbacks carried out by the country under a domestic regulation were in breach of the prohibition of collective expulsions.

The ECtHR ruled in February that the 2016 drowning of a Syrian man attempting to enter the country from Serbia was the result of brutality and violent coercion by Hungarian border police. The HHC stated police forced the man back into the Tisza River, and authorities did not substantively investigate the circumstances of the incident. In response to the ruling, the Interior Ministry released a statement asserting that "the attack on Hungary by the Soros network in connection with a death in Hungary is nothing more than another attempt to exert pressure and discredit our country and Hungarian border defense," noting the country likely would file an appeal against the nonbinding verdict.

In May the ECtHR ruled against the country in three cases for its treatment of asylum seekers represented by the HHC. In two cases, the ECtHR ruled the country violated asylum seekers' right to liberty and security. In a third case, the court ruled the country violated the fundamental rights of a boy, age 14, by using collective expulsion against him and failing to provide effective legal remedies for the authorities' violations of his rights as an unaccompanied child.

**Freedom of Movement:** The asylum provisions prescribed "placement of the applicant in a closed facility" for four weeks at the discretion of the asylum authority following registration of an asylum request, without any remedy to challenge the placement. After four weeks, the applicant could either be placed in an open facility or in detention, with a legal remedy available against a detention decision. There were no reports of the legal remedy being exercised. The law permitted the detention of rejected asylum seekers under an aliens policing procedure for a maximum of 12 months, or for eight months under asylum detention in certain cases of pending asylum applications. The detention of individuals accused of immigration offenses generally took place in designated immigration detention centers.

**Access to Basic Services:** The National Directorate-General for Aliens Policing (the asylum authority) had 60 days to make a proposal to the Hungarian embassy in Serbia or Ukraine on whether to grant an asylum

seeker a single-entry permit. During this time, the asylum seeker was not entitled to accommodation, support services, or legal protection.

The law limited benefits and assistance to persons given international protection on the grounds they should not have more advantages than citizens. Authorities did not provide housing allowances, educational allowances, or monthly cash allowances to asylum seekers, refugees, or beneficiaries of subsidiary protection. Asylum seekers had the right to work nine months after the asylum procedure began, but a work permit, which was good for one year and could be renewed, needed to be requested by an employer and could only be obtained from the local employment office. Asylum seekers could apply only for jobs that could not be taken by citizens or nationals from the European Economic Area. The government granted temporary benefits and assistance to Afghan individuals airlifted by the country's forces in 2021, and individuals remaining in the country received residence cards; however, their temporary benefits expired in May, and most left the country.

In 2021 the ECJ ruled legislation that criminalized assistance to asylum seekers infringed on EU law. In January an amendment to the legislation entered into force, but in the opinion of human rights defenders, it still did not comply with the ECJ's judgment, as it replaced the general criminalization of assistance with a vaguely defined criminal activity that could jeopardize attorney-client privilege, and in the case of nonattorney

helpers, it forced them to sacrifice the applicant's best interests to protect themselves from potential prosecution.

**Durable Solutions:** Refugees were 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. There were no reported cases of onward refugee resettlement from the country to other states.

**Temporary Protection:** The law provided for a specific temporary protected status for situations of mass influx. Under the law all forms of international protection (refugee status, subsidiary protection, tolerated stay, stateless status, etc.) were temporary by nature, with periodic review of the entitlement to protection.

Following Russia's full-scale invasion of Ukraine in February 2022, the government issued a decree granting temporary protection to Ukrainian citizens and persons who were living in Ukraine as recognized refugees. Starting in February, third-country national family members of Ukrainian citizens could enter Hungary without a visa only if they had not left Ukraine before the invasion. The status provided residency rights, access to housing, social welfare assistance, medical care, access to jobs (with some restrictions), education for children younger than age 18, and legal guardianship and safe care for unaccompanied children younger than 18.

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

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

### Elections and Political Participation

**Abuses or Irregularities in Recent Elections:** In the country's 2022 elections the president was elected to a five-year term by parliament, and under a single-round national system, 199 members of parliament were elected, with the ruling parties gaining a fourth consecutive two-thirds supermajority. The ODIHR observed that a "pervasive overlap between the ruling coalition and the government" blurred the line between state and party, and unequal voter distribution amongst the constituencies, "challenges the principle of equality of the vote." No review of constituency boundaries was performed during the year.

**Political Parties and Political Participation:** The ODIHR report on the 2022 elections noted several problems with media influence that "significantly limited" campaign opportunities for groups other than the ruling parties, with "extensive government advertising campaigns and biased news coverage in the public and many private media" resulting in a "pervasive

campaign platform for the ruling party.”

The National Information Center, an intelligence agency under the oversight of the cabinet office of the prime minister, produced a series of reports alleging foreign actors had been interfering in the country’s elections since 2014. Observers criticized the reports as politically biased and noted declassified documents contained few specifics.

Permanent resident citizens living abroad were required to appear in person at embassies or consulates to vote in the country’s general elections, while citizens residing abroad could vote by mail for party lists. ODIHR election observers noted that applying different procedures to vote “challenged the principle of equal suffrage.”

In May 2022 parliament amended the constitution to allow the cabinet to declare a state of emergency under which it could rule by decree, which it did following Russia’s full-scale invasion of Ukraine. The state of emergency granted the government authorities to bypass normal legislative processes, including on issues unrelated to the state of emergency such as budgetary decisions.

## **Section 4. Corruption in Government**

While the law provided criminal penalties for corruption by officials, and there were numerous reports of government corruption during the year,



few such cases were filed or prosecuted. The European Commission and NGOs contended officials and those with close government connections often engaged in corrupt practices with impunity and the government did not implement or apply these laws effectively.

In its *2023 Rule of Law Report*, the European Commission determined that although the government introduced a number of anti-corruption reforms in response to the EU budget conditionality mechanism, there were concerns regarding the “lack of a robust track record of investigations of corruption allegations concerning high-level officials and their immediate circle,” noting the government did not sufficiently address clientelism, nepotism, and favoritism. The report also stressed “deficient independent oversight mechanisms and close interconnections between politics and certain national businesses are conducive to corruption,” and despite some measures taken by the government, concerns outlined in the OSCE ODIHR recommendations were not addressed.

Transparency watchdogs noted concern regarding state capture and subsequent transfer of billions of dollars of state assets in 2021 to 32 “public interest asset management foundations” charged with managing universities.

**Corruption:** Anti-corruption NGOs alleged government corruption and favoritism in the distribution of government and EU funds. In a September 2022 study, the Corruption Research Center Budapest reported that during

the 2016-2021 period, more than 30 percent of EU-funded public contracts were won by companies owned by 12 entrepreneurs closely affiliated with the government.

In January anti-corruption NGOs criticized a deal under which Hungarian information technology company 4iG and government-owned Corvinus Plc. acquired 100 percent of Vodafone Hungary from its parent company Vodafone Europe. The watchdogs assessed the deal enriched a private entrepreneur using taxpayers' money, as the state provided a \$465 million credit to 4iG via state-owned Hungarian Development Bank.

In a study published in June, Transparency International Hungary reported that in the 2018-2020 period, a construction entrepreneur closely affiliated with the government won the highest share – 10 percent – of public contracts, amounting to \$2.6 billion.

On June 6, the European Anti-Fraud Office (OLAF) released its 2022 annual report, which recorded 15 cases of potential fraud associated with EU development funds received in the country between 2018 and 2022. Observers noted OLAF's limited resources allowed it to review only a fraction of the tens of thousands of cases in which EU funds were disbursed to member states.

According to a July investigative press report, between 2019 and 2022, a real estate company owned by Prime Minister Orban's son-in-law Istvan

Tiborcz received \$80 million in dividends from a top Hungarian entrepreneur through an intermediary firm owned by Tiborcz's former schoolmate. The press report also found the exact same percentage of dividends was transferred to Tiborcz's company from three other companies: Geraldton (owned by a billionaire Hungarian oligarch), Fagales (owned by Tiborcz's high school friend Aron Hornung), and BDPST (owned by Tiborcz).

In August the Integrity Authority confirmed it started monitoring a \$135 million railway renovation project run by an entrepreneur who, for the last 10 years, was among the largest beneficiaries of EU-funded government contracts. The organization lacked key access to data and authorities that would allow it to adequately investigate or force prosecution of cases.

For additional information about corruption in the country, please see the Department of State's *Investment Climate Statement* for the country, and the Department of State's *International Narcotics Control Strategy Report*, which includes information on financial crimes.

## **Section 5. Governmental Posture Towards International and Nongovernmental Monitoring and 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.

The government mandated the State Audit Office to report annually on NGOs with an annual budget of more than 20 million forints (\$52,000) and “capable of influencing public life.” According to civil society groups, the State Audit Office audited privately funded NGOs and requested information regarding accounting and management practices and internal rules. Sports, religious, and national minority organizations were exempted.

Independent NGOs were often labeled as “political” and “agents” not serving national interests. In February government-aligned media launched a campaign against an HHC staff member for an interview in 2009 at a Budapest Pride Parade with a teaching assistant who was investigated for child pornography.

The European Commission noted in the *2023 Rule of Law Report* that almost 47 percent of civil society’s resources came from public funding; according to stakeholders, this was politically biased against independent organizations.

**Government Human Rights Bodies:** The constitution and law established a unified system for the Office of the Commissioner for Fundamental Rights (ombudsperson). The ombudsperson had two deputies, one responsible for the rights of national minorities and the other responsible for the interests of “future generations” (environmental protection). The ombudsperson was

nominated by the president and elected by a two-thirds majority of parliament. The ombudsperson was solely accountable to parliament and had the authority to initiate proceedings to defend the rights of citizens from abuse by authorities and entities providing public services. The constitution provided for the ombudsperson to request the Constitutional Court to review laws. The ombudsperson also operated the national preventive mechanism against torture and was responsible for collecting electronically submitted reports of public benefit, e.g., whistleblower reports on public corruption. Ombudsperson recommendations were not binding.

In May 2022 following a probationary period, the Global Alliance of National Human Rights Institutions downgraded the ombudsperson to observer status without the right to vote because the ombudsperson failed to demonstrate independence and adequately address human rights, press freedom, and judiciary problems, or to refer these matters to the Constitutional Court.

## **Section 6. Discrimination and Societal Abuses**

### **Women**

**Rape and Domestic Violence:** Although there was no crime defined as rape, there were two equivalent crimes – sexual coercion and sexual violence. As defined through these equivalent crimes, rape of a person, regardless of

gender, including spousal rape, was illegal. These crimes included exploitation of person unable to express their will. Penalties for sexual coercion and sexual violence ranged from one year in prison to 15 years' imprisonment in aggravated cases.

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

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

Women's rights groups argued that prevention, survivor protection, and prosecution efforts by the state in domestic violence cases were not sufficient.

In June authorities apprehended an Albertirsa man after he killed his wife and their child and attempted suicide. According to the woman's sister and neighbors, the woman previously complained regarding her husband's abusive behavior, and media reported she previously asked for help from local civil guards. A restraining order against the man expired shortly before

the killing. Women's rights organizations criticized authorities for failing to protect survivors of domestic violence, sometimes resulting in further violence, even when evidence of previous abusive behavior existed.

**Discrimination:** The law provided the same legal status and rights for women as for men. There was no mandate for equal pay for equal work. Women's rights groups criticized the lack of a comprehensive national strategy and public action plan for the promotion of equality between women and men.

**Reproductive Rights:** There were no reports of coerced abortion or involuntary sterilization on the part of government authorities.

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. Emergency contraceptives were available by prescription following a medical examination, but costs were not covered by the health-care system. Postexposure prophylaxis was not available as part of the clinical management of rape. Sterilization for family planning reasons was limited to persons older than 40 or with three biological children.

Private clinics were barred by law from performing assisted reproductive or fertility treatments; however, all fertility clinics in the country were run by the government, whose stated reason for running the centers was to increase the country's fertility rate. The state-subsidized assisted

reproductive treatments (artificial insemination and in vitro fertilization) were primarily tailored to support heterosexual married couples who experienced difficulty conceiving naturally. LGBTQI+ NGOs characterized access to assisted reproductive technologies as discriminatory against same-sex couples, as women in a same-sex relationship were not allowed to take part in in vitro fertilization treatments.

The government operated state-funded shelters and a hotline for survivors of crime, including sexual violence against women, but these did not provide specialized assistance and sexual and reproductive health services for survivors.

In 2022 the government adopted a so-called heartbeat decree requiring women to view fetal vital signs before undergoing an abortion. In June media reported the decree did not achieve its intended effect, as the number of abortions increased for four consecutive months in the second half of 2022, making it the first period in more than a decade in which the number of abortions per thousand women had not decreased.

## **Systemic Racial or Ethnic Violence and Discrimination**

The law prohibited discrimination based on ethnicity and criminalized offensive behavior and real or perceived threats towards members of racial, ethnic, or other groups. The Office of the Ombudsperson was responsible for monitoring discrimination. Hate crime was a separate type of crime.



NGOs reported authorities were reluctant to classify incidents as hate crimes.

Roma was the country's largest ethnic minority group. There were approximately 1,300 de facto segregated settlements in the country where Roma constituted the majority of the population, and Roma civil society groups reported school segregation of Romani children was a problem, despite legal prohibitions against it.

In a July press conference, Prime Minister's Office Minister Gergely Gulyas stated Hungarian students' reading comprehension fell short of expectations in a 2023 competency assessment because scores were worse where there were more Romani children. Romani politicians, civil society organizations, and teachers' unions criticized the minister for his statement.

In August the far-right Our Homeland party and affiliated extremist organizations staged an anti-Roma protest in front of a Budapest prison against what they called "Gypsy crime," with speakers demanding harsher punishment of criminals and condemning the government for allowing guest workers into the country. In August the government fined one of the speakers, Member of Parliament Elod Novak, for his repeated use of the term "Gypsy crime" during parliamentary sessions.

The law established cultural autonomy for nationalities and recognized the right to foster and enrich historic traditions, language, culture, and

educational rights.

## Children

**Birth Registration:** NGOs asserted the law provided only partial safeguards against statelessness at birth because all children of foreign parents born in the country were registered on birth certificates as being of unknown nationality. In addition, NGOs claimed children born to stateless parents, or to noncitizen parents who could not pass on their nationality to their children, were in some cases stateless.

**Education:** Although the law provided for free and compulsory education for children between ages three and 16 and prohibited school segregation, NGOs reported segregation of Romani children in schools and their frequent misdiagnosis as having a mental disability. The European Commission initiated infringement procedures due to concerns regarding the disproportionate overrepresentation of Romani children in segregated schools for children with intellectual disabilities, a considerable degree of segregated education in mainstream schools, and because “its national legislation does not fully comply with EU rules prohibiting discrimination on the grounds of racial or ethnic origin.”

**Child Abuse:** There were laws against child abuse with a “child protection signaling system” in place 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. According to the law, failure of a parent to “cooperate” with doctors, district nurses, teachers, or family supporters in the signaling system automatically constituted gross endangerment, even without any other signs of negligence or endangerment. Experts were generally critical of the system’s implementation and functioning, highlighting deficiencies in detecting abuse and identifying abusive foster parents.

A February report by the ombudsperson revealed serious abuses in foster care networks and found that children placed with foster parents were often living in poor conditions and abused by their foster parents, and their contact with others was obstructed.

Media reported in March a boy age two died after falling down the stairs, but authorities revealed the boy’s foster mother beat him to death. The foster mother later retracted her confession.

In April, two children were found in the trunk of a car parked next to a police station; a boy age two was dead, and a girl age 18 months was injured. The boy’s foster parents parked the car and reported the incident days later to police. Authorities charged the foster mother with failure to render aid, as it was determined the boy died of suffocation.

**Child, Early, and Forced Marriage:** The legal minimum age of marriage was 18 and it was effectively enforced by the government. The Social and

Guardianship Office could authorize marriage for persons between ages 16 and 18; the guardianship authorities considered whether a girl was pregnant in making their determination. Data regarding the prevalence of child marriage in the country was limited, including in the Romani community.

**Sexual Exploitation of Children:** The law prohibited child pornography. The statute of limitations did not apply to sex crimes against children. The government generally enforced the law. The minimum age for consensual sex was 12, provided the older partner was 18 or younger. Persons older than 18 convicted of engaging in sexual relations with a child ages 12 to 14 could be sentenced to one to five years' imprisonment. By law, statutory rape was punishable by five to 10 years' imprisonment if the survivor was younger than 12. The law prohibited the criminal prosecution of children exploited in commercial sex. Procuring children for and exploitation of children in commercial sex were punishable by two to eight years' imprisonment.

## Antisemitism

According to the 2022 census, 7,635 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 survey of 10 European countries released in May by the Anti-Defamation League showed 37 percent of the country's citizens held antisemitic views.

A regional antisemitism survey released by Budapest-based NGO Tom Lantos Institute in 2022 concluded 49 percent of 1,849 respondents ages 18-74 could be classified as moderately or strongly antisemitic.

In February extreme-right and neo-Nazi groups commemorated the February 11, 1945, break-out attempt by Hungarian and German troops during the Soviet Red Army's siege of Budapest.

In February media reported the owner of the burial plot of the wife of former head of state and leader of the Arrow Cross Party Ferenc Szalasi turned the grave into a memorial for Szalasi. In March police launched an investigation for the use of symbols of despotism, and the grave was vandalized several times to cover up antisemitic symbols.

In September following an event commemorating the anniversary of interwar regent Miklos Horthy's reburial in his home village, Minister of Transport and Construction Janos Lazar praised Horthy as "an exceptional head of state, a real Hungarian patriot, and a heroic soldier," adding that Horthy's achievements were "unquestionable to this day." The diplomatic community and Jewish leaders criticized Lazar's statement and called attention to Horthy's alliance with Nazi Germany and his complicity in the deportation and killing of Hungarian Jews in the Holocaust. The Federation of Hungarian Jewish Communities declared in a statement, "History cannot be changed, but omitting the reality and glorifying mass murderers is unacceptable."

In April President Katalin Novak pardoned far-right activist Gyorgy Budahazy, who was in prison on terrorism charges for inciting tensions against the socialist government in 2006 and launching Molotov cocktail attacks on the homes of left-wing members of parliament and bars frequented by LGBTQI+ persons. In a 2008 rally, Budahazy said, “if we have enough fighters there will be no mercy for the liberal-Bolshevik-Zionist groups who destroyed our country.” The pardon was celebrated by Our Homeland party president Laszlo Toroczka, who wrote “all patriots are free at last.”

## Trafficking in Persons

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

## Acts of Violence, Criminalization, and Other Abuses Based on Sexual Orientation, Gender Identity or Expression, or Sex Characteristics

**Criminalization:** No laws criminalized consensual same-sex sexual conduct between adults, cross-dressing, or other sexual or gender characteristic-related behaviors.

**Violence and Harassment:** The state did not officially perpetrate or tolerate violence against LGBTQI+ persons or those reporting such abuse and generally prosecuted and punished state and nonstate actors complicit in

abuses.

Throughout the year, Prime Minister Orban and other government leaders frequently used the mantra, “No Migration, No Gender, No War,” referring to Fidesz’s “no gender ideology” policy. In his state of the nation speech, the prime minister called “gender propaganda...the greatest threat stalking our children.” In the same speech Orban said, “a despicable thing happened in one of our schools,” an apparent reference to a teaching assistant who released a TikTok video days earlier in which he defended his relationship with a boy age 15 because the age of consent was 14. Government-controlled media outlets and research group Szazadveg used the story in a campaign targeting the LGBTQI+ community, as well as human rights defenders and individuals with loose ties to the teaching assistant.

In July soccer hooligans and other far-right groups repeatedly vandalized a bench that Amnesty International Hungary painted in rainbow colors for Pride Month with approval from the Budapest District IX municipal government. The bench received widespread media attention, but the District IX government removed it after eight days.

**Discrimination:** The law prohibited discrimination based on sexual orientation. In addition, the law prohibited certain forms of hate speech and prescribed increased punishment for violence against LGBTQI+ persons. The civil court procedure allowed for the awarding of pecuniary and nonpecuniary damages. The Constitutional Court also offered possibilities

to challenge allegedly discriminatory legislation. Observers asserted some employers discriminated against LGBTQI+ persons.

**Availability of Legal Gender Recognition:** The law prohibited transgender or intersex individuals from changing their assigned sex or gender at birth on legal and identification documents, and there was therefore no mechanism for legal gender recognition.

In June the ECtHR ruled Hungary violated the European Convention on Human Rights by not providing legal options for transgender individuals to change their gender and name. The court determined that after the government in 2020 repealed legislation allowing the change of “sex/gender markers” in birth certificates, legislative deficiencies and serious irregularities left transgender claimants in “distressing uncertainty” concerning their private life and recognition of their personal identity. The ECtHR ruled the government should pay one applicant €12,700 (\$13,400) in damages and legal fees.

In July the Veszprem County Regional Court ruled transgender women were eligible to receive the “Women 40” pension benefit, a government program allowing women to retire after 40 years of service. A claimant who legally changed her name and gender in 2013 – before a 2020 law eliminated the possibility – was ineligible because the pension provider categorized her as a man. The government subsequently initiated action to close “the loophole” for transgender women that was “opened by the court.”



**Involuntary or Coercive Medical or Psychological Practices:** According to research on conversion therapy in the country by the Global Interfaith Commission on LGBT+ Lives, 10 percent of respondents said they either went through “conversion therapy” or believed they had gone through it. Respondents who experienced religious “conversion therapy” reported forms ranging from private prayer and pleading with God to fasting and exorcisms. The most common form of therapeutic, psychological, or psychiatric “conversion therapy” intervention was individual psychological or psychiatric treatment, but participants reported aversion therapy, medication, and electroconvulsive therapy as well.

There were no reports of medically unnecessary and irreversible “normalization” surgeries performed on children or on nonconsenting adult intersex persons. Medical interventions carried out without consent could give rise to a civil action for the violation of personality rights.

**Restrictions of Freedom of Expression, Association, or Peaceful Assembly:**

There were no laws or restrictions on speaking or media reporting on LGBTQI+ matters, on association or freedom of assembly, or on the ability of LGBTQI+ organizations to legally register or convene events.

In April the European Parliament and 15 member states joined with the ECJ in a court case against the country’s “child protection” law, which argued that restricting access to LGBTQI+ content for children and imposing a disclaimer on a children’s book with LGBTQI+ content were discriminatory

and violated human dignity and freedom of expression.

The Budapest Metropolitan Government Office imposed a 12 million forints (\$31,000) consumer protection fine in July on the Lira bookstore chain because it sold the young adult graphic novel series *Heartstopper* among books for children and young adults without sealed packaging. Independent media reported bookstore chain Libri also received a one million forints (\$2,600) fine for selling a book depicting homosexuality without the required sealed packaging and not separating it from other products.

## **Persons with Disabilities**

The constitution and the law prohibited 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. In general, the government enforced the law effectively. The constitution provided that a court could deprive persons with disabilities who were under guardianship of the right to vote in its adjudication of the individual's limited mental capacity.

Most children with disabilities were excluded from mainstream education and were either homeschooled or provided education in institutions.

**Institutionalized Children:** In 2020 the UN Committee on the Rights of the Child expressed concern regarding the high number of children living in

institutional settings, including 300 children younger than age three. According to UNICEF Hungary, approximately 23,000 children were living in state care institutions. Pro-Roma NGOs noted institutionalized children living in state care were especially vulnerable to human trafficking for commercial sexual exploitation and criticized the lack of special assistance for child victims of trafficking. Experts also noted the high rate of institutionalization of children with disabilities, who often faced segregation from society and were put at risk of mistreatment and abuse.

## **Other Societal Violence or Discrimination**

The prime minister, other government leaders, and government-aligned media regularly used language in defense of “Christian Europe” that many viewed as anti-Muslim, particularly toward Muslim migrants and refugees. A 2022 study by political research institute Policy Solutions indicated 55 percent of respondents would feel “bad” or “very bad” if they had a Muslim neighbor. Muslim organizations did not collect data regarding anti-Muslim hatred but reported verbal insults were frequent and claimed the majority of the population regarded Muslims with suspicion.

## **Section 7. Worker Rights**

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

## Bargaining

The labor code provided 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 prohibited any worker conduct that could jeopardize the employer's reputation or legitimate economic and organizational interests and explicitly provided 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.

Except for law enforcement and military personnel, prison guards, border guards, health-care workers, and firefighters, workers had the right to strike. In other spheres of the public sector, including education or government services, "minimum service" had to be maintained. The law permitted military and police unions to seek resolution of grievances in court. The law provided for collective bargaining; however, there were excessive requirements in respect to trade unions' representativity or the minimum number of members required to bargain collectively. The law prohibited antiunion discrimination and provided for reinstatement of workers fired for union activity.

Workers performing activities determined by authorities to be essential to

the public interest, such as schools, public transport, telecommunications, water, and power, could not strike unless an agreement was reached on provision of “sufficient services” or “minimum services” during a strike. Minimum services requirements were a disincentive to strike, and thus employees needed to resort to other types of collective actions, such as rolling strikes (strikes lasting a few hours on consecutive days). Courts determined the definition of sufficient services. National trade unions opposed the law on the basis that courts lacked expertise to rule on minimum service levels and generally refused to rule on such cases, effectively inhibiting the right to strike. The government passed legislation in 2020 seriously undermining health-care workers’ right to strike, as it prescribed that trade unions and the government needed to conclude an agreement for each planned strike. Numerous trade unions decided to escalate the matter to the International Labor Organization (ILO) and sent a petition to the government requesting it negotiate with air traffic controllers. In May 2022 President Novak signed legislation requiring children in schools be supervised if teachers went on strike, effectively limiting strikes by teachers. In September 2022, with the help of the HHC, teachers’ unions initiated a challenge with the ECtHR on the legality of limitations on their right to strike.

The government effectively enforced laws providing for freedom of association and collective bargaining in the business sphere, whereas in the public sphere, legislation limited exercising the right to strike. Penalties for

violations were generally commensurate with those under other laws involving denials of civil rights. Penalties were sometimes applied against violators. In the public sector, administrative and judicial procedures to determine adequate services were sometimes subject to lengthy delays and appeals.

Authorities and employers mostly respected freedom of association and the right to collective bargaining. Trade unions alleged national prosecutors restricted trade union activities. In some cases, unions 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 or minor infringements of work requirements. In these cases, trade unions initiated court procedures to seek remedy. Unions reported the government attempted to influence their independent operation.

While the law provided for reinstatement of workers fired for union activity, court proceedings on unfair dismissal cases sometimes took longer than one year to complete, and authorities did not always enforce court decisions. In June the ILO noted with concern the significant compliance gaps in law and practice regarding the protection against antiunion discrimination, the scope of collective bargaining permitted under the law, and interference in free and voluntary collective bargaining.

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

See the Department of State's annual *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 prohibited all of the worst forms of child labor. The law prohibited children younger than 16 from working, with the exception that children ages 15 or 16 could work under certain circumstances as temporary workers during school vacations or could be employed to perform in cultural, artistic, sports, or advertising activities with parental consent. Children could 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 for analogous serious crimes. The Ministry of National Economy uncovered cases of child labor, and it applied penalties against violators.

## **d. Discrimination (see section 6)**

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

**Wage and Hour Laws:** The law provided for a minimum wage, but during the year, the national minimum wage was below the poverty level. The law

set the official workday at eight hours, although it could vary depending on industry. A 48-hour rest period was required during any seven-day work period. The regular workweek was 40 hours with premium pay for overtime. The labor code limited overtime to 400 hours per year. The code also provided for 10 paid annual national holidays. Overtime was calculated based on a three-year period, i.e., employees had a right to overtime pay only if, during a three-year period, they worked an average of more than 40 hours per week. Observers noted this 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 during the entire three-year period to 40 hours or less.

During the COVID-19 pandemic, the government passed regulations allowing employers and employees to not apply the prescriptions of the labor code in contracts and work schedules. Following the ILO recommendation in 2021 to engage in dialogue with workers' and employers' organizations to limit the impact of such measures and fully use collective bargaining, the government eliminated the decree in 2022. Nevertheless, air traffic controllers' right to strike was limited.

**Occupational Safety and Health:** Occupational safety and health (OSH) standards were appropriate in the main industries, and OSH experts actively identified unsafe conditions and responded to complaints. In 2020 the



government rewrote OSH standards to include pandemic protection measures. Workers had the right to remove themselves from situations endangering their health or safety without jeopardy to their employment, and authorities effectively protected employees in such situations.

Most injuries occurred in the processing, manufacturing, transport and warehousing, retail, administration and education, health and social care, and construction sectors, in this order. Most deaths occurred in the construction, agriculture, transport, retail, processing, and manufacturing sectors. In-depth inspections were announced, whereas other inspections based on an annual plan, reports of irregularities, spot checks or follow-up inspections were unannounced. Measures taken against violators included penalties, suspensions, bans, and prescriptions to eliminate irregularities.

**Wage, Hour, and OSH Enforcement:** The government effectively enforced wage, hour, and OSH laws, and penalties for violations were commensurate with those for other similar violations, such as fraud or negligence. Penalties were regularly applied against violators.

The Labor and Employment Supervision Directorate of the Ministry for Economic Development was responsible for the enforcement of wage, hour, and OSH laws. The number of inspectors was sufficient to enforce compliance. According to the Ministry's Labor Protection Directorate, the number of inspectors corresponded to that in other industrial market economies. The inspectors had the authority to make unannounced

inspections and initiate sanctions. Labor inspectors regularly provided consultations to employers and employees on safety and health standards. Labor laws also applied to foreign workers with work permits.

The government's last estimate of the size of the informal economy was 30 percent in 2010; an estimate in 2022 by an independent institute placed the size of the informal sector between 26 and 35 percent. Labor and work safety standards applied to the informal economy, but they were not enforced.