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Discrimination against LGBTI and Roma people persisted. Women's sexual and reproductive rights suffered significant rollback. Teachers were denied the right to strike. Pushbacks of refugees and migrants continued in violation of EU law. The European Court of Human Rights ruled that Hungary had violated the ban on collective expulsions. Other judgments from the Court were not fully implemented.

Background

In early April, incumbent Prime Minister Viktor Orbán secured a majority of seats in the new parliament and began his fourth consecutive term in office. The first woman president, Katalin Novák, took office in May.

In late April, the European Commission notified Hungary that it had activated the conditionality mechanism, which allows the EU to cut off funding to a member state if it breaches principles underpinning the rule of law.

In December, the European Commission recommended the implementation of more rule of law and anti-corruption measures to protect the suspended EU funds.

The war in Ukraine was used as a pretext to amend the Constitution (known as the "Fundamental Law") in May, for the 10th time, providing the government with powers to declare a state of emergency in the event of armed conflict, war or humanitarian disaster in a neighbouring country.

The European Parliament declared in September that Hungary could not be considered a full democracy. It adopted a report which found that, since the triggering of the EU's Article 7 procedure against the country in 2018, fundamental rights had further deteriorated due to the "deliberate and systematic efforts of the Hungarian government".

Hungary was placed under the full monitoring procedure by the Parliamentary Assembly of the Council of Europe (PACE) in October. PACE expressed concerns over the government's approach to the rule of law, women's and LGBTI rights, the electoral framework and the use of the "special legal order" power since 2020 to trigger states of emergency.

The war-related special legal order was extended to the end of May 2023.

Discrimination

The Office of the Commissioner for Fundamental Rights (the Ombudsman) was downgraded in status by the Global Alliance of National Human Rights Institutions due to failures to adequately address a range of human rights concerns, including violations against ethnic minorities, LGBTI people, refugees and migrants.

LGBTI people's rights

A nationwide referendum in April on “protecting minors”, based on the 2021 anti-LGBTI law, was invalidated following a successful campaign by NGOs including Amnesty International Hungary and the Háttér Society, the country's oldest LGBTI organization. Valid votes were received from less than 50% of the electorate after 1.7 million people (nearly 21% of voters) deliberately spoiled their votes by declining to answer the four referendum questions, while many others abstained. The National Election Commission found the NGOs in violation of the law and issued fines, but the Kúria, the country's highest court, overturned some of the decisions on appeal.

Women's rights

Hungary had still not ratified the Council of Europe Convention on Preventing and Combating Violence against Women and Domestic Violence (Istanbul Convention).

In September, protests took place against a new regulation requiring pregnant women seeking an abortion to first demonstrate – by providing a clinician's report – that they had listened to the “fetal heartbeat”. On this basis, abortion remained legal up to 12 weeks of pregnancy.

A report titled “Is pink education occurring in Hungary?” published in July by the State Audit Office, warned that “over-representation” of women in higher education could cause “demographic problems”, making it harder for women to find a partner and potentially leading to a reduction in childbearing. Several academics and NGOs criticized the analysis, expressing concern over the stereotyping of women.

Roma

In May, the European Court of Human Rights (ECtHR) ruled that Hungary violated the right to privacy of a Roma man when local authorities conducted unlawful inspections of homes in the town of Gyöngyöspata in 2011.

The ECtHR held in July that Hungary violated the prohibition of inhuman and degrading treatment in 2014 when police handcuffed and beat a Roma man in the town of Encs. The judgment required the state to pay EUR 19,500 compensation to the victim.

Freedom of association and assembly

Teachers' unions applied to the ECtHR in September to challenge the government's unlawful restrictions on their right to strike. Thousands of people protested throughout the year in solidarity with teachers demanding the right to strike and reform of public education. Teachers were unfairly dismissed from several schools for taking part in the demonstrations.

Right to privacy

In September, the ECtHR reiterated its former judgment that no independent external control existed over secret surveillance in Hungary and no remedies had been provided for the victims of related human rights violations. The ECtHR also found that the Data Protection Authority lacked the competencies to be an effective check on the secret services.

Refugees' and migrants' rights

More than 2,000,000 people who had fled Ukraine through Hungary since the start of the war received first assistance there. Some 33,168 people had applied for temporary asylum by end of December.

Pushbacks of refugees and migrants at the southern border continued, reaching 157,879 cases by the end of December. Frontex (the EU Border and Coast Guard Agency), having suspended its operations in Hungary in January 2021, declared in September that it would provide support for the repatriation of third-country nationals only if Hungary complied with EU rules.

The ECtHR ruled in September that Hungary violated the ban on collective expulsions when in 2016 an Iranian asylum seeker was part of a group pushed back to Serbia and was abused by the Hungarian police.

The ECtHR issued three judgments against Hungary, in February, June and August, concerning the illegal and arbitrary detention of asylum seekers in the transit zone between Serbia and Hungary.

The Committee of Ministers of the Council of Europe expressed profound concern in September that – almost three years after the ECtHR judgment in *Ilias and Ahmed v. Hungary* found that authorities failed to meet their obligation to assess the risks of ill-treatment before removing asylum seekers to Serbia – a reassessment of the legislative presumption of “safe third country” in respect of Serbia had not been carried out.

In September, the European Court of Justice ruled against Hungarian legislation allowing authorities to deny international protection for asylum seekers based on “non-reasoned” security concerns and without providing applicants with reasons for their decision.

Right to a fair trial

The Committee of Ministers of the Council of Europe issued an interim resolution in March noting that the *Baka* judgment of 2016 against the “undue and premature” dismissal of Chief Justice András Baka had still not been implemented. The Committee expressed concerns about lack of progress in ensuring effective oversight by an independent judicial body in cases involving the potential removal of a judge from office. The Committee also noted the “chilling effect” of violations affecting judges’ freedom of expression.

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Associated documents

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