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Freedom House

Freedom in the World 2018 - Hungary

Year:

2018

Freedom Status:

Free

Political Rights:

3

Civil Liberties:

2

Aggregate Score:

72

Freedom Rating:

2.5

Overview:

After taking power in 2010 elections, Prime Minister Viktor Orbán's Alliance of Young Democrats-Hungarian Civic Union (Fidesz) pushed through constitutional and legal changes that have allowed it to consolidate control over the country's independent institutions. More recently, the Fidesz-led government has moved to institute policies that hamper the operations of opposition groupings and organizations whose perspectives it finds unfavorable.

Trend Arrow:

Hungary received a downward trend arrow due to increasing intimidation of civil society groups and the opposition, which has left citizens more reluctant to speak out on political topics.

Key Developments in 2017:

- In June, lawmakers approved a measure that banned the owners of billboards from offering discounts to political parties. The measure was widely seen as an attempt to rein in political advertising by the largest opposition party in the run-up to 2018 elections.
- Also in June, the parliament approved a law requiring nongovernmental organizations (NGOs) that receive more than \$26,000 in foreign funding annually to identify themselves as "foreign-supported" organizations and disclose the identities of foreign donors, or face sanctions.
- In April, the parliament approved amendments to the higher education law that effectively made the operation of Central European University (CEU), a higher education institution with American-Hungarian accreditation, illegal. In October, the government extended the deadline for compliance with the burdensome new regulations by one year.
- The NGO law and amendments affecting CEU were met with sharp criticism from domestic observers, as well as from the Council of Europe and the European Union (EU). The latter opened separate infringement procedures against Hungary in connection with the two pieces of legislation.

Political Rights and Civil Liberties:

POLITICAL RIGHTS: 28 / 40 (-1)

A. ELECTORAL PROCESS 9 / 12

A1. Was the current head of government or other chief national authority elected through free and fair elections? 3 / 4

The National Assembly elects both the president and the prime minister; thus the legitimacy of these votes rests largely on the fairness of parliamentary elections. The president's duties are mainly ceremonial, but he or she may influence appointments and return legislation for further consideration before signing it into law.

A2. Were the current national legislative representatives elected through free and fair elections? 3 / 4

Voters elect representatives every four years to a 199-seat, unicameral National Assembly under a mixed system of proportional and direct representation (106 from districts and 93 from compensatory party lists). The coalition of Fidesz and its junior partner, the Christian Democratic People's Party (KDNP), won 2014 parliamentary elections with 45 percent of the vote, capturing exactly two-thirds (133) of the seats. Throughout the rancorous campaign, opposition parties criticized recent changes to electoral legislation, including rules that facilitated the creation of instant parties, splitting the antigovernment vote; alleged gerrymandering in the ruling coalition's favor; and the government's heavy influence over state television and radio. Most of these grievances were echoed in critical assessments from international transparency

watchdogs and an Organization for Security and Co-operation in Europe (OSCE) monitoring delegation, which also pointed to strong government influence over media and advertising outlets and grossly unequal financial resources among parties. Election monitors also suggested that the dual system for foreign voters, under which ethnic Hungarians who have been awarded citizenship but have never lived in the country can register and vote more easily than native Hungarian citizens living abroad, "undermine [s] the principle of equal suffrage."

In 2015, an independent candidate who drew support from left-wing parties won a parliamentary by-election in Veszprém, and the Fidesz-KDNP coalition consequently lost the two-thirds parliamentary supermajority it had held since 2010.

A3. Are the electoral laws and framework fair, and are they implemented impartially by the relevant election management bodies? 3 / 4

Members of the National Election Commission (NVB) are nominated by the president and confirmed to 9-year terms by the parliament. Many observers have raised concerns over the impartiality of the body. The 2014 OSCE election-monitoring delegation praised the NVB for operating efficiently, but also noted that it made some decisions "according to party interests rather than the legal merits of the case" and had sometimes failed to make important announcements affecting campaigning in a timely manner.

Electoral bodies frequently reject referenda proposed by the opposition. The independent *Hungarian Free Press* news outlet reported in July 2017 that 96 referendum proposals had been submitted, most by the opposition, but only 2 had been approved by the NVB.

B. POLITICAL PLURALISM AND PARTICIPATION: 12 / 16 (-1)

B1. Do the people have the right to organize in different political parties or other competitive political groupings of their choice, and is the system free of undue obstacles to the rise and fall of these competing parties or groupings? 3 / 4 (-1)

Political parties are able to organize without interference, but face some practical impediments to their operations and individual politicians face smear campaigns in progovernment media. In 2017, the far-right wing Jobbik, now the main opposition party, saw politically motivated restrictions imposed on its advertising. In June, lawmakers approved a Fidesz-backed measure that banned the owners of the country's many billboards from offering discounts to political parties. The measure primarily affected Jobbik, which had received favorable terms on billboard advertising from Lajos Simicska, a wealthy businessman who has fallen out of favor with Fidesz. Jobbik was fined in December by the State Audit Office, which ruled that it had violated the new rules on billboards. Many see the process as a state-sponsored attempt to weaken the strongest opposition party ahead of 2018 elections.

Meanwhile, politically motivated smear campaigns against opposition figures have appeared frequently in the country's expanding number of Fidesz-aligned media outlets.

Score Change: The score declined from 4 to 3 due to new restrictions on advertising that disproportionately affect the opposition, and frequent smears of opposition politicians in progovernment media outlets.

B2. Is there a realistic opportunity for the opposition to increase its support or gain power through elections? 3 / 4

Hungary's opposition remains fragmented, though support for the far-right Jobbik party has increased as the party moves to broaden its appeal. The ruling, Fidesz-led coalition dominates the political landscape, and opposition parties and supporters have encountered restrictions that reduce their efficacy. In 2016, an opposition lawmaker was physically prevented from submitting a referendum initiative against an unpopular, Fidesz-backed law requiring most stores to close on Sundays. The Supreme Court weeks later confirmed the opposition's referendum initiative, declaring that the use of physical force to block its filing had been illegal. The government then repealed the Sunday closure law before the opposition's referendum on the issue could take place.

B3. Are the people's political choices free from domination by the military, foreign powers, religious hierarchies, economic oligarchies, or any other powerful group that is not democratically accountable? 3 / 4

People are largely free to participate in politics without encountering undue influence over their political choices. However, Fidesz has increasingly harnessed members' political and economic power to sideline opposition groupings and prevent them from influencing policy.

B4. Do various segments of the population (including ethnic, religious, gender, LGBT, and other relevant groups) have full political rights and electoral opportunities? 3 / 4

Women are underrepresented in political life, holding no cabinet posts and only 20 of 199 seats in the National Assembly. This 10 percent ratio represents the lowest percentage in the EU, with even lower representation, 7 percent, among ruling party lawmakers.

Hungary's constitution guarantees the right of ethnic minorities to form self-governing bodies, and all 13 recognized minorities have done so. Minorities can also register to vote for special minority lists—with a preferential vote threshold—in parliamentary elections, but they are then excluded from general party-list voting. None of the 13 minority lists won enough votes to secure a seat in 2014, meaning each is represented only by a nonvoting spokesperson. The Roma population in particular has long been underrepresented in political office.

C. FUNCTIONING OF GOVERNMENT: 7 / 12

C1. Do the freely elected head of government and national legislative representatives determine the policies of the government? 3 / 4

Irregularities in the 2014 legislative election, including abuse of administrative resources and heavy state control of the media, advantaged the ruling party, which dominates the legislature. However, after 2015 by-elections, the Fidesz-KDNP coalition no longer holds a parliamentary supermajority, and must garner some support from at least one lawmaker from another party to pass legislation.

C2. Are safeguards against official corruption strong and effective? 2 / 4

Corruption remains a problem in Hungary, and instances of high-level government corruption have not been properly investigated; for example, the prosecutor's office has been reluctant to investigate longstanding allegations that the government misused development funds provided by the EU. Influential business figures who fall out of favor with the government, such as Simicska, have experienced financial and legal pressure. Transparency International's Hungary chapter has reported that a number of companies with close ties to the government are supported primarily by public funds.

C3. Does the government operate with openness and transparency? 2 / 4

Hungary's Freedom of Information Act contains numerous exemptions, permits agencies to charge for the release of information, and is enforced inconsistently. In many cases, information is only made available as a result of litigation. Major legislation is frequently rushed through the parliament, leaving citizens, interest groups, and others little time to comment on it.

CIVIL LIBERTIES: 44 / 60 (-3)

D. FREEDOM OF EXPRESSION AND BELIEF: 11 / 16 (-2)

D1. Are there free and independent media? 2 / 4

Hungary's constitution protects freedoms of speech and the press, but complex and extensive media legislation enacted by Fidesz created avenues for politicized media regulation, undermining these guarantees. 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. The closure in 2016 of Hungary's largest independent daily, *Népszabadság*, represented a particularly serious blow to media diversity. State media heavily favors the government and government initiatives. Journalists have been banned from the parliament building at times.

D2. Are individuals free to practice and express their religious faith or nonbelief in public and private? 4 / 4

The constitution guarantees religious freedom and provides for the separation of church and state, although these guarantees were weakened in the 2011 constitution, whose preamble makes direct references to Christianity, including the recognition of "the role of Christianity in preserving nationhood." Nevertheless, adherents of all religions are generally free to worship.

D3. Is there academic freedom, and is the educational system free from extensive political indoctrination? 2 / 4 (-1)

A gradual overhaul of the public education system has raised concerns about excessive government influence on school curriculums, and legislation adopted in 2014 allows for government-appointed chancellors empowered to make financial decisions at public universities. Selective support by the government of certain academic institutions also threatens academic autonomy.

In April 2017, lawmakers adopted amendments to the higher education law that targeted Central European University (CEU), a postgraduate institution with dual American-Hungarian accreditation founded by the Hungarian-born international financier and philanthropist George Soros. The amendments, which codified burdensome new requirements that effectively made CEU unlawful, was widely denounced, including by the Council of Europe's Venice Commission, which recommended their repeal, and by the European Commission, which opened an infringement procedure over the issue. In October, the government extended the deadline for compliance with the amendments by one year, a move CEU claimed prolongs the time of uncertainty.

Score Change: The score declined from 3 to 2 due to the adoption of amendments that targeted Central European University, which could be expelled from the country if it does not comply with burdensome new regulations.

D4. Are individuals free to express their personal views on political or other sensitive topics without fear of surveillance or retribution? 3 / 4 (-1)

While freedom of expression is constitutionally protected, the government's efforts to sideline voices and perspectives it finds unfavorable, including many found at CEU, at various NGOs, and in the media, have left a chilling effect on private speech, and particularly online speech. The threat of defamation suits or other retribution for criticism of authorities also contributes to this environment, though courts mostly refuse to apply sanctions for what they see as protected speech.

Score Change: The score declined from 4 to 3 due to fears of reprisal or retribution for speaking out against the government, which limits individuals' freedom to have open discussions on political topics.

E. ASSOCIATIONAL AND ORGANIZATIONAL RIGHTS: 10 / 12 (-1)

E1. Is there freedom of assembly? 4 / 4

The constitution provides for freedoms of assembly and association, and the government generally respects these rights in practice. A number of large, peaceful antigovernment demonstrations were held in 2017, including against the laws affecting CEU and NGOs that draw foreign funding.

E2. Is there freedom for nongovernmental organizations, particularly those that are engaged in human rights- and governance-related work? 2 / 4 (-1)

NGOs pursuing activities counter to government priorities have come under pressure in recent years. Since taking power, the Fidesz government has instituted burdensome registration and reporting requirements for NGOs, and some groups have seen their offices illegally raided by police.

In June 2017, the parliament adopted a law mandating that NGOs that receive more than 7.2 million forints' (\$26,000) worth of foreign funding annually must identify their public communications as "foreign supported" and disclose the identifies of foreign donors. Failure to comply with the new requirements can result in sanctions, including closure. The law has drawn heavy criticism, including from the Venice Commission, and the European Commission, which opened an infringement procedure over provisions that "indirectly discriminate and disproportionately restrict donations from abroad," and argued that the law "violates the right to freedom of association and the right to protection of private life and personal data." The law is widely viewed as an attempt to curtail voices critical of the government.

Score Change: The score declined from 3 to 2 due to the adoption of a restrictive law on NGOs that receive foreign funding, combined with a sustained government campaign to discredit critical voices in civil society.

E3. Is there freedom for trade unions and similar professional or labor organizations? 4 / 4

The government recognizes workers' rights to form associations and petition public authorities. However, there are some limitations on what can be considered a lawful strike, and union membership is low. Trade unions are present in less than 30 percent of workplaces, and only 9 percent of workers belong to one.

F. RULE OF LAW: 10 / 16

F1. Is there an independent judiciary? 2 / 4

Judicial independence remains a matter of concern. All of the 11 judges put on the Constitutional Court between 2010 and 2014 were appointed by the Fidesz government, and it was only well after the government lost its two-thirds majority that one opposition party was included in discussions over the election of four new judges, in November 2016. Rulings in recent years have favored government interests.

F2. Does due process prevail in civil and criminal matters? 3 / 4

Due process rights are enshrined in the constitution, and are generally respected. However, there have been concerns about the quality of lawyers appointed for defendants unable or unwilling to retain legal counsel on their own. There have also been reports that police frequently interrogate or attempt to interrogate suspects without the presence of a lawyer.

F3. Is there protection from the illegitimate use of physical force and freedom from war and insurgencies? 3 / 4

Overcrowding, inadequate medical care, and poor sanitation in the country's prisons and detention centers remain problems. In October 2017, the government revoked its cooperation agreement with the Hungarian Helsinki Committee, a human rights organization, effectively terminating the group's access to detention facilities.

F4. Do laws, policies, and practices guarantee equal treatment of various segments of the population? 2 / 4

The rights of refugees and asylum seekers are routinely violated in Hungary, where recent changes to the asylum policy and the construction of barriers along the country's southern border make it extremely difficult if not impossible for people to apply for asylum and receive international protection. Only 10 asylum seekers are formally permitted to enter the country per work day. Once allowed in, asylum seekers are frequently detained in poorly equipped "transit zones," and few are ever recognized by Hungarian authorities as refugees. The government continues to train special police units with wide powers to remove migrants from the country.

Roma, Hungary's largest ethnic minority, continue to face widespread discrimination, societal exclusion, and poverty. Roma students continue to be segregated and improperly placed in schools for children with mental disabilities, a practice that led the European Commission to begin an infringement procedure in 2016.

G. PERSONAL AUTONOMY AND INDIVIDUAL RIGHTS: 13 / 16

G1. Do individuals enjoy freedom of movement, including the ability to change their place of residence, employment, or education? 4 / 4

Hungarians generally enjoy freedom of travel and choice of residence, employment, and institution of higher education.

G2. Are individuals able to exercise the right to own property and establish private businesses without undue interference from state or nonstate actors? 3 / 4

Citizens have the right to own property and establish private businesses. However, recent difficulties of business owners who have fallen out of favor with the government illustrate the extent to which business success depends on government connections.

G3. Do individuals enjoy personal social freedoms, including choice of marriage partner and size of family, protection from domestic violence, and control over appearance? 3 / 4

The government generally does not restrict social freedoms, though the constitution enshrines the concept of marriage as a union between a man and a woman. Women face employment discrimination and tend to be underrepresented in high-level business positions. Domestic violence and spousal rape are illegal, but the definition of rape hinges on the use of force or coercion, and not a lack of consent. NGOs describe government responses to violence against women as inadequate. The right to life from conception is constitutionally protected, but access to abortions remained largely unrestricted in 2017.

G4. Do individuals enjoy equality of opportunity and freedom from economic exploitation? 3 / 4

Hungary is a transit point, source, and destination for trafficked persons, including women trafficked for prostitution. Victim identification efforts and services for victims remain inadequate, and the rate of trafficking investigations and prosecutions has decreased, according to the U.S. State Department's 2017 *Trafficking in Persons Report*. However, the government has taken some recent steps to address human trafficking; these include amendments to the criminal code that allow the seizure of assets from traffickers, as well as more funding for public awareness campaigns.

Scoring Key: X / Y (Z)

X = Score Received

Y = Best Possible Score

Z = Change from Previous Year

Full Methodology (<https://freedomhouse.org/report/methodology-freedom-world-2018>)

ecoi.net summary:

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Austrian Red Cross

Austrian Centre for Country of Origin and Asylum Research and Documentation (ACCORD)

Wiedner Hauptstraße 32, 1041 Wien

T (Telefon) +43 1 589 00 583

F (Fax) +43 1 589 00 589

info@ecoi.net

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