

Document #2085457

HRW – Human Rights Watch

World Report 2023 - Hungary

The ruling party, Fidesz-KDNP, won another two-thirds majority in the April national elections. The government continued its attacks on rule of law and democratic institutions. It replaced a previous Covid-19-related state of danger with a state of danger due to the war in Ukraine, giving the government extraordinary powers to rule by decree and sidestep parliamentary process.

Independent journalists, media outlets, and civil society organizations were vilified by high-ranking public officials and in pro-government media outlets. Discrimination persisted against lesbian, gay, bisexual, and transgender (LGBT) people, women, and the Roma. Unlawful pushbacks of migrants and asylum seekers to Serbia continued and access to asylum procedures was close to impossible. Hungary continues to face scrutiny by European Union institutions under the Article 7 procedure—the EU treaty mechanism that holds to account governments in breach of the rule of law.

Attacks on Rule of Law and Public Institutions

Following national elections in April, the government [declared](#) a new “state of danger”—a special legal order giving the executive extraordinary power to rule by decree—due to the war in Ukraine. The “state of danger” declaration stemmed from an April 10 constitutional amendment allowing the government to declare a “state of danger” in case of “armed conflict, war, or humanitarian disaster in a neighboring country.” A subsequent April amendment to the Disaster Management Act gives the government a [carte blanche](#) to override any acts of parliament in any area during such “state of danger.”

The new special legal order is a nearly verbatim copy of a previous special legal order declared in March 2020, and extended several times, related to the Covid-19 pandemic. In June, [parliament passed](#) a law, which entered into force the same day, authorizing the government to extend the effect of emergency government decrees until the state of danger is terminated by the government. The amendments were passed without public consultation.

The Hungarian Helsinki Committee in a September report [raised serious concerns](#) about several unlawful appointments of judges to the Kuria, Hungary’s Supreme Court.

In May, the Global Alliance of National Human Rights Institutions [downgraded](#) the Hungarian Commissioner for Fundamental Rights from category “A” to “B” for failing to adequately address human rights concerns, including on refugees and migrants, LGBT people, and ethnic minorities. The downgrading means the loss of voting rights in the Global Alliance, participation limited to observer status, and no active participation in the work of the Alliance at the UN Human Rights Council.

In a flagrant example of casual abuse of power to interfere with independent institutions, the government [fired the chiefs of the National Weather Service](#) without explanation when fireworks for Hungary’s national holiday celebrating the foundation of the state were cancelled based on what turned out to be an incorrect forecast of inclement weather.

The July European Commission rule of law report expressed [concerns](#) about the independence of the judiciary, the system of checks and balances, pressure on civil society organizations, and continued concerns with media pluralism and challenges for media professionals to conduct their work, including surveillance of journalists.

Freedom of Media

Most media outlets remain directly or indirectly controlled by the government, creating a hostile climate for independent journalism. Journalists and media outlets critical of the government continued to be harassed and smeared in government-aligned media and by government officials.

In July, the European Commission referred Hungary to the Court of Justice of the European Union because its Media Council refused to extend independent radio station Klubradio’s broadcasting license “on highly questionable grounds,” effectively forcing the station off the airwaves. It now broadcasts only online. A group with close links to the government subsequently was awarded Klubradio’s former frequency.

The election observation commission of the Organization for Security and Co-operation in Europe (OSCE) in its preliminary April [conclusions](#) raised concerns that bias and lack of balance in news coverage considerably limited voters’ opportunity to make informed choices.

Sexual Orientation and Gender Identity

The government continued its attacks on the rights of LGBT people. In April, on national election day, the government held a [hostile referendum](#) about limiting children’s access to information on LGBT issues. The referendum was declared void as insufficient valid votes were cast, in part due to a civil society campaign urging citizens to cast invalid votes. As a result of the campaign, the National Election Commission fined 16 human rights organizations for encouraging invalid votes, citing interference with the electoral process. The Supreme Court in April [largely overturned](#) the fines except against Hatter Tarsasag, an LGBT rights group, and Amnesty International Hungary.

In July, the European Commission [referred](#) Hungary to the Court of Justice of the EU for its 2021 amendments to the Child Protection Law, which included unjustified restrictions on LGBT content, with the excuse of protecting children. The commission argued that the law violates human dignity, freedom of expression and information, the right to privacy, and the right to data protection.

Women’s Rights

In September, the Ministry of Health issued a [decree](#) making it mandatory for women seeking abortions to listen to the fetal heartbeat prior to terminating the pregnancy, creating another barrier to safe abortions and restricting women’s reproductive rights.

Discrimination Against Roma

Discrimination against Roma remained a serious problem, particularly in educational institutions, state care homes, and workplaces.

In February, a Budapest lower court [found](#) that the Ministry of Human Capacities had violated the right to equal treatment of children, the majority Romani, who had been removed from their families and often placed under state care on grounds of child endangerment when families are unable to afford basic needs. The ruling stated that the families had been discriminated against on socio-economic and poverty grounds and because of their Romani ethnicity.

In July, the European Court of Human Rights [ruled](#) that Hungary had violated Article 3—prohibition of torture and inhumane and degrading treatment—of the European Convention on Human Rights in a 2014 incident when a Romani man was subjected to police brutality during an arrest. The Court awarded the Romani applicant €19,500 (around US\$19,400) in damages.

Migration and Asylum

Access to Hungary’s asylum system remained virtually impossible. Pushbacks to Serbia, sometimes violent, continued. According to official police statistics between January and August, border officials had carried out [over 90,000 unlawful pushbacks](#).

According to [police data cited by the UN Refugee Agency](#), 28,289 people fleeing the conflict in Ukraine had registered for Temporary Protection as of August 1.

Council of Europe Commissioner for Human Rights Dunja Mijatovic, [in a June letter](#) to the Hungarian government, raised concerns about the long-term prospects for protection for third country nationals and stateless persons from Ukraine who are excluded from the Temporary Protection scheme and have no possibility to apply for asylum in the country.

The Court of Justice of the EU in November 2021 [ruled](#) that Hungary’s law criminalizing aid to asylum seekers and restricting the right to seek asylum violates EU law. The case refers to a 2018 amendment to the Asylum Act, dubbed the “Stop Soros” law, which prevented people from applying for asylum in Hungary if they arrived from a country of origin or transit country where their life and freedom were not at risk. The bill also criminalized individuals and organizations for providing support and aid to migrants and asylum seekers.

In December 2021, Prime Minister Viktor Orban [stated](#) that “[w]e will not do anything to change the system of border protection... We will maintain the existing regime, even if the European court ordered us to change it.”

ecoi.net summary:

Annual report on the human rights situation in 2022

Country:

Hungary

Source:

[HRW – Human Rights Watch](#)

Original link:

<https://www.hrw.org/world-report/2023/country-chapters/hungary>

Document type:

Periodical Report

Language:

English

Published:

12 January 2023

Available on ecoi.net since:

16 January 2023

Document ID:

2085457

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	Contact Imprint & Disclaimer F.A.Q. Data Protection Notice
--	---	---

ecoi.net is run by the Austrian Red Cross (department ACCORD) in cooperation with Informationsverbund Asyl & Migration. ecoi.net is funded by the Asylum, Migration and Integration Fund, the Austrian Ministry of the Interior and Caritas Austria. ecoi.net is supported by ECRE & UNHCR.

