



Budapest Pride 2019, Budapest, 6 July 2019. © Amnesty International Hungary

HUNGARY

Hungary

Head of state: **János Áder**

Head of government: **Viktor Orbán**

The government extended its control over the judiciary. Restrictive legislation targeting NGOs remained in place, exerting a chilling effect on civil society. Access to the country remained severely restricted for refugees and asylum-seekers.

LEGAL, CONSTITUTIONAL OR INSTITUTIONAL DEVELOPMENTS

The government continued to face domestic resistance and international scrutiny for its ongoing rollback of human rights and non-compliance with EU law. In January, protests continued over the

adoption by Parliament in December 2018 of legislation allowing employers to increase the amount of overtime they can require of their workers and potentially delay overtime payment for up to three years. Protesters and media dubbed it “the slave law”.

In May, the European Association of Judges and the European Commission expressed concern that checks and balances within ordinary courts had been weakened by further undermining their independence. In June, Parliament indefinitely postponed plans to set up a separate administrative court system. Although the Constitutional Court had ruled that this proposal was in line with Hungary’s Fundamental Law (Hungary’s Constitution), it had been heavily criticized, including by the Venice Commission of the Council of Europe, over potential risks of political interference. In December, the Parliament adopted an “omnibus bill”,

which, among other changes, allows public authorities to challenge decisions of ordinary courts in politically sensitive cases by filing a complaint with the Constitutional Court, whose members are nominated by the governing majority in Parliament.

Proceedings under Article 7(1) of the Treaty of the European Union, triggered by the European Parliament in 2018, which referred Hungary to the European Council for what it regarded as “a clear risk of a serious breach of the EU founding values”, remained pending at the end of the year.

FREEDOM OF EXPRESSION AND ASSOCIATION

The government continued to attack and smear human rights defenders and civil society organizations.

Restrictive legislations targeting NGOs and activists defending the rights of refugees, migrants and asylum-seekers remained in place, exerting a chilling effect on civil society. In February, the Constitutional Court ruled that the criminal offence of “facilitating illegal immigration”, introduced by the so-called “Stop Soros” legislation, is not unconstitutional. In June, the European Commission referred Hungary to the Court of Justice of the European Union (CJEU) on the grounds that the “Stop Soros” legislation violates several EU directives. A different court case challenging the legislation that stigmatizes NGOs receiving funding from abroad that the European Commission brought to the CJEU in December 2017 remained pending.¹

The Hungarian government continued clamping down on academic freedom. Legislation in July increased government influence over the research institutes of the Hungarian Academy of Sciences, raising concerns about the independence of academic research in the future. A challenge by the Academy’s President to the Constitutional Court was pending at the end of the year.

Following the establishment in November 2018 of a government-aligned media holding, which controls about 80% of the news media market based on revenue, critical views of the government were limited as state media outlets greatly prioritized coverage of government-affiliated figures and views over those of the opposition.

DISCRIMINATION – ROMA

In May, the Committee on the Elimination of Racial Discrimination (CERD) concluded that the prevalence of racist hate speech against Roma, migrants, refugees, asylum-seekers and other minorities, including by public figures at the highest level, was alarming. The Committee also expressed concern over the high level of hate crimes against Roma, with law enforcement officials failing to sufficiently investigate those attacks or

provide adequate protection to Roma communities. The CERD also found that systemic discrimination against Roma persisted across many sectors, including in health care, education, housing and employment. Many Roma continued to face extreme poverty and live in segregated neighbourhoods lacking proper infrastructure and services.

In amending the Public Education Law in July, the government failed to take the opportunity to address the segregation in education of Roma children, which continued to increase. Infringement proceedings launched by the European Commission in 2016 concerning this issue remain pending at the end of the year.

RIGHTS OF LESBIAN, GAY, BISEXUAL, TRANSGENDER AND INTERSEX PEOPLE (LGBTI)

Politicians, including the Speaker of the Parliament, and certain public figures increasingly targeted LGBTI people with homophobic and discriminatory comments.

From July, far-right groups verbally and physically attacked people who organized and participated in Budapest Pride Month events and other workshops organized by LGBTI organizations on several occasions. NGOs and the media reported that in some cases police had failed to provide adequate protection against such attacks.

RIGHT TO HOUSING AND FORCED EVICTIONS

Steps to criminalize homelessness continued. Despite strong international and domestic criticism, the Constitutional Court ruled in June that 2018 changes to the Fundamental Law making it illegal to live in public places was constitutional.

In June, Parliament rejected a proposal requiring municipalities to provide adequate alternative accommodation to families with children subjected to forced eviction despite this being an obligation under international law.

WOMEN’S RIGHTS

Following her February visit, the Council of Europe Commissioner on Human Rights concluded that Hungary was backsliding on gender equality and women’s rights, including by failing to prepare a new national strategy on gender equality and by introducing policies solely associating women with family affairs.

The government launched a family protection action plan in February 2019. While this includes measures to facilitate integrating work and family life, and to improve family support, the UN Working Group on the issue of discrimination against women and women’s rights groups criticized the plan for appearing to favour middle to high-income parents over low-income families.

Failures to prevent and combat violence against women persisted, with prosecutions of these crimes remaining low and victims often experiencing stigmatization, insensitive treatment by law enforcement officers and judges leading to victim blaming and biased judgments. The government continued to ignore civil society pressure to ratify the Istanbul Convention, describing the convention as “political whining”.

REFUGEES AND ASYLUM-SEEKERS

Hungary continued to severely restrict access to the country for refugees and asylum-seekers, limiting admission to only two “transit zones” on the border with Serbia. Practically all asylum applications lodged by those arriving from a “safe transit country”, such as Serbia, were rejected, following new inadmissibility criteria introduced in 2018.

Asylum-seekers with pending cases were detained in the two “transit zones”, while those whose applications had been rejected and were awaiting deportation were deprived of food by the authorities. By the end of the year, 27 persons with the help of the Hungarian Helsinki Committee had sought interim measures from the European Court of

Human Rights to start receiving food. In June, the European Commission opened new infringement proceedings for non-provision of food to individuals awaiting deportation after rejection of their asylum claim.

A number of organizations expressed concern at reports that law enforcement officials used excessive force and violence against asylum-seekers, refugees and migrants, including children, during “push backs” to Serbia, often resulting in bodily harm and injuries.

The CERD expressed deep alarm at reports that the international prohibition on forcibly returning people to a country where they risked persecution or other serious human rights violations (non-*refoulement*) was not fully respected in law and practice.

In November, the European Court of Human Rights Grand Chamber confirmed

in *Ilias and Ahmed v Hungary* that Hungary fell short in assessing risks on return for asylum-seekers expelled to Serbia. The Court failed, however, to uphold its previous findings that the applicants’ confinement in the transit zone without safeguards or a formal decision amounted to arbitrary detention.²

COUNTER-TERROR AND SECURITY

In September, the government extended by six months the “crisis situation caused by mass immigration”, which has been in force since 2015 and grants extraordinary powers to the police and military. Following his visit in July, the UN Special Rapporteur on the human rights of migrants urged the Hungarian government to “immediately stop proclaiming it is confronting a ‘crisis situation’” and to protect the rights of those seeking asylum.

Public authorities installed thousands of CCTV cameras around Budapest. These were integrated with private camera systems and linked into a government-owned database, raising concerns about the right to privacy and protection against mass surveillance. In December, the Parliament adopted a law allowing police forces to use facial recognition software to identify people during identity checks.

Ahmed H., a Syrian national unjustly convicted on misapplied terrorism charges, was conditionally released in January and finally reunited with his family in Cyprus in September. He had served three and a half years in prison after prosecution under Hungary’s draconian anti-terrorism laws and was subjected to a targeted smear campaign by the government.³

1. Amnesty International, *Hungary: EU action shows ‘intimidation campaign’ against those defending asylum-seekers will not be tolerated*, 25 July 2019 <https://www.amnesty.org/en/latest/news/2019/07/hungary-eu-action-shows-intimidation-campaign-against-those-defending-asylumseekers-will-not-be-tolerated/>

2. Amnesty International, *European Court of Human Rights confirms Hungary failed to assess risks on return for asylum-seekers expelled to Serbia*, 25 November 2019 (Index: EUR 27/1465/2019) <https://www.amnesty.org/en/documents/eur27/1465/2019/en/>

3. Amnesty International, *Ahmed H: What happened*, 28 September 2019 <https://www.amnesty.org/en/latest/news/2019/09/ahmed-h-what-happened/>