

2025 Rule of Law Report - targeted stakeholder consultation

Fields marked with * are mandatory.

Introduction

The annual Rule of Law Report lies at the centre of the Annual Rule of Law Cycle, which acts as a preventive tool, deepening multilateral dialogue and joint awareness of rule of law issues. So far, five editions of the Rule of Law Report have been published since 2020.

As every year, the Commission would like to invite the stakeholders to provide contributions to the 2025 Rule of Law Report. On the basis of these contributions and on-going developments, further targeted questions may be shared at a later stage of preparation of the 2025 Rule of Law Report, in particular in the context of country visits, or bilateral contacts.

The Commission invites stakeholders to provide contributions which include:

- (1) information on measures taken to implement the recommendations addressed to the Member State in the 2024 Rule of Law report, as well as developments with regard to the points raised in the respective country chapter and**
- (2) any other significant developments since January 2024^[1] and up to the date of submission falling under the ‘type of information’ outlined below.**

The input should consist of a short summary, if possible in English, covering the areas referred to below. Legislation or other documents may be referenced with a link. Contributions should focus on significant developments since the last Rule of Law Report both as regards the legal framework and its implementation in practice.

If you would like to provide further specific **input related to the single market dimension in the Rule of Law report**, you can also respond to the additional targeted consultation available [here](#).

[1] Unless the information was already submitted in the input for the previous Rule of Law Reports.

Type of information to be included:

Under each of the four pillars, the replies should include references to the following types of information:

A) Legislative developments

- Newly adopted legislation
- legislative drafts currently discussed in Parliament
- legislative plans envisaged by the Government

B) Policy developments

- Implementation of legislation
- evaluations, impact assessment, surveys
- white papers/strategies/actions plans/consultation processes
- follow-up to reports/recommendations of Council of Europe bodies or other international organisations
- important administrative measures
- generalised practices

C) Developments related to the judiciary / independent authorities

- important case law by national courts
- important decision/opinions from independent bodies/authorities
- state of play on terms, nominations and expired mandates for high-level positions (e.g. Supreme Court, Constitutional Court, Council for the Judiciary, Prosecutor General, heads of independent authorities included in the scope of the request for input[2])

D) Any other relevant developments

- National authorities are free to add any further information, which they deem relevant; however, this should be short and to the point.

Please also indicate whether the developments reported are linked to the implementation of reforms and investments under the RRP, where applicable. To simplify your answers to the questionnaire, **if there are no developments, it is sufficient to indicate this** and the information covered in the contributions for the previous Rule of Law Reports does not need not be repeated.

[2] Such as: media regulatory authorities and bodies, national human rights institutions, equality bodies, ombudsman institutions, supreme audit institutions and, where they exist, transparency authorities.

About you

* I am giving my contribution as

- Academic/research institution
- Business association
- Civil society organisation/NGO
- International organisation
- Judicial association or network
- Media organisation or association
- Public authority or network of public authorities

Other

* Organisation name

250 character(s) maximum

Háttér Society

Main Areas of Work

- Justice System
- Anti-corruption
- Media Pluralism
- Checks and Balances
- Other

If "Other", please specify

Human rights of LGBTQI people

Please insert an URL towards your organisation's main online presence or describe your organisation briefly:

500 character(s) maximum

www.en.hatter.hu/

Founded in 1995, Háttér is the oldest and largest LGBTQI organization in Hungary. Its aims are calling attention to the problems faced by LGBTQI people; providing support services; exploring the situation and needs of LGBTQI people; mainstreaming these concerns in laws and public services; protecting the human rights of LGBTQI people and tackling discrimination against them; and promoting their health and well-being.

Transparency register number

Check if your organisation is in the transparency register. It's a voluntary database for organisations seeking to influence EU decision-making

397132948685-34

* Country of origin

Please indicate the country of origin of your organisation

- Austria
- Belgium
- Bulgaria
- Croatia
- Cyprus
- Czechia
- Denmark
- Estonia
- Finland
- France
- Germany

- Greece
- Hungary
- Ireland
- Italy
- Latvia
- Lithuania
- Luxembourg
- Malta
- Netherlands
- Poland
- Portugal
- Romania
- Slovak Republic
- Slovenia
- Spain
- Sweden
- Other - please specify

First name

Eszter

Surname

Polgári

Email Address of the organisation

hatter@hatter.hu

* Publication of your contribution and privacy settings

You can choose whether you wish for your contribution to be published and whether you wish your details to be made public or to remain anonymous.

- Anonymous - Only your type of respondent, country of origin and contribution will be published. Organisation name, URL, transparency register number, first name and surname given above will not be published. **To maintain anonymity, please refrain from mentioning the name of your organisation and any details from which your organisation can be identified in the rest of your contribution.**
- Public - Your personal details (name, organisation name, transparency register number, country of origin will be published with your contribution).
- No publication - Your contribution will not be published. Elements of your contribution may be referred to anonymously in documents produced by the Commission based on this consultation.

I agree with the personal data protection provisions.

[Specific privacy statement targeted stakeholder consultation 2025 rule of law report.pdf](#)

Questions on horizontal developments

In this section, you are invited to provide information on general horizontal developments or trends, both positive and negative, covering all or several Member States. In particular, you could mention issues that are common to several Member States, as well as best practices identified in one Member State that could be replicated. Moreover, you could refer to your activities in the area of the four pillars and sub-topics (an overview of all sub-topics can be found below), and, if you represent a Network of national organisations, to the support you might have provided to one of your national members.

Overview topics for contribution

[List of topics - 2025 Rule of Law Report.pdf](#)

Please provide any relevant information on horizontal developments here

5000 character(s) maximum

Questions for contribution

Under each pillar, you are invited to provide information on measures taken to implement the recommendations addressed to the Member State in the 2024 Rule of Law report, as well as developments with regard to the points raised in the respective country chapter of the 2024 Rule of Law Report and any other significant developments since January 2024 and up to the date of submission^[3]. Please always include a link to and reference relevant legislation/documents (in the national language and/or where available, in English). **Significant developments** can include challenges, positive developments and best practices, covering both legislative developments or implementation and practices.

Information provided in reply to the first question under each pillar, related to the follow-up to the recommendations, does not need to be repeated in subsequent parts of the questionnaire, but can be cross-referenced in the subsequent questions, where relevant. All other questions are not limited to the recommendations, but as in previous years, cover the entire scope of the Report.

^[3] Unless already covered in the input for the previous Rule of Law Reports.

Member State/enlargement country covered in contribution [only one choice possible]

If you wish to submit information concerning several Member States/enlargement countries, please fill in the questionnaire separately for each country. There is no limit to the number of contributions submitted by a single participant.

- Albania
- Austria
- Belgium
- Bulgaria
- Croatia
- Cyprus
- Czechia
- Denmark
- Estonia

- Finland
- France
- Germany
- Greece
- Hungary
- Ireland
- Italy
- Latvia
- Lithuania
- Luxembourg
- Malta
- Montenegro
- Netherlands
- North Macedonia
- Poland
- Portugal
- Romania
- Serbia
- Slovakia
- Slovenia
- Spain
- Sweden

I. Justice System

Please provide information on measures taken to follow-up on the recommendations received in the 2024 Report regarding the justice system (if applicable)

5000 character(s) maximum

A. Independence

Appointment and selection of judges, prosecutors and court presidents (incl. judicial review)

(The reference to 'judges' concerns judges at all level and types of courts as well as judges at constitutional courts)

5000 character(s) maximum

Irremovability of judges, including transfers, (incl. as part of judicial map reform), dismissal and retirement regime of judges, court presidents and prosecutors (incl. judicial review)

5000 character(s) maximum

Promotion of judges and prosecutors (incl. judicial review)

5000 character(s) maximum

Allocation of cases in courts

5000 character(s) maximum

Independence (including composition and nomination and dismissal of its members), and powers of the body tasked with safeguarding the independence of the judiciary (e.g. Council for the Judiciary)

5000 character(s) maximum

Accountability of judges and prosecutors, including disciplinary regime and bodies and ethical rules, judicial immunity and criminal/civil (where applicable) liability of judges (incl. judicial review)

5000 character(s) maximum

Independence/autonomy of the prosecution service

5000 character(s) maximum

Independence of the Bar (chamber/association of lawyers) and of lawyers

5000 character(s) maximum

Significant developments capable of affecting the perception that the general public has of the independence of the judiciary

5000 character(s) maximum

As in previous years, in 2024 the governing majority instead of complying with binding decisions of courts, simply introduced amendments aimed at circumventing judicial rulings.

Government Decree no. 210/2009. (IX. 29.) on commercial activities (hereinafter: Packaging Decree) was amended partly in response to two court rulings in April 2024 (the amendment entered into force on 7 May 2024). For more details on the Packaging Decree's previous and current text see: Háttér Society's report titled The Anti-LGBTQI Law of Hungary in Action: A Combination of State- and Self-Enforcement. 2021 July – 2024 November, Section II.2, available at: <https://hatter.hu/kiadvanyaink/the-anti-lgbtqi-law-of-hungary-in-action-a-combination-of-state-and-self-enforcement>.

The 2024 amendment aimed to remove errors in the flawed legislation, such as the comma error that led the Budapest-Capital Regional Court to annul the 12 million HUF (EUR 30,000) fine imposed on Lira's bookshop (Judgment no. 105.K.702.795/2023/15.), and the sentence editing error highlighted by the Győr Region Court (Judgment no. 10.K.701.527/2023/13.), which ruled that only the depiction of transgenderism as having a purpose in itself was prohibited, but not other depiction or promotion that of. The amendment also attempted to define exactly what content is covered by the restriction: the rule only applies to products with a "defining element" of LGBTQI content; however, the new criterion introduces further uncertainty into the application of the law, e.g. it is not at all clear what percentage of a book has to be about LGBTQI issues to be covered by the restriction. For more details on the court decisions see Háttér's above-mentioned report on the Anti-LGBTQI Law, Section IV.1.

B. Quality of justice

(Under this topic, you are not required to give statistical information but should provide input on the type of information outlined in the introduction)

Accessibility of courts (e.g. court/legal fees, legal aid, language)

5000 character(s) maximum

Resources of the judiciary (human/financial/material), remuneration/bonuses/rewards for judges and prosecutors, including observed changes (significant and targeted increase or decrease over the past year)

(Material resources refer e.g. to court buildings and other facilities. Financial resources include salaries of staff in courts and prosecution offices.)

5000 character(s) maximum

Training of justice professionals (including judges, prosecutors, lawyers, court staff, clerks/trainees)

5000 character(s) maximum

Digitalisation (e.g. use of digital technology, including electronic communication and AI tools, within the justice system and with court users, procedural rules, access to judgments online)

5000 character(s) maximum

Use of assessment tools and standards (e.g. ICT systems, including AI-based systems, for case management, court statistics and their transparency, monitoring, evaluation, surveys among court users or legal professionals)

5000 character(s) maximum

Geographical distribution and number of courts/jurisdictions (“judicial map”) and their specialisation, in particular specific courts or chambers within courts to deal with fraud and corruption cases.

5000 character(s) maximum

C. Efficiency of the justice system

(Under this topic, you are not required to give statistical information but should provide input on the type of information outlined under section 2)

Developments related to efforts to improve the efficiency of the justice system (e.g. as regards length of proceedings)

5000 character(s) maximum

Háttér Society represents a client seeking to get her foreign same-sex marriage recognized in Hungary as registered partnership. After exhausting all the remedies, they submitted a constitutional complaint against the rejection of the Curia. (Case number: IV/2589/2022). The complaint was registered on 12 January 2023 (after the Constitutional Court had requested supplementing arguments), and the decision on admissibility was communicated almost a year after the initial submission, on 21 November 2023. On 10 January 2024 the Constitutional Court notified Háttér Society that a personal hearing would be held in the case. It is very rare for the Constitutional Court to hold hearings; in addition to Háttér, they also invited representatives of the Ministry of Foreign Affairs and Trade and the Ministry of Justice. The hearing took place on 5 February 2024. On 25 July 2024, Háttér’s attorney at law was notified by the Justice Rapporteur that the deadline for presenting the first draft of the decision on the merits of the case was extended with another 200 days, however, so far there is no indication that a decision will be delivered in the near future; the case was not on the agenda of the Constitutional Court. The constitutional complaint is pending for over 2 years, and 1 year has passed since the hearing.

Exceeding the reasonable time requirement in constitutional complaint procedures is particularly concerning as it is deemed as an effective remedy that needs to be exhausted before a complaint can be submitted to the European Court of Human Rights. Undue delays considerably hinder victims’ possibility to meaningfully obtain justice in their cases.

Any other developments related to the justice system - please specify

5000 character(s) maximum

II. Anti-Corruption Framework

Where previous specific reports, published in the framework of the review under the UN Convention against Corruption, of GRECO, and of the OECD address the issues below, please make a reference to the points you wish to bring to the Commission's attention in these documents, indicating any relevant updates, changes or measures introduced that have occurred since these documents were published.

Please provide information on measures taken to follow-up on the recommendations received in the 2024 Report regarding the anti-corruption framework (if applicable):

5000 character(s) maximum

A. The institutional framework capacity to fight against corruption (prevention and investigation / prosecution)

List any **changes** as regards relevant authorities (e.g. national agencies, bodies) in charge of prevention, detection, investigation and prosecution of corruption and the resources allocated to each of these authorities (the human, financial, legal, and technical resources as relevant), including the cooperation among domestic and with foreign authorities. Indicate any relevant measures taken to effectively and timely cooperate with OLAF and EPPO

5000 character(s) maximum

Safeguards for the functional independence of the authorities tasked with the prevention and detection of corruption

5000 character(s) maximum

Information on the implementation of measures foreseen in the strategic anti-corruption framework (if applicable). If available, please provide relevant objectives and indicators

5000 character(s) maximum

B. Prevention

Measures to enhance integrity in the public sector (including as regards incompatibility rules, revolving doors, codes of conduct, ethics)

5000 character(s) maximum

Measures to enhance general transparency of public decision-making (including rules on lobbying, asset and interest disclosure rules, gifts policy, transparency of political party, financing)

5000 character(s) maximum

Measures to prevent conflicts of interest in the public sector. Please specify the features and scope of their application (e.g. categories of officials concerned, types of checks and corrective measures depending on the category of officials concerned)

5000 character(s) maximum

--> For the three previous points, **please also provide information and figures on their application /enforcement**, such as number of detected breaches/irregularities of the various rules in place and the follow-up given (investigations, sanctions, etc.)

Measures to ensure whistleblower protection and encourage reporting of corruption, including their application (i.e. number of reports received, and the follow-up given)

5000 character(s) maximum

Specific measures to enhance transparency, integrity and accountability in sectors with high risks of corruption, with a view to monitor and prevent corruption and conflict of interests, and where applicable measures to prevent and address corruption committed by organised crime groups.

Such high-risk sectors could include: public procurement, including construction, transport/infrastructure, defence, cohesion, agriculture, environment, healthcare, citizen/residence investor schemes, large-scale investments of national interest and the spending of EU funds, urban planning.

5000 character(s) maximum

C. Repression

The legal framework on the criminalisation and sanctions for corruption and related offences, including foreign bribery

5000 character(s) maximum

Official data on the number of investigations, prosecutions, final judgments and the application of sanctions for corruption offences (differentiated by offence if possible). Please indicate whether the cases: involve legal persons; are related to the implementation of EU or national funds; involve high level corruption. Please indicate which data is publicly available and how policy-making is informed by the data

5000 character(s) maximum

Potential obstacles identified in law or in practice to the investigation and prosecution of high-level and complex corruption cases (e.g. political immunity regulation, procedural rules, statute of limitations, cross-border cooperation, pardoning)

5000 character(s) maximum

Information on effectiveness of criminal and non-criminal measures and of sanctions (e.g. recovery measures and administrative sanctions) on both public and private offenders

5000 character(s) maximum

Any other developments related to the anti-corruption framework - please specify

5000 character(s) maximum

III. Media pluralism and media freedom

Please provide information on measures taken to follow-up on the recommendations received in the 2024 Report regarding media pluralism and media freedom (if applicable)

5000 character(s) maximum

A. Media authorities and bodies

(Cf. Article 30 of Directive 2018/1808)

Measures taken to ensure the independence, enforcement powers and adequacy of resources (financial, human and technical) of media regulatory authorities and bodies

5000 character(s) maximum

Conditions and procedures for the appointment and dismissal of the head / members of the collegiate body of media regulatory authorities and bodies

5000 character(s) maximum

Existence and functions of media councils or other self-regulatory bodies

5000 character(s) maximum

B. Safeguards against government or political interference and transparency and concentration of media ownership

Measures taken to ensure the fair and transparent allocation of state advertising

5000 character(s) maximum

Safeguards against state / political interference, in particular:

- safeguards to ensure editorial independence of media (private and public)
- specific safeguards for the independence of heads of management and members of the governing boards of public service media (e.g. related to appointment, dismissal), safeguards for their financial and operational independence (e.g. related to reporting obligations and the allocation of resources) and safeguards for plurality of information and opinions
- information on specific legal provisions and procedures applying to media service providers, including as regards granting/renewal/termination of licenses, company operation, capital entry requirements, concentration and corporate governance

5000 character(s) maximum

The provisions of Act no. LXXIX of 2021 on stricter actions against paedophile offenders (the Anti-LGBTQI law) adopted in June 2021 included amendments to five Acts of Parliament:

- Act no. XXXI of 1997 on the protection of children and guardianship administration (Child Protection Act);
- Act no. CCXI of 2011 on the protection of families (Family Protection Act);
- Act no. XLVIII of 2008 on the basic conditions of and certain restrictions on economic advertising activities (Advertisement Act);
- Act no. CLXXXV of 2010 on media services and mass communication (Media Act); and
- Act no. CXC of 2011 on national public education (National Public Education Act).

These amendments are formulated almost identically; they all restrict access of minors to content that is pornographic or that depicts sexuality as having a purpose in itself or that depicts or propagates divergence from self-identity corresponding to the sex at birth, sex change or homosexuality. The National Public Education Act only bans promotion, but not depiction. Besides the general restriction, two acts contain additional, more specific provisions with regard to the implementation of the ban. According to the Media Act, media content defined above shall be classified as category V (unsuitable for minors), which can be broadcasted only after 10 p.m. and before 5 a.m., and such content cannot be broadcasted as public service advertisement either.

This law has normalized homo- and transphobic speech in the public discourse and also in the media (both electronic and print). Authorities rarely follow up on such speech, only extreme forms of hate speech are sanctioned (the Media Council formerly had some decisions condemning hate speech in extreme-right wing media). In 2024, however, no such decision may be found among those published on the website of the Media Council: while there are some cases where hateful speech directed against immigrant communities or racial minorities was sanctioned, no decision was issued against service providers for homo- and/or transphobic speech.

For more information about the Anti-LGBTQI law and the practice of the Media Council see Háttér Society's report, Section III.3.2 and Annex I, available at: <https://hatter.hu/kiadvanyaink/the-anti-lgbtqi-law-of-hungary-in-action-a-combination-of-state-and-self-enforcement>.

The case regarding the public service advertisement for Budapest Pride, reported in last year's contribution, continued. The Budapest-Capital Regional Court – on judicial review – quashed the Media Council's decision to only air the public service advertisement between 10 p.m. and 5 a.m, and ordered a new procedure, however, on appeal the judgment was reversed. No further updates are available on the procedure, potentially a petition for review was filed by RTL at the Curia.

According to several reports, about 80% of Hungary's media outlets are controlled by the governing party, namely the so-called "propaganda-minister", Antal Rogán, Minister for the Prime Minister's Cabinet Office (see for instance: <https://medium.com/mediapowermonitor/hungarian-governments-monopoly-in-the-media-the-last-act-71057a5a456b>, <https://mertek.eu/wp-content/uploads/2021/12/MertekFuzetek25.pdf>) Rogán has been put on the US sanction list on 7 January 2025 for his leading role in systemic corruption. The state-controlled media includes the public media and the propaganda-media outlets conglomerated into a foundation called KESMA. State-controlled media is strategically and purposefully building an anti-LGBTI narrative, using misinformation and disinformation, often repeating Russian anti-LGBTI campaigns. The messages correlate with the government's messaging or campaign narratives. One of their key tactics is trying to conflate being LGBTI with paedophilia, consistent with the governing party's messaging around the anti-LGBTQI Law.

In December 2024 a law aimed at curbing aggression on the Internet was passed. It amended the Criminal Code with the following provision:

Section 332/A

(1) Any person who uses or publishes in public by means of an electronic communications network any expression, representation or image or sound recording which expresses an intention or desire to commit

- a) a criminal act causing death or

- b) a criminal act of cruelty against an identifiable person or persons,

if no more serious offence is committed, shall be punished for a misdemeanour by imprisonment for up to one year.

(2) A person shall not be punished for the offence specified in paragraph (1) who commits the offence for the purpose of disseminating information, education, science, art or information about events in history or current affairs, provided that the act is not intended to cause fear.

The reasoning of the amendment indicated that it was aimed at tackling hate speech, it is yet to be seen whether it applies to speech directed at LGBTQI persons as well.

Transparency of media ownership and public availability of media ownership information, including on direct, indirect and beneficial owners

5000 character(s) maximum

C. Framework for journalists' protection, transparency and access to documents

Rules and practices guaranteeing journalists' independence and safety, including as regards protection of journalistic sources and communications, referring also, if applicable, to follow-up given to alerts lodged with the Council of Europe's Platform to promote the protection of journalism and safety of journalists

5000 character(s) maximum

Law enforcement capacity, including during protests and demonstrations, to ensure journalists' safety and to investigate attacks on journalists

5000 character(s) maximum

Access to information and public documents by public at large and journalists (incl. transparency authorities where they exist, procedures, costs/fees, timeframes, administrative/judicial review of decisions, execution of decisions by public authorities, possible obstacles related to the classification of information)

5000 character(s) maximum

Lawsuits (incl. SLAPPs - strategic lawsuits against public participation) and convictions against journalists (incl. defamation cases) and measures taken to safeguard against manifestly unfounded and abusive lawsuits

5000 character(s) maximum

Any other developments related to media pluralism and freedom - please specify

5000 character(s) maximum

IV. Other institutional issues related to checks and balances

Please provide information on measures taken to follow-up on the recommendations received in the 2024 Report regarding the system of checks and balances (if applicable)

5000 character(s) maximum

A. The process for preparing and enacting laws

Framework, policy and use of impact assessments and evidence based policy-making, stakeholders'^[1]public consultations (including rules and practices on the transparent participation of civil society to policy development and decision-making processes), and transparency and quality of the legislative process both in the preparatory and the parliamentary phase

[1] This includes also the consultation of social partners

5000 character(s) maximum

The legislative procedure in the majority of the cases offers no room for civil society organizations to formally

intervene, submit opinions, or in any way influence the decision-making procedure. Public consultation on bills is only mandatory if the bill is tabled by a minister (i.e. member of the government), this is easily circumvented by submitting legislative proposals by individual members of Parliament or parliamentary committees. Act no. CXXXI of 2010 on public participation in the preparation of laws, on the one hand, itself limits the scope of the obligation to consult non-state actors to bills tabled by the members of the government, on the other hand, special situations – e.g. some sort of extraordinary (emergency) regime – further allow to avoid consultation procedures.

In 2024, the government opened for public consultations two draft pieces of legislation relevant for the protection of LGBTQI persons: first, in March 2024 on trusted flaggers (implementing the Digital Services Act); second, in April 2024, the amendment to the Packaging Decree [Government Decree no. 210/2009. (IX. 29.) on commercial activities, which was also amended by the propaganda law, for details see Hátter's report, II. 2. (<https://hatter.hu/kiadvanyaink/the-anti-lgbtqi-law-of-hungary-in-action-a-combination-of-state-and-self-enforcement>)].

The long awaited draft decree on trusted flaggers was published by the National Media and Infocommunications Authority in February 2024. Hátter Society submitted an opinion on the draft opposing some of the conditions prescribed for trusted flaggers in order to make it accessible to the largest circle possible and to reduce the administrative burden for them. The opinion is available here: <https://drive.google.com/file/d/1-Egzv2uDB9I8-F0ru3gecLnlhY8vmTSL/view?usp=sharing> (in Hungarian).

At the end of March 2024, an amendment to the Packaging Decree (<https://cdn.kormany.hu/uploads/document/9/92/922/92259f011b3f776c5df656b97eca1d6e2782d890.pdf>) was opened for public consultation. Hátter Society wrote a review of the draft, opposing the introduction of the following a stigmatizing and discriminatory provision.

Hátter Society also called for eliminating all the provisions that were introduced to the Packaging Decree by the Anti-LGBTQI Law. The opinion is available here: <https://hatter.hu/kiadvanyaink/a-hatter-tarsasag-velemeny-e-a-2102009-ix-29-korm-rendelet-modositasarol> (in Hungarian). The amendments to the Packaging Decree submitted in response to court decisions repealing the fines imposed on bookstores were not available for public consultation (for more information on the amendments see Section I.A).

Act no. CXXXI of 2010 on public participation in the preparation of laws prescribes that the Minister responsible for preparing the piece of legislation subject to public consultation considers the opinions received and draws up a summary of them and, in the case of rejected opinions, the reasons for rejection. These are to be published on the website together with a list of those who have submitted an opinion. No such list, summary of the opinions and reasons for rejections were published in either case when Hátter Society participated with a submission in the public consultation.

Civil society organizations – in particular those that have been critical of the human rights record of the Government – are not provided with a forum to discuss or propose policy decisions and measures, and are formally involved in the adoption of such instruments.

In March 2023 the Human Rights Roundtable, the NGO consultative forum of the Human Rights Working Group (an inter-ministerial working group) was completely reorganized without any consultation with the participating NGOs. As a result, the LGBT Working Group – the only forum for consultation with LGBTQI organizations in operation since 2012 – was abolished, its members were added to the newly established Legal Equality Thematic Working Group that has a broad mandate without specifically mentioning the rights LGBTQI people. The separate thematic working groups for the rights of women, children, elderly persons, disabled persons, refugees, and national minorities has been kept intact. A proposal by Hátter to specifically mention LGBTQI people in the bylaws of the Legal Equality Thematic Working Group was voted down, so was a proposal to make the procedure to join the working group more transparent. Hátter has proposed several topics to be discussed in the so far two meetings of the working group, but none of the proposals

were put on the agenda.

Rules and use of fast-track procedures and emergency procedures (for example, the percentage of decisions adopted through emergency/urgent procedure compared to the total number of adopted decisions)

5000 character(s) maximum

Rules and application of states of emergency (or analogous regimes), including judicial review and parliamentary oversight

5000 character(s) maximum

Regime for constitutional review of laws

5000 character(s) maximum

B. Independent authorities

Independence, resources, capacity and powers of national human rights institutions ('NHRIs'), of ombudsman institutions if different from NHRIs, of equality bodies if different from NHRIs and of supreme audit institutions

(Cf. the website of the European Court of Auditors: <https://www.eca.europa.eu/en/Pages/SupremeAuditInstitutions.aspx#>)

5000 character(s) maximum

In 2024, the Hungarian Helsinki Committee with the contribution of Háttér Society drew up a comprehensive report on the operation of the Hungarian national human rights institution, the Commissioner for Fundamental Rights (CFR). The report is available at: https://helsinki.hu/en/wp-content/uploads/sites/2/2024/12/HHC_Assessment_of_Hungarian_NHRI_2024-1.pdf

The Equal Treatment Authority (ETAAuth), abolished in 2020, was autonomous, and followed a principled approach to discrimination and harassment. It stood up for minorities scapegoated by the government, including the LGBTQI community, and took a strong stance even in politically sensitive cases.

The amendment abolishing the ETAAuth contained no substantive reasoning how the merger of the two bodies [the ETAAuth and the Office of the Commissioner for Fundamental Rights (OCFR)] would improve the enforcement of equal treatment. Former staff members in interviews with Háttér Society confirmed that the reform was primarily driven by political considerations: the activities of the ETAAuth especially in the field of LGBTQI rights and Roma school segregation cases were at odds with the political orientation of the Government, and the Government was no longer willing to support the existence of such an independent body. Interviewees also corroborated that actively protecting the rights of communities against which the Government mounted large-scale hate and fear mongering campaigns played a major role in the abolishment of the ETAAuth.

The merger envisaged that the equal opportunity related tasks of the CFR would be carried out by a separate directorate-general – the Equal Treatment Directorate-General (ETDG) – within the OCFR. This would have guaranteed a high level of autonomy within the OCFR with a publicly visible director appointed by the Commissioner for Fundamental Rights to oversee the work of the ETDG. However, no director or deputy director has been appointed ever since (as of 3 January 2025), even though the positions appear on the organogram. The lack of a director and deputy-director seriously undermines internal autonomy and independence of the ETDG: it is under the direct control of the CFR in practice and OCFR's Secretary-General – who can set the agenda and interfere with everyday operations. This creates a chilling effect and weakens public trust. The Venice Commission in its opinion further emphasized: “Without [a director for the ETDG], it is hard to imagine the promotion and visibility of equality mandate (...)” and for this reason it encouraged “the Hungarian authorities to ensure a timely appointment of [the director] and his/her Deputy in accordance with clear and transparent criteria defined by law” (par. 44).

Furthermore, due to the merger, the ETDG lost its financial independence that was previously safeguarded by provisions in the Equal Treatment Act (ETA). Its budget is fully integrated in the OCFR budget, the CFR has full control over the allocation of resources within its Office, thus there are no safeguards guaranteeing the financial stability of the ETDG. The Venice Commission reminded the Hungarian authorities that without adequate budget allocated to ensure the effective operation, the independent and efficient exercise of the ETDG's mandate may be at risk (par. 48-49).

Due to the merger, the network of equal treatment officers working across the country who provided assistance to complainants was dismantled. The integration of the ETAAuth into the OCFR resulted in a drastic drop in the number of complaints. In 2020, the ETAAuth received 994 cases; in 2021-2023 this dropped to a bit more than one third of the earlier case number, i.e. to 351, 355, and 368 respectively. In the first half of 2024 the number of reported cases further decreased: 144 cases, which is a 22% drop compared to 2023 proportionately. It is also not clear which Act (ETA or the CFR) complaints will be addressed under, resulting in less effective resolutions and access to justice for victims.

In response to a May 2024 survey conducted by Háttér Society, respondents reported difficulties in starting procedures, the lengthening of procedures, a decrease in the number of hearings, an increase in the costs of procedures and a decrease in the quality of decisions.

The database of case summaries of the ETAAuth has been dismantled, replaced by an incomplete equivalent which lacks cases from crucial standard setting periods and cannot be filtered, making the work of the ETDG less transparent as a complete analysis of cases is not possible.

Statistics/reports concerning the follow-up to recommendations by National Human Rights Institutions, ombudsman institutions, equality bodies and supreme audit institutions in the past two years

5000 character(s) maximum

C. Accessibility and judicial review of administrative decisions

Transparency of administrative decisions and sanctions (incl. their publication and rules on collection of related data)

5000 character(s) maximum

Judicial review of administrative decisions: short description of the general regime (in particular competent court, scope, suspensive effect, interim measures, and any applicable specific rules or derogations from the general regime of judicial review)

5000 character(s) maximum

Rules and practices related to the application by all courts, including constitutional jurisdictions, of the preliminary ruling procedure (Art. 267 TFEU)

5000 character(s) maximum

Implementation of final judgments by the public administration and State institutions and follow-up given to supranational judgments, including decisions from the European Court of Human Rights, as well as available remedies in case of non-implementation

5000 character(s) maximum

Domestic procedures: adoption cases

While joint adoption is not allowed for same-sex couples, individual adoption is allowed in exceptional cases with the approval of the responsible Minister (after the 2020 restriction to only opposite-sex married couples). The process of individual adoption is formulated in compliance with ECtHR standards (E.B. v. France), however, it is applied in a discriminatory way against applicants belonging to a sexual or gender minority. Háttér Society represents six clients – five men and a woman – who either applied for the extension of their suitability decision rendered prior to 2021, or for establishing their suitability for individual adoption according to the rules currently in force. The guardianship authorities – operating within the county-level government offices – in all cases refused the requests in spite of the supportive conclusions of the child protection services. All decisions have been overturned on judicial review, however, contrary to the court rulings, the government offices refused to find any of Háttér's clients suitable for adoption, leading to multiple submissions to the courts, with Government Offices repeatedly refusing to comply with their decisions. Often the government offices refer to the Fundamental Law's articles related to marriage as being reserved for heterosexual couples as a justification.

The overview of the procedures is available here: <https://hatter.hu/tevekenysegunk/jogsegelyszolgalat/jelentosebb-ugyeink/orokbefogadasi-ugyek-2021> (in Hungarian). Non-compliance with binding court orders

not only raises a serious rule of law concern, but it undermines the trust in the justice system and has a far-reaching chilling effect. Furthermore, with the extremely lengthy back and forth procedure between government offices and courts, prospective adoptive parents risk reaching the age limit (45 years), even if they started the process in their 30s.

Judgments of the ECtHR and the CJEU

The European Court of Human Rights (ECtHR) delivered a judgment in *Rana v. Hungary* on 16 July 2020: the decision found a violation for non-compliance with Hungary's positive obligation to provide an accessible and foreseeable procedure for non-Hungarians lawfully resident in the country to get their gender legally recognized. The applicant in the case – in line with standards set out in the case-law of the ECtHR concerning Hungary – submitted a constitutional complaint to exhaust the domestic remedies (while parallel turning to the ECtHR). The Constitutional Court rejected the constitutional complaint, but *ex officio* proceeded to examine if the case presents any unconstitutional omission. In Decision no. 6/2018. (VI. 27.) [available at: <https://hunconcourt.hu/datasheet/?id=C69D7F599B3CE25DC12580E3005E784B>], it found that the Parliament failed to fulfil its legislative obligations and called on them to rectify the situation, i.e. enact rules that allow legal gender recognition for refugees in Hungary, by 31 December 2018. No such legislative proposal has been tabled so far, and since 29 May 2020 legal gender recognition is not available for Hungarian citizens either.

In July 2024, Háttér Society and Transvanilla Transgender Association submitted a Rule 9 intervention to the Committee of Ministers (available here: [https://hudoc.exec.coe.int/?i=DH-DD\(2024\)834E](https://hudoc.exec.coe.int/?i=DH-DD(2024)834E)). The submission also addressed the non-implementation of the ECtHR judgment rendered in *R.K. v. Hungary* in June 2023. The Committee of Ministers in its Decision urged Hungary to bring their legislation governing access to legal gender recognition for lawfully settled non-Hungarian and Hungarian nationals in line with the ECHR and the court's case law (available here: [https://hudoc.exec.coe.int/?i=CM/Del/Dec\(2024\)1507/H46-13E](https://hudoc.exec.coe.int/?i=CM/Del/Dec(2024)1507/H46-13E)).

As noted in Háttér Society's report for 2023, the Hungarian authorities have consistently rejected the recognition of foreign same-sex marriages in Hungary, even if one of the partners is a Hungarian citizen. This clearly runs counter to the *Coman* judgment of the Court of Justice of the European Union (C-673/16). On Háttér's litigation efforts see the 2024 submission to the European Commission (https://hatter.hu/sites/default/files/dokumentumok/jogallamisagi_jelentes_az_europai_bizottsagnak_2024.pdf, p. 10). For the ongoing constitutional procedure, see section I.C above.

Hungarian legislation and practice on registering in the Hungarian birth registry legal gender recognition obtained in another member state is also in violation of the case-law of the CJEU articulated in the *Mirin* case delivered in October 2024 (C-4/23). Háttér in a factually analogous case requested the proceeding courts (the first instance court and later the Curia) to suspend the case and await the CJEU judgment, yet these petitions were rejected. The constitutional complaint in the case will be filed in January 2025 explicitly invoking the CJEU judgment in *Mirin*.

D. The enabling framework for civil society

Measures regarding the framework for civil society organisations and human rights defenders (e.g. legal framework and its application in practice incl. registration, transparency and dissolution rules)

5000 character(s) maximum

Restrictions on the activities of LGBTQI organizations: lack of access to schools

In line with Section 9/A of the National Public Education Act as amended by the propaganda law – besides teachers and professionals providing school health services – only those external experts and civil society organizations may conduct sexual education activities in schools that are registered by the organ designated by legislation. Sexual education activities are defined broadly to include any discussions on sexual culture, sex life, sexual orientation and sexual development. As a result of the Anti-LGBTQI law, access to schools by external experts and organizations for the purposes of holding classes – among others – on sexuality is thus limited. The National Public Education Act gives the power to the minister responsible for education to issue a decree which designates the state organ maintaining the registry of experts and civil society organizations that may hold sex education classes in institutions of public education. Further, it authorizes the minister to regulate in a decree the exact conditions of registration. However, no such decree has been issued as of January 3, 2025. In absence of the implementing legislation, currently no civil society organization or external expert may hold sex education classes in institutions of public education. Háttér Society jointly with Amnesty International Hungary submitted a school program for registration on June 3, 2024. The state secretary responsible for public education rejected the request on July 24, 2024 arguing that the implementing legislation has not been adopted, hence there is no procedure to carry out the registration. A judicial review against the rejection is pending. On 9 January 2025, the proposed text of the Decree of the Minister of Interior was published for public consultation. The decree is meant to serve as an implementing piece of legislation, however, it only partially serves its purpose: it only refers to sessions held on “the harmful effects of drug use, the dangers of the internet and other physical and mental health promotion”, sexual education is not explicitly included.

The Sovereignty Protection Office and investigation reports on civil society organizations

As noted in our last year’s report, on December 12, 2023 the Hungarian Parliament passed the Act on the protection of national sovereignty. For a short overview of the law see the Q&A prepared by the Hungarian Helsinki Committee and Amnesty International Hungary (available at: https://helsinki.hu/en/wp-content/uploads/sites/2/2024/02/QandA_Sovereignty_Protection_Act_QandA_2024.pdf). On 1 February 1, 2024, the Sovereignty Protection Office (SPO) was set up. Civilization (Civilizáció), an NGO coalition, carried out a survey in February 2024 to map the impact of the new law and the SPO. The report summarizing the results of the survey concludes: “the chilling effect of the law creates fear and self-regulation, hinders cooperation between organisations, and diverts resources away from the actual activities of the organisations. In these circumstances even EU funding can be perceived as a threat.” (available at: <https://helsinki.hu/wp-content/uploads/2024/06/Consequences-of-the-Sovereignty-Protection-Act.pdf>)

The SPO carried out three investigations against civil society organizations so far (as of 4 January 4, 2025). In October 2024, it published two reports: first, “The impact of Transparency International Hungary’s activities on Hungarian sovereignty” (available at: <https://szuverenitasvedelmihivatal.hu/dokumentumok/The-impact-of-Transparency-International-Hungarys-activities-on-Hungarian-sovereignty.pdf>); second, “The impact of Átlátszó’s activities on Hungarian sovereignty” (available at: <https://szuverenitasvedelmihivatal.hu/dokumentumok/the-impact-of-atlatszozs-activities-on-hungarian-sovereignty.pdf>). On 16 December 16, 2024, it released its report on the activities of Ökotárs (available only in Hungarian at: <https://szuverenitasvedelmihivatal.hu/dokumentumok/az-okotars-tevekenysegenek-hatasa-a-magyar-szuverenitasra.pdf>): it heavily criticizes Ökotárs’s re-granting activities funded by CERV. It lists Háttér Society as well (with the amount of the grant) to substantiate that most of these funding went to organizations “exerting political pressure”. The attack on Ökotárs and its re-granting operation is not new: in 2014 they were harassed for their involvement in the distribution of the EEA/Norwegian NGO Fund. The SPO investigation of one of the major domestic donors for government-critical NGOs – as found in Civilizáció’s survey – has a strong chilling effect, it creates fear among the grantees, and withholds them from (re-) applying.

Rules and practices having an impact on the effective operation and safety of civil society organisations and human rights defenders. This includes measures to protect them from attacks – verbal, physical or on-line –, intimidation, legal threats incl. SLAPPs, negative narratives or smear campaigns, measures capable of affecting the public perception of civil society organisations, etc. It also includes measures to monitor threats or attacks and dedicated support services, as well as available remedies

5000 character(s) maximum

Civil society organizations and actors who work on human rights, litigation and advocacy before regional or international human rights bodies are frequently called out for their work implying that they serve (an undefined and vaguely referenced) external, non-Hungarian interest. The extreme right Sixty-Four Counties Youth Movement (SFCYM, Hatvannégy Vármegye Ifjúsági Mozgalom) in September 2024 published a press release celebrating the so-called dismissal of a school psychologist who was an active member of Budapest Pride. She was subjected to a number of attacks accusing her of spreading „LGBTI propaganda” (publishing her and partner’s personal data, libelous comments in media, etc.) mostly led by SFCYM, who also distributed flyers outside her workplace and filed a complaint about her to the school district (see: <https://hvg.hu/itthon>

[/20240918_hazugsag_hogy_felsobb_utasitasra_jottem_el_Filo_Mariann_Budapest_Pride_Hatvannegy_Var_megye](https://hvg.hu/itthon/20240918_hazugsag_hogy_felsobb_utasitasra_jottem_el_Filo_Mariann_Budapest_Pride_Hatvannegy_Var_megye)). Municipal Council member Balázs Szabó of the far-right party, Jobbik, also accused her of spreading “LGBTI propaganda” during the public meeting of the District City Council. She had decided to terminate her former employment for unreal reasons, and this was misconstrued by SFCYM as a dismissal due to being “an LGBTQP activist” (P stands for pedophile). Although the director of the school confirmed that it was the psychologist’s own decision to terminate her employment, SFCYM disregarded this fact and framed the events as if she had been dismissed because of belonging to the LGBTI community and thanks to their advocacy against „LGBTI propaganda”. In an interview to an independent news site she clarified that she voluntarily took up a new job and left the previous one (see: https://m.hvg.hu/itthon/20240918_hazugsag_hogy_felsobb_utasitasra_jottem_el_Filo_Mariann_Budapest_Pride_Hatvannegy_Var_megye).

In addition to multiple far-right media outlets, this story was reported by Pesti Srácok, a state controlled online media outlet on 17 September 2024. Pesti Srácok is owned by the Mediaworks Hungary Zrt., which is owned by KESMA, the foundation that conglomerates privately owned state controlled media outlets. Budapest Pride requested a former correction from Pesti Srácok, and after they failed to comply, Budapest Pride filed a libel suit. The court hearing took place on 29 November 2024. Pesti Srácok modified their article two days before the hearing and published the necessary corrections, admitting they were spreading false information. On 6 December 2024 the court concurred that Pesti Srácok libelled the psychologist. Several other legal proceedings are pending.

The psychologist’s story undoubtedly shows the scale and the potential detrimental impact of the actions of the extreme right-wing organization: her personal life was repeatedly discussed in videos posted on their social media channels, an internal investigation was launched within her former school, and she was asked not to discuss LGBTQI topics with her students.

In November 2024, Háttér Society announced its e-learning courses offered for attorneys on LGBTQI topics (victim’s rights, equal treatment, the relevant jurisprudence of the ECtHR, hate crimes, and working as an attorney with LGBTQI clients). The e-learning courses are accredited with the Hungarian Bar Association. As in 2023, extreme right-wing portals published articles arguing that Háttér – as a lobbyist organization – has infiltrated the Hungarian Bar Association, and sensitizes lawyers on LGBTQI topics (or LGBTQP topics as they labelled it) with the blessing of the MBA. One article alleges that “this raises the question of the independence of the justice system” (see: <https://szentkoronaradio.com/blog/2024/11/30/magyar-ugyvedikamara-a-hatter-tarsasaggal-erzekenyitteti-az-ugyvedeket/>). Another one argues that by this the MBA “legitimized the aim of the Háttér Society to exert as much pressure as possible on the domestic judiciary, to enforce the guidelines of Western global ideologies in domestic jurisprudence” (see: <https://www.hvim.hu/post/hvim-miert-erzekenyitheti-a-magyar-ugyvedikamara-a-hatter-tarsasaggal-az-ugyvedeket>). The impugned e-learning courses are in no way mandatory, attorneys are free to choose among the courses offered by the MBA.

In December 2024, Tűzfalcsoport (literally: Firewall Group) published on X that the European Commission opened targeted consultation with – among others – civil society organizations about the state of the rule of law in the member states. The post insinuates that those CSOs contributing year after year to the report (Háttér Society among them) serve foreign interests, i.e. they are funded by George Soros (see: <https://x.com/tuzfalcsoport/status/1866037314931064978?mx=2>).

Organisation of financial support for civil society organisations and human rights defenders (e.g. framework to ensure access to funding, and for financial viability, taxation/incentive/donation systems, measures to ensure a fair distribution of funding)

5000 character(s) maximum

E. Initiatives to foster a rule of law culture

If there have been developments related to initiatives to foster a rule of law culture, please specify, which (e.g. debates in national parliaments on the rule of law, public information campaigns on rule of law issues, contributions from civil society, education initiatives, etc.)

5000 character(s) maximum

Any other developments related to the system of checks and balances - please specify

5000 character(s) maximum

Supporting document upload

If you would like to submit any supporting document(s) to your contribution, please upload your file(s) here

Contact

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