

# Franet National contribution to the Fundamental Rights Report 2024

**Hungary**

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# 1. Impact of the cost-of-living crisis and rising poverty in the EU

## 1.1. Legal measures impacting on vulnerabilities of persons affected by the rising costs of living and energy

The regulations on social benefits and social care services in Hungary can be interpreted as being volatile; a significant number of the rules are renewed annually.<sup>1</sup> During the polycrisis of the 2020s, Hungarian legislation was strongly influenced by the state of emergency that dominated Hungarian law-making in the 2020s. During a state of emergency – according to the rules of the Hungarian constitution laid out in article 51 of the Fundamental Law of Hungary<sup>2</sup> – the Government of Hungary can pass emergency government decrees by which even Acts of Parliament can be amended. The significance of Government Decrees remains as relevant as previously.<sup>3</sup> The majority of the most relevant legislative measures in social policy for the year 2022/23 have also been enacted in this form.

Hungarian social policy legislation can be summed up as follows: The basic regulation on social insurance benefits – it should be pointed out that 25.35% of the Hungarian population receives pensions or pension-like social insurance benefits.<sup>4</sup> Act LXXXI of

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<sup>1</sup> Hoffman, I. (2020), ‘Szociális igazgatás’ [Social administration] in: Lapsánszky, A. (ed.), *Közigazgatási jog. Szakigazgatásaink elmélete és működése [Administrative law. Theory and practice of the administration of different sectors]*, Budapest, Wolters Kluwer Hungary, pp. 806–830.

<sup>2</sup> Hungary, The [Fundamental Law of Hungary](#) (passed on 25 April 2011) (*Magyarország Alaptörvénye*), Art. 51 (as in force on 1 January 2024).

<sup>3</sup> Szente, Z. and Gárdos-Orosz, F. (2022), ‘Using Emergency Powers in Hungary: Against the Pandemic and/or Democracy?’ in: Kettemen, M. C. and Lachmayer, K. (eds.), *Pandemocracy in Europe: Power, Parliaments and People in Times of Covid-19*, Oxford, Hart Publishing, pp. 155–178.

<sup>4</sup> Hungary, Hungarian Central Statistical Office (*Központi Statisztikai Hivatal*) (2023), Number of persons in receipt of pensions, benefits, annuities and other allowances and average monthly amount of total benefits, January ([Nyugdíjban, ellátásban, járadékban és egyéb járandóságban részesülők száma és teljes ellátásának havi átlagösszege, január](#)). According to the database of the Hungarian Central Statistical Office, 2,433,631 persons receive pensions or pension-like social benefits.

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1997 on Social Security Retirement Pensions<sup>5</sup> and the legal acts on pension-like social benefits (for example, Act XXVI of 1998 on the Rights of Persons with Disabilities and their Equal Opportunities<sup>6</sup>) states that these benefits shall be increased annually by an amount corresponding to the increase in consumer prices projected (by the act on the annual budget of Hungary) for the given year. This article introduced a compensation mechanism because the increase is determined during the year before the reference year. If the anticipated increase in consumer prices in the reference year exceeds the planned rate by at least 1 percentage point, an additional pension increase is implemented in November of the reference year with retroactive effect to 1 January. If the difference is less than 1 percentage point, the difference for the whole year shall be paid in one lump sum in November. Late in 2022, the increase in consumer price anticipated for the year 2022 was 15%, thus Government Decree 506/2022<sup>7</sup> (issued 13 December) on the increase of pension benefits and certain other benefits for the month of January 2023 defined a 15% increase in these benefits. Given that inflation was higher than expected (see Annex 1), an additional 3.1% increase was set by Government Decree 463/2023<sup>8</sup> (issued 6 October) on the supplementary increase of pension benefits and certain other benefits for the month of November 2023. Overall, an 18.1% increase was seen in 2023. A total of 33 benefits were increased according to the Acts of Parliament. The minimum amount of the retirement pension has not been increased. It has remained at EUR 75 per month – HUF 28,500 (it has not been increased since 2008).

Another increase in the year 2022/23 could be seen partially in maternal social insurance benefits. These benefits are related to the former incomes of the recipients, but they have a capped amount relating to the minimum wage. The minimum wage was increased by Government Decree 573/2022 (issued 23 December) on the minimum wage and on the guaranteed wage: in 2023, it was a gross HUF 232,000 monthly (in 2022, it was a gross HUF 200,000 monthly). Thus, a 16% increase was seen. In 2024, the minimum wage was increased by 15% (it is now HUF 266,800 monthly) (according to Government Decree 508/2023, issued on 20 November) on the minimum wage and on the guaranteed wage. The care benefit for parents who care for children with disabilities or serious long-term

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<sup>5</sup> Hungary, Act LXXXI of 1997 on social security retirement pensions ([1997. évi LXXXI. törvény a társadalombiztosítási nyugellátásról](#)) (effective from 1 January 2024).

<sup>6</sup> Hungary, Act XXVI of 1998 on the rights of persons with disabilities and their equal opportunities ([1998. évi XXVI. törvény a fogyatékos személyek jogairól és esélyegyenlőségük biztosításáról](#)) (effective from 1 January 2024).

<sup>7</sup> Hungary, Government Decree 506/2022 (XII.13.) on the increase of pension benefits and certain other benefits for the month of January 2023 [[506/2022. \(XII. 13.\) Korm. rendelet a nyugellátások és egyes más ellátások 2023. január havi emeléséről](#)].

<sup>8</sup> Hungary, Government Decree 463/2023 (X.6.) on the supplementary increase of pension benefits and certain other benefits for the month of November 2023 [[463/2023. \(X. 6.\) Korm. rendelet a nyugellátások és egyes más ellátások 2023. november havi kiegészítő emeléséről](#)].

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illness is similarly related to Act III of 1993 on Social Administration and Social Benefits.<sup>9</sup>

Most of the means-tested social benefits and the universal (family support) benefits had previously been linked to the minimum retirement pension amount under Act III of 1993 and Act LXXXIV of 1998 on Family Support Benefits.<sup>10</sup> A controversial amendment of these Acts was passed in 2022 (it principally entered into force on 1 January 2023 as Act L of 2022).<sup>11</sup> Hungarian NGOs strongly criticised this regulation.<sup>12</sup> As part of the increase of the universal and means-tested benefits, the definition of the amount of the means-tested and universal benefits was transformed. As mentioned earlier, it was related to the minimum amount of the retirement pension. The so-called ‘social determination base’ (*szociális vetítési alap*) introduced a new base definition of the number of benefits. However, the former direct link to the minimum retirement pension amount was terminated. Thus, increasing the minimum retirement pension amount became possible without increasing the means-tested benefits.<sup>13</sup> That differentiated increase is only possible because this base was also determined as monthly HUF 28,500.

The municipalities can establish their own benefits to subsidise the cost of living. However, only the largest municipalities have a (limited) ability to introduce various local benefits (see *Promising practice*).

The abovementioned Act L of 2022 is an amendment of section 2 of Act III of 1993. A new, differentiated responsibility rule was introduced. Section 2 states that, first of all, the given person and, secondly, the person’s family (based on the rules on the support of relatives in Act V of 2013 on the Civil Code of Hungary) are responsible for that person’s

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<sup>9</sup> Hungary, Act III of 1993 on the social administration and social benefits ([1993. évi III. törvény a szociális igazgatásról és szociális ellátásokról](#)) (effective from 1 January 2024).

<sup>10</sup> Hungary, Act LXXXIV of 1998 on family support benefits ([1998. évi LXXXIV. törvény a családok támogatásáról](#)) (effective from 1 January 2024).

<sup>11</sup> Hungary, Act L of 2022 on amending acts to guarantee the security of Hungary ([2022. évi L. törvény Magyarország biztonságát szolgáló egyes törvények módosításáról](#)) (effective from 12 December 2022).

<sup>12</sup> Hungary, Habitat for Humanity Hungary (*Habitat for Humanity Magyarország*) (2022), Social service providers, advocacy and civil society organisations protest against the planned amendment of the social law ([Szociális szolgáltató, érdekképviselői és civil szervezetek tiltakozása a szociális törvény tervezett módosítása ellen](#)), 18 November 2022. Similarly, serious criticism was stated by several municipalities, see Kósa, A. (2022), ‘City leaders fear that the government is preparing serious cuts with the amendment of the social law’ ([‘Városvezetők attól tartanak, hogy komoly megszorítást készít elő a kormány a szociális törvény módosításával’](#)), *Szabad Európa*, 16 November 2022.

<sup>13</sup> Hungary, [Annual Report](#) of the Streetlawyer Association (*Utcajogász Egyesület*). The Streetlawyer Association is made up of volunteer lawyers from many different fields; its main activity is providing legal aid for people living in poverty, especially in homelessness or in poor housing conditions.

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security. Section 2 states that if the person and their relatives are unable to provide security, then the municipalities are responsible for the social assistance, and the ‘state’ can only be interpreted as a lender of last resort. This regulation caused significant political and professional debate. However, it has failures in principle: the main criticism of these issues concerned the way that the Act differentiates between municipalities and the ‘state’; however, Act CLXXXIX of 2011 states that municipalities are state organs. The municipalities are, therefore, part of the state, and the tasks of state and ‘municipalities’ could not be divided.<sup>14</sup> Another area of criticism was that the transformation of the responsibilities and the statement on the role of the state as ‘lender of last resort’ signals that the central government intends to reduce social assistance in the future.<sup>15</sup> However, the regulation does not directly impact the social care system because rights and obligations could not be directly derived from section 2 of Act III of 1993. Just the same, it could be interpreted as a signal that the responsibilities of the central government might be declining in this area.<sup>16</sup>

Similarly, the tax allowance (reduction) based on the number of children in families was not increased for 2023 or 2024. Thus, the real value of this tax reduction – which is greater than the child support benefit – decreased (Annexes 2 and 3).<sup>17</sup> Due to the impacts of the European polycrisis on the Hungarian budget, the nominal value of these benefits and the tax allowance has not decreased, but the above-mentioned decrease in the value in real terms is helping to reduce the central budget deficit.<sup>18</sup>

As mentioned above, the social determination/projection base remains the same as in 2022. Due to the high inflation rate, the majority of the means-tested benefits and the universal child support benefits have lost some of their real value (see Annexes 1, 2 and

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<sup>14</sup> Balázs, I., Balogh, Zs. P., Barabás, G., Danka, F., Fazekas, J., Fazekas, M., F. Rozsnyai, K., Fürcht, P., Hoffman, I., Hoffmanné Németh, I., Kecskő, G., Nagy, M., Szalai, É. (2016), *A Magyarország helyi önkormányzatairól szóló törvény magyarázata. Harmadik, hatályosított kiadás [Commentaries on the Act of Local-Self-governments of Hungary. Third, revised edition]*, Budapest, HVG-Orac, pp. 35–38.

<sup>15</sup> Hungary, Civil Liberties Union (*Társaság a Szabadságjogokért*) (2022), Statement on the planned amendment of the social law ([Nyilatkozat a szociális törvény tervezett módosítása kapcsán](#)), 18 November 2022 (Update 19 January 2024). Rocking Horse Foundation (*Hintalovon Alapítvány*) (2023), Report on the rights of the child 2022 ([Gyermekjogi jelentés](#)). (The Rocking Horse Foundation is one of the leading child rights CSOs in Hungary.)

<sup>16</sup> Mattenheim, G. and Hoffman, I. (eds.) (2023), [Nagykommentár a szociális törvényhez](#) [Commentaries on the Act on Social Care and Benefits] (electronic book).

<sup>17</sup> Hungary, ‘Answer to the Service request no. 14/1 Impact of the cost-of-living crises and rising poverty in the EU’ by the HUN-REN Centre for Social Sciences, Group for the Research on Children’s Equal Opportunities (date of communication: 9 January 2024).

<sup>18</sup> Kolosi, T. and Szelényi, I. (2022), ‘A magyar társadalom és politika változásai 2004 és 2022 között’ [Transformation of the Hungarian society and politics between 2004 and 2022] in: Kolosi, T., Szelényi, I., Tóth, I. Gy. (eds.), [Társadalmi Ríport 2022 \[Social report 2022\]](#), Budapest, TÁRKI, pp. 518–519.

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3). To compensate for this loss, the eligibility rules of the most important means-tested childcare benefit, the regular child protection allowance, were amended and could be given to families with a slightly higher level of income. This amendment was originally an emergency government decree [Government Decree 344/2022 (issued 9 September)].<sup>19</sup> Later, these rules were implemented by Act L of 2022 into Act XXXI of 1997 on the Protection of Children and the Administration of Childcare.<sup>20</sup> Similarly, the fees for public catering and social care services were increased modestly by Government Decree 629/2022 (issued on 30 December)<sup>21</sup> on amending certain government decrees on social affairs and children protection.

Another important transformation in the year 2023/2024 was the amendment of the family home purchase benefits system. This has several pillars, principle among which had been the family home purchase benefit, which was transformed in 2024, and terminated for the purchase of property in urban areas. In 2021 and 2022, a home renovation benefit was introduced but, as Habitat for Humanity pointed out, the benefit was not accessible to poorer households, even with the possibility of a home renovation loan, simply because they do not have the opportunity of getting a loan from a bank. Similarly, the ‘baby shower loan’<sup>22</sup> was only partially available to the lower income quintiles: only 11.9% of the recipients of the preferential loan belonged to the 5<sup>th</sup> income quintile. The social groups with higher incomes are better off through the new loans because the monthly repayment amount requires a higher income.<sup>23</sup>

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<sup>19</sup> Hungary, Government Decree 344/2022 (IX.9.) on derogation from certain rules of the income conditions for entitlement to regular child protection benefits during an emergency [[344/2022. \(IX. 9.\) Korm. rendelet a veszélyhelyzet ideje alatt a rendszeres gyermekvédelmi kedvezményre való jogosultság jövedelmi feltételeinek egyes szabályaitól való eltérésről](#)].

<sup>20</sup> Hungary, Act XXXI of 1997 on the protection of children and the administration of childcare ([1997. évi XXXI. törvény a gyermekek védelméről és a gyámügyi igazgatásról](#)) (effective 12 December 2022).

<sup>21</sup> Hungary, Government Decree 629/2022 (XII.30.) amending certain Government Decrees on social welfare and child protection [[629/2022. \(XII. 30.\) Korm. rendelet egyes szociális és gyermekvédelmi tárgyú kormányrendeletek módosításáról](#)].

<sup>22</sup> Hungary, Government Decree 44/2019 (III.12.) on the baby shower benefit [[44/2019. \(III. 12.\) Korm. rendelet a babaváró támogatásról](#)]. It is hard to translate to English the terminology ‘babaváró hitel’: according to the Hungarian regulation it is a loan by which the childbirth is subsidised. According to the main concept of the loan, families which would like to have child or children could get a preferential interest loan. The preferential loan will be provided, if the children will bear within 5 years from the contract on this preferential interest loan. If the children will not bear within 5 years, the loan will be transformed into a commercial loan at a much higher interest rate. However, the benefit has been limited from 1 January 2024, it was an important and wide benefit for families which have had enough income to repay this debt.

<sup>23</sup> Hungary, Habitat for Humanity Hungary (*Habitat for Humanity Magyarország*) (2023), Annual report on housing poverty 2023 ([Éves jelentés a lakhatási szegénységről 2023](#)), 9 September 2023.

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The legislation on subsidies for living expenses is based on Government Decrees. The role of central government was, therefore, important. Pensions and the pension-like benefits were increased by 18.1% in 2023, but the universal and means-tested benefits were not increased, losing, therefore, some of their real value because of the significant inflation rate. Thus, it should be emphasised that elderly persons with disabilities were the principle focus of the government's actions; social inclusion was not strengthened in 2023. Other social inclusion goals have only been targeted to a limited extent.

## 1.2. Policy measures impacting on vulnerabilities of persons affected by the rising costs of living and energy

There were several other policy measures in 2023 that had an impact on the vulnerability of persons affected by the rising costs of living and energy. These need to be analysed in their broader regulatory and policy context, as most of them were either introduced prior to the polycrises or are interrelated to a wider range of other policy areas beyond social policy.<sup>24</sup>

With regard to energy policy, the Hungarian government announced a state of emergency and a 7-point plan on energy security in July 2022, from which the reregulated system of energy prices detailed below was the most relevant.<sup>25</sup> In 2023, living expenses were still significantly influenced by the increase in energy prices. From August 2022, Hungary scrapped caps on gas and electricity prices for high-usage households that consume above the national average. Technically, this step has been labelled as a reduction of the former system meant to reduce energy prices regulated by Government Decree 259/2022 (issued 22 July).<sup>26</sup> Accordingly, those natural person consumers living in condominiums and housing associations had access to a significantly discounted service if they consumed below the national average. If the consumption of units was higher than the national average, then they had to pay the market price for any consumption above

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<sup>24</sup> Szegedi, L. (2021), 'The Role of the Court of Justice of the European Union in the Reformulation of Hungarian Energy Policy' in: Oravcová, V., Mišík, M. (eds.), *From Economic to Energy Transition: Three Decades of Transitions in Central and Eastern Europe*, Cham, Palgrave Macmillan, pp. 395–427.

<sup>25</sup> Hungary, About Hungary (2022), '[Breaking: Here's the Hungarian government's 7-point energy security action plan](#)' press release, 13 July 2022. ('About Hungary' site is an English language government communication site for statements of the Government of Hungary, it is managed by the Government of Hungary.)

<sup>26</sup> Hungary, Government Decree 259/2022 (VII.21.) on the determination of certain universal service tariffs [[259/2022. \(VII. 21.\) Korm. rendelet egyes egyetemes szolgáltatási árszabások meghatározásáról](#)].

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the national average level. The design of these policy measures in 2022 was based on a flat rate reduction being too generalised toward all consumer groups regardless of their social status.<sup>27</sup> Moreover, this system could not effectively support the most vulnerable consumers in rural areas, who often had no access to the energy infrastructures targeted by the compensation.<sup>28</sup> Yet, the compensation system's related provisions<sup>29</sup> did not reinforce very many accessibility requirements for the reduced price-cap as a 'vulnerable' consumer<sup>30</sup> (further details of the system presented as promising practice).

The energy crisis caused significant difficulties in public services, such as state schools, higher education institutions, health care, social care, child protection, cultural services, sports facilities, etc. These institutions consume significant amounts of energy and are not household consumers. They should, therefore, pay the market price for the utilities that skyrocketed in cost in late 2022, forcing them to introduce limitations indirectly, as well as increasing the cost of living for families. Consequently, the government introduced multiple interventions: it increased the capacity of the social and childcare institutions and loosened the strict regulations on professional requirements to increase the number of required staff [emergency Government Decree 485/2022 (issued 30 November), it was in force till 30 April 2023]. Secondly, new regulatory elements<sup>31</sup> in the compensation system extended the circle of beneficiaries to a modified price cap (i.e. SMEs,<sup>32</sup> municipalities, ecclesiastical and foundation-related institutional consumers). According to a Report from the Ministry of the Interior (which is responsible for social affairs and partially for childcare services in Hungary) and other stakeholders,

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<sup>27</sup> Hungary, NRC Research (2022), 'State of play concerning the rising cost of energy – Market research for the Habitat for Humanity Hungary' (*Rezsihelyzet Magyarországon – Piackutatás a Habitat for Humanity részére*), December 2022.

<sup>28</sup> Hungary, Rocking Horse Foundation (*Hintalovon Alapítvány*) (2023), Report on the rights of the child 2022 (*Gyermekjogi jelentés 2022*).

<sup>29</sup> Hungary, Government Decree 259/2022 (VII.21.) on the determination of certain universal service tariffs [*259/2022. (VII. 21.) Korm. rendelet egyes egyetemes szolgáltatási árszabások meghatározásáról*].

<sup>30</sup> Based on the interview with policy experts of the Streetlawyer Association. The interview was done on 17 November 2023, and it focused on the given questions. The policy experts of the Streetlawyer Association are voluntary legal counsellors representing legal cases on housing issues before Hungarian courts.

<sup>31</sup> Hungary, Government Decree 126/2023 (IV.17.) amending Government Decree 217/2022 (VI.17.) on the determination of the scope of the beneficiaries of universal service during an emergency [*126/2023. (IV. 17.) Korm. rendelet a veszélyhelyzet ideje alatt az egyetemes szolgáltatásra jogosultak körének meghatározásáról szóló 217/2022. (VI. 17.) Korm. rendelet módosításáról*].

<sup>32</sup> Hungary, Government Decree 126/2023 (IV.17.) amending Government Decree 217/2022 (VI.17.) on determining the scope of those entitled to universal service during the state of emergency [*126/2023. (IV. 17.) Korm. rendelet a veszélyhelyzet ideje alatt az egyetemes szolgáltatásra jogosultak körének meghatározásáról szóló 217/2022. (VI. 17.) Korm. rendelet módosításáról*]. The relevant provisions refer to maximum threshold bought by micro-enterprises consumers.

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the childcare institutions and the institutions responsible for the special equal opportunity services for Roma people and disabled people were able to maintain their services, and therefore they did not have to close their buildings.<sup>33</sup> Similarly, the central government partially compensated the increasing wage costs (related to the minimum wage increase) [Government Decree 68/2023 (issued 10 March)].<sup>34</sup>

With regard to housing policy, the Hungarian budget has significantly supported the development and renovation of accommodation for families with children in the last decade. This subsidy system was transformed in 2023, and the new rules will enter into force on 1 January 2024. As a result, the previous system has been reduced: only those renovations and developments are subsidised that are realised in the small municipalities – the non-suburbanised and less developed ones – defined by Government Decree 303/2023 (issued 11 July).<sup>35</sup> However, the population of these municipalities mainly have lower incomes, yet the small town and urban population – even those with low income – are excluded from this reduced subsidy system.

With regard to consumer protection, Hungary has followed similar policy steps, imposing price caps for other goods as it did in the case of household energy consumption. The state-imposed fuel price caps were abolished<sup>36</sup> in November 2022 after several waves of panic buying, and supply shortages at the petrol stations. The same dilemmas have occurred with state-imposed food price caps targeting low-income consumers and involving the most essential goods (e.g. eggs, flour, milk), originally introduced on 1 February 2022, emergency Government Decree 6/2022

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<sup>33</sup> Hungary, Policy report of the Ministry of the Interior and the ‘Answer to the Service request no. 14/1 Impact of the cost-of-living crises and rising poverty in the EU’ by the Office of the Commissioner for Fundamental Rights of Hungary. The report was sent via e-mail to the Ludovika University of Public Service (it is not available online) (date of communication: 5 January 2024).

<sup>34</sup> Hungary, Government Decree 68/2023 (III.10.) on the support to be provided to municipal governments for the increase in the minimum wage and guaranteed minimum wage and the wages of teachers from 1 January 2023 [[68/2023. \(III. 10.\) Korm. rendelet a minimálbér és garantált bérminimum, valamint a pedagógusok bérének 2023. január 1-jétől történő emeléséhez a települési önkormányzatok számára biztosítandó támogatásról](#)].

<sup>35</sup> Hungary, Government Decree 302/2023 (VII.11.) on home creation subsidies in small settlements [[302/2023. \(VII. 11.\) Korm. rendelet a kistelepüléseken nyújtható otthonteremtési támogatásokról](#)].

<sup>36</sup> Hungary, Government Decree 494/2022 (XII.6.) on certain provisions relating to fuel prices due to the entry into force of EU sanctions [[494/2022. \(XII. 6.\) Korm. rendelet az uniós szankciók életbelépése okán az üzemanyagárral kapcsolatos egyes rendelkezésekről](#)].

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(issued 14 January).<sup>37</sup> This has mainly been phased out by a further Decree<sup>38</sup> as of August 2023, which was also criticised because of supply chain disruption combined with increasing prices in the case of other goods and rising inflation levels.<sup>39</sup>

As part of the financial help beyond social policy, a moratorium<sup>40</sup> on repayments from agricultural entrepreneurs was introduced in 2022. Similarly, the limitations on the interest rate on consumer loans and credits – introduced during the Covid-19 crisis – has been prolonged until 31 December 2023 [Government Decree 175/2023 (issued 12 May)].<sup>41</sup>

In summary, various policy steps have been enacted to combat rising living and energy costs. Yet, these steps remained, very often, insufficiently coordinated or targeted. The reduction of the utility and energy supply prices for household consumers offered an accessible solution with a flat rate system, combined with some inconsistencies in the newly introduced compensation system, while the rising energy prices also hit the public service system. Additionally, while the state-determined regulation of prices was an attempt to reduce the rise in the cost of living, it often led to market disruption and supply management problems.

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<sup>37</sup> Hungary, Government Decree 6/2022 (I.14.) on the different application of Act LXXXVII of 1990 on the fixing of prices during an emergency [[6/2022. \(I. 14.\) Korm. rendelet az árak megállapításáról szóló 1990. évi LXXXVII. törvény veszélyhelyzet ideje alatt történő eltérő alkalmazásáról](#)].

<sup>38</sup> Hungary, Government Decree 279/2023 (VI.29.) on measures related to the termination of the food price freeze [[279/2023. \(VI. 29.\) Korm. rendelet az élelmiszerár-stop kivezetésével kapcsolatos intézkedésekről](#)].

<sup>39</sup> Hungary, National Bank of Hungary (*Magyar Nemzeti Bank*) (2022), Statistical dataset of the National Bank of Hungary: The inflation rates of food and fuel products in Hungary ([MNB ábrakészlet: Az élelmiszerek és üzemanyagok inflációja Magyarországon](#)), 5 December 2022.

<sup>40</sup> Hungary, Government Decree 292/2022 (VIII.8.) on the introduction of special rules on the moratorium on loan repayments in emergency situations [[292/2022. \(VIII. 8.\) Korm. rendelet a hiteltörlesztési moratórium veszélyhelyzettel kapcsolatos különös szabályainak bevezetéséről](#)].

<sup>41</sup> Hungary, Government Decree 175/2023 (V.12.) amending Government Decree 782/2021 (XII.24.) on the different application of Act CLXII of 2009 on credit to consumers in emergency situations [[175/2023. \(V. 12.\) Korm. rendelet a fogyasztónak nyújtott hitelről szóló 2009. évi CLXII. törvény veszélyhelyzetben történő eltérő alkalmazásáról szóló 782/2021. \(XII. 24.\) Korm. rendelet módosításáról](#)].

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**Table 1 – Promising practice**

Promising practice	
Title (original language)	Rezsicsökkentés hozzáférhetősége
Title (EN)	Accessibility of reduced energy supply prices (for household consumers)
Organisation (original language)	Magyar Energia- és Közműszabályozási Hivatal
Organisation (EN)	Hungarian Energy and Public Utility Regulatory Authority
Government / Civil society	Government
Funding body	Government
Reference (incl. URL, where available)	<a href="https://njt.hu/jogszabaly/2022-259-20-22">https://njt.hu/jogszabaly/2022-259-20-22</a>
Indicate the start date of the promising practice and the finishing date if it has ceased to exist	August 2022
Type of initiative	Flat rate-based accessibility system
Main target group	Household consumers of energy supplies
Indicate level of implementation: Local/Regional/National	National
Brief description (max. 1,000 chars)	Hungarian legislation has reduced the price of utilities for household consumers. Originally, a reduction of the former prices combined with a ban on price increases was introduced. All household consumers were entitled to the benefit. The flat rate nature of the benefit made it accessible, as it did not requiring any further tests of the consumer (practically without further administrative barriers). Its easy accessibility is even the most criticised disadvantage of the benefit: people have access to the benefit who do not belong to the target groups of the social policy-related EU strategies.
Highlight any element of the actions that is transferable (max. 500 chars)	Due to the universal nature of the system it can be labelled as easily accessible. The action does not therefore exclude the vulnerable groups through bureaucratic administrative burdens.

Promising practice	
Give reasons why you consider the practice as sustainable (as opposed to ‘one off activities’)	It could be adapted to further policy areas because the accessibility of a general flat-rate system cannot be considered a policy-specific tool
Give reasons why you consider the practice as having concrete measurable impact	In the case of certain tools, these more accessible policy measures could decrease the more severe impact of economic crisis cycles – see flat-rate accessibility to Support to mitigate Unemployment Risks in an Emergency (SURE) in some EU Member States
Give reasons why you consider the practice as transferable to other settings and/or Member States?	The flat-rate system’s accessibility could be adapted to several further policy areas and Member States with similar social law characteristics
Explain, if applicable, how the practice involves beneficiaries and stakeholders in the design, planning, evaluation, review assessment and implementation of the practice	The design of this kind of policy measure is highly dependent on the given Member State’s legislative and implementation characteristics – yet further adaptation of such a flat-rate system’s accessibility must involve the widest circle of representation for beneficiaries and stakeholders.
Explain, if applicable, how the practice provides for review and assessment	This easy accessibility is even the most criticised disadvantage of the benefit: it has a flat rate, so it is not targeted; consequently people who do not belong to the target groups of the social policy-related EU strategies also have access to the benefit.

Promising practice	
Title (original language)	Önkormányzatok szociális segítségnyújtása
Title (EN)	Municipal social benefit system
Organisation (original language)	Érintett önkormányzatok
Organisation (EN)	Municipalities concerned
Government / Civil society	Local municipalities
Funding body	Local budgets of the municipalities

Promising practice	
Reference (incl. URL, where available)	<a href="https://or.njt.hu/eli/v01/735605/r/2023/7/alaprendelet">https://or.njt.hu/eli/v01/735605/r/2023/7/alaprendelet</a> <a href="https://or.njt.hu/eli/v01/735605/r/2023/5/alaprendelet">https://or.njt.hu/eli/v01/735605/r/2023/5/alaprendelet</a> <a href="https://or.njt.hu/eli/v01/735584/r/2022/34/2023-01-01">https://or.njt.hu/eli/v01/735584/r/2022/34/2023-01-01</a>
Indicate the start date of the promising practice and the finishing date if it has ceased to exist	2022
Type of initiative	Municipal social benefit system targeted to persons affected by the rising costs of living and energy
Main target group	Household consumers of energy supplies
Indicate level of implementation: Local/Regional/National	Local
Brief description (max. 1,000 chars)	Hungarian municipalities introduced their own municipal social benefit system following different patterns: the simplest solution was to increase the eligibility income threshold; therefore, more people became entitled to the benefits (see for example the Municipality of Miskolc <sup>42</sup> and the Municipality of Szeged). <sup>43</sup> The municipal benefit for the cost of utilities was increased (see for example the Municipality of Debrecen). <sup>44</sup> The Municipality of Budapest introduced a special utility support during the Covid-19 pandemic, but it was amended late 2022 as a

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<sup>42</sup> Hungary, Decree of the Town Municipality with County Rights of Miskolc 7/2023 (issued on 31 March) on amending Municipal Decree 2/2015 (issued 10 February) on the local rules of municipal benefit and on other social benefits provided by the municipality [[Miskolc Megyei Jogú Város Önkormányzata Közgyűlésének 7/2023. \(III. 31.\) önkormányzati rendelete a települési támogatás és az önkormányzat által nyújtott egyéb szociális ellátások helyi szabályairól szóló 2/2015. \(II.10.\) önkormányzati rendelet módosításáról](#)].

<sup>43</sup> Hungary, Decree of the Town Municipality with County Rights of Szeged 5/2023 (issued on 20 February) on amending Municipal Decree 7/2016 (issued 20 April) on municipal benefit [[Szeged Megyei Jogú Város Önkormányzata Közgyűlésének 5/2023. \(II. 20.\) önkormányzati rendelete a települési támogatásokról szóló 7/2016. \(IV.20.\) önkormányzati rendelet módosításáról](#)].

<sup>44</sup> Hungary, Decree of the Town Municipality with County Rights of Debrecen 34/2022 (issued 17 November) on amending Municipal Decree 6/2015 (issued 26 February) on the local rules of municipal benefit [[Debrecen Megyei Jogú Város Önkormányzata Közgyűlésének 34/2022. \(XI. 17.\) önkormányzati rendelete a települési támogatások helyi szabályairól szóló 6/2015. \(II. 26.\) önkormányzati rendelet módosításáról](#)].

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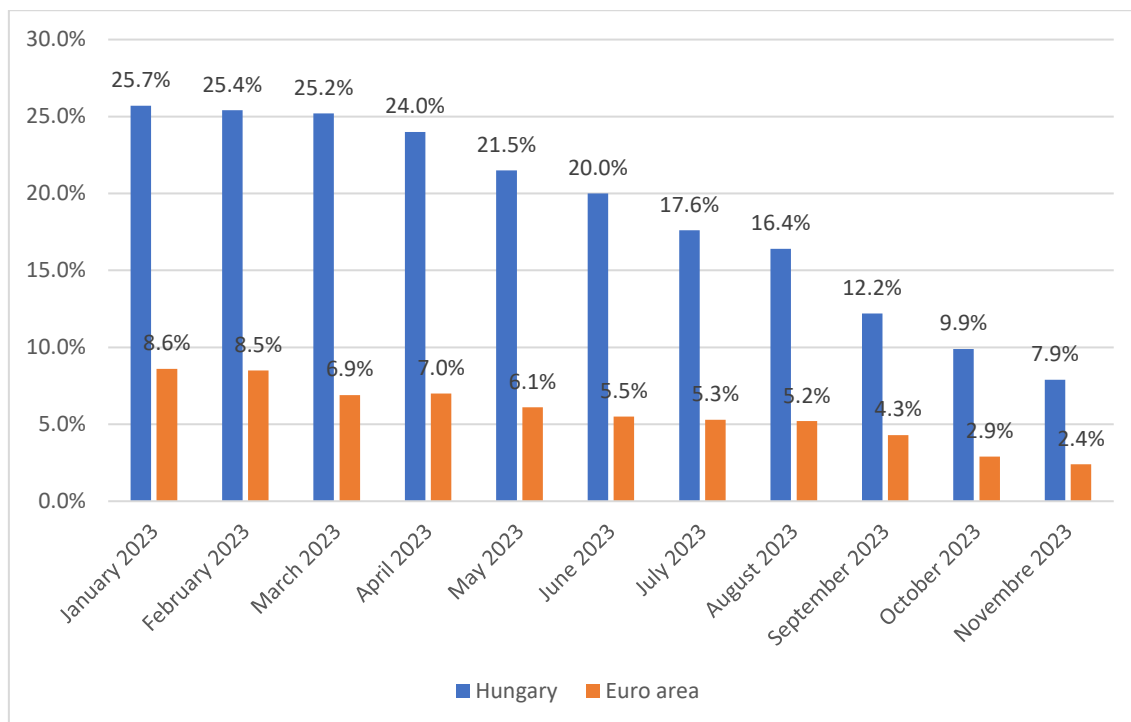
Promising practice	
	policy tool adapted to the energy crisis (Municipality of Budapest). <sup>45</sup>
Highlight any element of the actions that is transferable (max. 500 chars)	Based on the characteristics of the given Member State
Give reasons why you consider the practice as sustainable (as opposed to ‘one off activities’)	It could be adapted to further policy areas based on local social policies. Because of their legislative flexibility, and it is resilient to the changes of municipal financial transformation.
Give reasons why you consider the practice as having concrete measurable impact	International policy documents contain measurements on the positive impact of local-level benefit systems; these measures could be interpreted as complementary tools for the central (national) alternatives.
Give reasons why you consider the practice as transferable to other settings and/or Member States?	The municipality’s crisis response and related benefit system could be adapted to several further policy areas and Member States with similar institutional characteristics
Explain, if applicable, how the practice involves beneficiaries and stakeholders in the design, planning, evaluation, review assessment and implementation of the practice	The design of this kind of policy measure is highly dependent on the given Member State’s legislative and implementation characteristics – yet further adaptation of such a policy tool must involve the widest circle of representation of beneficiaries and stakeholders.
Explain, if applicable, how the practice provides for review and assessment	Only the fiscally most stable Hungarian municipalities could afford to introduce such policy measures. Therefore, its adaptability is highly dependent on the municipality’s financial stability – just as in Hungary’s case

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<sup>45</sup> Hungary, Decree of the Capital Municipality of Budapest 35/2022 (issued 14 September) on amending Municipal Decree 30/2020 (issued 5 June) on the Metropolitan Housing Benefit [[Budapest Főváros Önkormányzata Közgyűlésének 35/2022. \(IX. 14.\) önkormányzati rendelete a fővárosi lakásrezsi-támogatásról szóló 30/2020. \(VI. 5.\) önkormányzati rendelet módosításáról](#)].

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## Annex 1

**Inflation in Hungary (compared to the inflation of the Eurozone)**(Based on the data from the Hungarian Central Statistical Office and the Eurostat)<sup>46</sup>

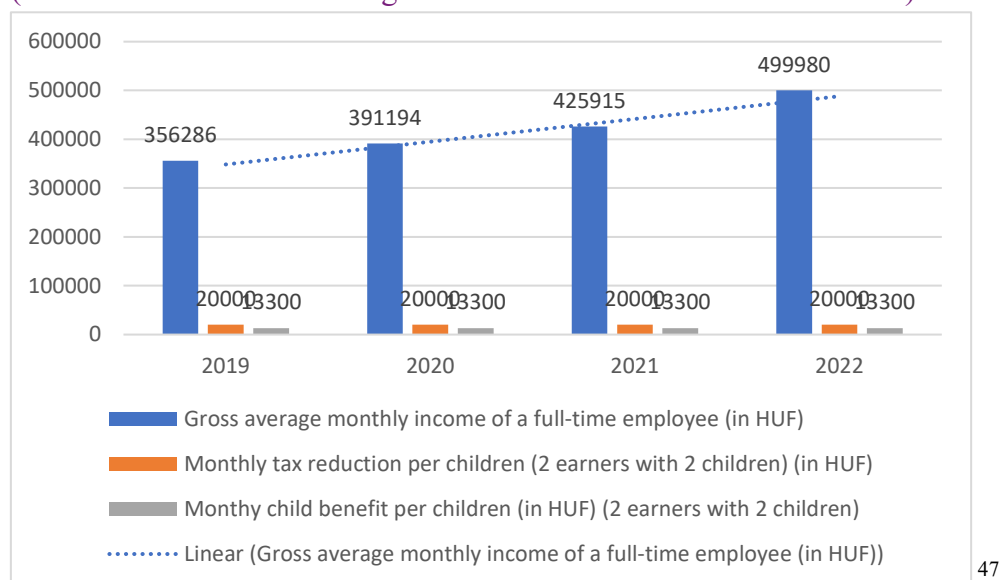
<sup>46</sup> Hungarian Central Statistical Office (*Központi Statisztikai Hivatal*) (2023), Main price indicators, by month (*A főbb ármutatók, havonta*). Eurostat (2023), [HICP – monthly data \(annual rate of change\)](#).



## Annex 2

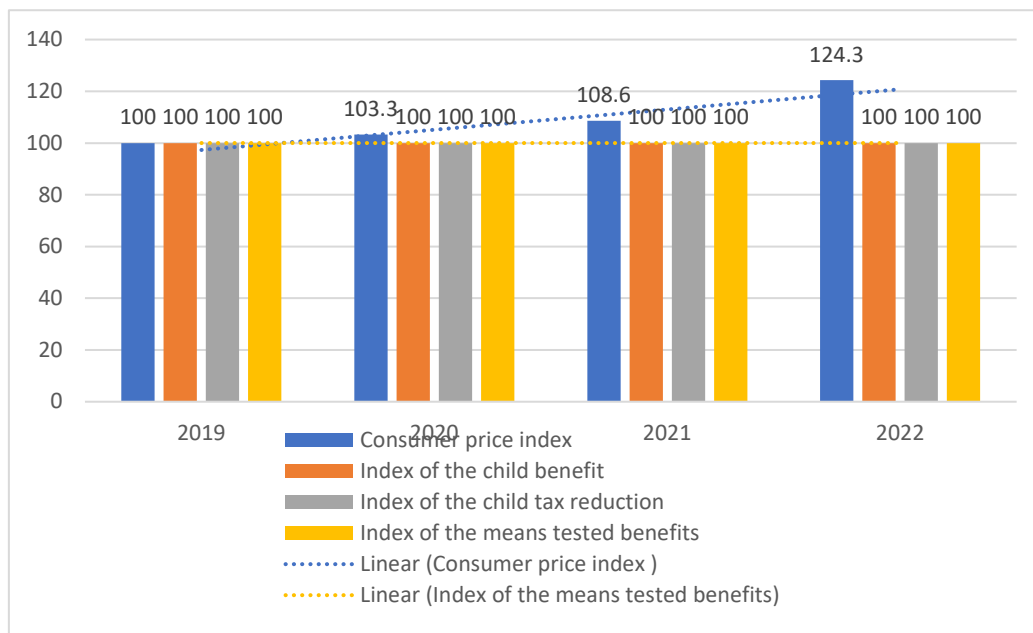
### Change of the monthly gross average salary tax benefits and child benefits in Hungary (2019–2022)

(Based on data from the Hungarian Central Statistical Office – HCSO)



<sup>47</sup> Hungarian Central Statistical Office (*Központi Statisztikai Hivatal*) (2022), Main earnings data – for all employers (*Főbb kereseti adatok – munkáltatók teljes körénél*).

## Annex 3

**Consumer price index and index of benefits**(Based on the data from the Hungarian Central Statistical Office)<sup>48</sup>

<sup>48</sup> Hungarian Central Statistical Office (*Központi Statisztikai Hivatal*) (2023), Consumer price index by main consumption groups and consumer price index for pensioners ([\*A fogyasztóiár-index fogyasztási főcsoportok szerint és a nyugdíjas fogyasztóiár-index\*](#)).

## 2. Threats to democratic values – Protecting civic space, strengthening meaningful participation and the rights to freedom of association, peaceful assembly and expression

### 2.1. Major threats to democracy as reflected in national legal and political developments and the discourse at national level

#### **Table 2 – Challenges**

*Based on a scan of legislative and policy and other developments and the public discourse please identify **three major challenges** to democracy emerged in the course of 2023*

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## Challenges

**Justification/explanation: description of issue at stake and its overall relevance compared to other challenges to democracy and the civic space. Please provide examples and references.**

1. The Association of Alternative Communities in Debrecen (East Hungary) provided a community space for the citizens protesting against a planned car battery factory to organise and coordinate their activities. As such, they were attacked in both the local and national media as the ‘instigator’ of the protests and a politically biased and controlled organisation.<sup>49</sup> A journalist even camped outside their office for days with a video camera, taking pictures of those who entered the premises.

2. From Streets to Homes Association, a Budapest-based Civil Society Organisation (CSO) that provides (among other activities) low-rent housing to people emerging from homelessness was attacked for their cooperation with the municipality of the Budapest’s 19<sup>th</sup> district and accused of bringing ‘filth and deviance’ to the neighbourhood. It was also implied that they are closely connected to the opposition leadership of the city, and thus act on their behalf.<sup>50</sup>

3. The EU Citizens, Equality, Rights and Values (CERV) fund was also targeted with allegations that it supports ‘Soros organisations’ and the ‘LGBTQI lobby’ and that thereby Brussels (equals to the EU in the Government’s rhetoric) continues the work and acts under the guidance of George Soros in Europe. Most major human rights associations were named in a series of articles, and in particular the new re-granting program managed by a consortium led by the Ókotárs Foundation, with pre-suppositions about which organisations will receive support from this source.<sup>51</sup>

4. In 2023 Háttér Society [the largest and oldest currently operating lesbian, gay, bisexual, transgender, queer and intersex (LGBTQI) organisation in Hungary], and other non-governmental organisations, have claimed to be extensively subject to hatred and biased speech alleging that it is condoning paedophilia and other unlawful activities, e.g. the violation of the provisions of the so-called ‘child protection’ law

Challenges	Justification/explanation: description of issue at stake and its overall relevance compared to other challenges to democracy and the civic space. Please provide examples and references.
	<p>(hereinafter referred to as CPL).<sup>52</sup> Labelling LGBTQI rights organisations as LGBTQP – ‘P’ standing for paedophilia – is widespread in certain media: on 25 July 2023 a document entitled ‘Proposals to curb the harmful activities of foreign-funded LGBTQP lobbying organisations’<sup>53</sup> was published. The Sixty-Four Counties Youth Movement (a far right movement) explicitly calls for establishing a ‘special monitoring body’ to scrutinise LGBTQI civil society actors’ work, funding, network and their attempts to influence, presumably, state actors. The proposal maps instances of collaboration and cooperation between LGBTQI NGOs and public bodies, e.g. the police, the prosecution service or the Ministry of Justice, and suggests that these NGOs have already infiltrated state organs. No public official or public body condemned these attacks.</p> <p>‘P’ is not only added to the abbreviation used to describe civil society organisations working for the rights of sexual and gender minorities when attacks are brought against them, individuals have also been</p>

<sup>49</sup> Hungary, Magyar Nemzet (2023), ‘The association suspected of railing against the battery factory actually received money from Soros + video’ ([‘Az akkumulátorgyár elleni hergeléssel gyanúsított egyesület valóban kapott pénzt Sorostól + videó’](#)), 2 February 2023.

<sup>50</sup> Hungary, Nagy, O. (2023), ‘A failed programme in Kispeszt’ ([‘Kudarcba fulladt kispesti program’](#)), *Magyar Nemzet*, 7 February 2023.

<sup>51</sup> Hungary, Magyar Nemzet (2023), ‘Here we are, Brussels pays instead of Soros’ ([‘Itt tartunk, Brüsszel fizet Soros helyett’](#)), 6 September 2023.

<sup>52</sup> Hungary, Act LXXIX of 2021 on stricter action against paedophile offenders and amending certain laws to protect children ([2021. évi LXXIX. törvény a pedofil bűnelkövetőkkel szembeni szigorúbb fellépésről, valamint a gyermekek védelme érdekében egyes törvények módosításáról](#)). Hungarian Helsinki Committee (*Magyar Helsinki Bizottság*) (2023), Child protection law: how has it been tightened? ([Gyermekvédelmi törvény: hogyan szigorították?](#)), 6 November 2023; Háttér Society (2021), ‘Hungarian Parliament passes Putin-like propaganda law despite huge social uproar’, press release, 15 June 2021; Háttér Society (2021), ‘The Hungarian state does not protect but actively undermines the freedom and rights of LGBTQI people’, press release, 23 June 2021; Háttér Society (2023), [Report on Act LXXIX of 2021 amending certain acts for the protection of children and its implementation](#), November 2023.

<sup>53</sup> Hungary, Sixty-Four Counties Youth Movement (*Hatvannégy Vármegye Ifjúsági Mozgalom*) (2023), [Proposals to curb the harmful activities of foreign-funded LGBTQP lobbying organisations \(Javaslatok a külföldről finanszírozott LMBTOP-lobbiszervezetek káros tevékenységének visszaszorítására\)](#), 25 July 2023.

Challenges	Justification/explanation: description of issue at stake and its overall relevance compared to other challenges to democracy and the civic space. Please provide examples and references.
	<p>accused of defending paedophiles: the investigation started following the report to the police by a human rights defender working for the Hungarian Helsinki Committee (HHC) is still pending. In February 2023, a government-leaning online media portal provided its own interpretation – lacking any basis in fact – why someone who had been publicly, yet not officially, accused of paedophilia could claim that his defence is covered by HHC: it referred to the fact that the person employed by HHC and the one attacked in the right-wing press had known each other for a long period of time – while in fact that had not been the case. HHC added that Budapest Pride organisers were harassed and insulted in July 2023: the two women were resting on the same beach that attendees of SFCYM’s (Sixty-Four Counties Youth Movement) children camp visited. A video taken of the argument between SFCYM and the Pride organisers was released on a YouTube channel affiliated with SFCYM, which constitutes a violation of the General Data Protection Regulation (GDPR), in particular the use and publication of their personal data.<sup>54</sup> Both the criminal procedure for the harassment and insult, and the data protection case are pending. In 2023 there have been further smearing of human rights defenders – some explicitly in relation to their work on LGBTQI rights; in some of these cases the criminal investigation was launched and is currently pending,<sup>55</sup> while in other cases, no remedy was sought.</p> <p>5. On 12 December 2023, Parliament adopted the Twelfth Amendment to the Fundamental Law according to which ‘an independent authority shall operate for the protection of constitutional</p>

<sup>54</sup> Hungary, YouTube (2023), ‘Who did the dukes meet on the beach at Lake Balaton?’ ([‘Na kivel találkoztak a vármegyések a balatoni strandon?’](#)), 3 August 2023.

<sup>55</sup> For further information, see relevant article of a news outlet available at the website Hungary, Városi Kurír (2023), ‘Amnesty: we don’t give in to blackmail!’ ([‘Amnesty: nem engedünk a zsarolásnak!’](#)), 13 March 2023. <sup>56</sup> Hungary, Amendment no. 12 to the Fundamental Law of Hungary ([‘Magyarország Alaptörvényének tizenkettedik módosítása’](#)). No official English translation has been found.

Challenges	Justification/explanation: description of issue at stake and its overall relevance compared to other challenges to democracy and the civic space. Please provide examples and references.
	<p>identity’.<sup>56</sup> Alongside that, the Parliament established the Sovereignty Protection Office to monitor foreign interventions in Hungarian public life. The forthcoming president of the Office claims that the Office is not intended for investigation but to reveal issues, and its power is in publicity and transparency.<sup>57</sup> To this civil organisations claim that the procedure of the Office may easily be arbitrary, politically biased and without any judicial control.<sup>58</sup> Several NGOs state that the law has a chilling effect; it may discourage people to participate at public life.<sup>59</sup> They launched a petition for NGOs to raise their voice against the constitutional amendment and the Sovereignty Protection Office.<sup>60</sup></p>
<p>Legal and administrative constraints, harassment, intimidation, and reprisals against civil society organisations, human rights defenders (including SLAPPs – strategic lawsuits against public participation)<sup>61</sup></p>	<p>1. The government has not yet fully implemented ruling C-821/19 of the Court of Justice of the European Union issued in November 2021, to repeal the provisions of the so-called Stop Soros legal package passed in 2018, criminalising persons providing aid and support to asylum seekers and refugees.<sup>62</sup> Likewise, the potential 25% punitive</p>

<sup>56</sup> Hungary, Amendment no. 12 to the Fundamental Law of Hungary ([Magyarország Alaptörvényének tizenkettedik módosítása](#)). No official English translation has been found.

<sup>57</sup> Hungary, Németh, M. S. (2024), ‘The future President of the Office for the Defence of Sovereignty: shouted by people whose house may be on fire’ ([‘A Szuverenitásvédelmi Hivatal leendő elnöke: Olyanok kiabáltak, akiknek lehet, hogy ég a háza’](#)), *Index*, 4 January 2024.

<sup>58</sup> Hungary, Hungarian Helsinki Committee (*Magyar Helsinki Bizottság*) (2023), NGOs reject autocracy-defending law and help those targeted ([Civil szervezetek elutasítják az önkényvédelmi törvényt és segítik a célba vettekét](#)), 13 December 2023.

<sup>59</sup> Hungary, Civil Liberties Union (*Társaság a Szabadságjogokért*) (2023), Intimidation disguised as defence of sovereignty: once again, the authorities use the instrument of arbitrariness against voices critical of them ([Szuverenitásvédelemnek álcázott megfélemlítés: a hatalom ismét az önkény eszközt veti be a vele kritikus hangokkal szemben](#)), 22 November 2023 (Update 16 January 2024).

<sup>60</sup> Hungary, Free Voice (*Szabad Hang*) (2023), Democracy is not a threat to Hungary’s sovereignty! ([A demokrácia nem veszélyezteti Magyarország szuverenitását!](#)).

<sup>61</sup> Hungary, Ökotárs Foundation (2024), [Contributions of Hungarian CSOs to the European Commission’s Rule of Law Report](#), January 2024, p. 66.

<sup>62</sup> Amnesty International (2021), [Hungary: Court of Justice of the EU rejects anti-migrant “Stop Soros” law](#), 16 November 2021.

Challenges	Justification/explanation: description of issue at stake and its overall relevance compared to other challenges to democracy and the civic space. Please provide examples and references.
	<p>‘special immigration’ tax remains on the statute. While no individual or organisation has been prosecuted under these provisions so far, the threat to CSOs and their activists working with migrants and refugees remain.<sup>63</sup></p> <p>2. Based on the provisions of Act XLIX of 2021<sup>64</sup> on the ‘transparency of civil society organisations capable of influencing public life’, in 2022 the State Audit Body (SAO) obligated hundreds of CSOs that fall under this legislation (i.e. having annual income above HUF 20 million) to submit data and documents, primarily their internal financial accounts. According to various media outlets,<sup>65</sup> the SAO does not seem to have followed up on its report published at the end of 2022, nevertheless, affected CSOs are kept in uncertainty.</p> <p>3. Although it affects a special sub-set of CSOs, recent issues concerning the public support of independent, alternative theatres should be mentioned here, too. Such groups could apply for operational funding at the Ministry of Culture and Innovation annually (albeit to a continuously shrinking budget); however, similar to 2022, in 2023 many long-standing, well-respected groups received no support<sup>66</sup> in a non-transparent, unknown decision-making process. For most of them this means that their mere survival is at grave</p>

<sup>63</sup> Hungary, Civil Society (*Civil*) (2023), ‘The government should enforce the judgments protecting civil societies – Stop Soros is 5 years old’ ([‘Hajtsa végre a kormány a civileket védő ítéleteket! – 5 éves a Stop Soros’](#)), 20 June 2023.

<sup>64</sup> Hungary, Act XLIX of 2021 on the transparency of NGOs active in activities likely to influence public life ([2021. évi XLIX. törvény a közélet befolyásolására alkalmas tevékenységet végző civil szervezetek átláthatóságáról](#)). No official English translation has been found.

<sup>65</sup> Hungary, Wiedemann, T. (2022), ‘The State Audit Office of Hungary investigates thousands of NGOs for “influencing public life”’ ([‘A „közélet befolyásolása” miatt vizsgál több ezer civil szervezetet az Állami Számvevőszék’](#)), *Szabad Európa*, 24 May 2022.

<sup>66</sup> Hungary, Ministry of Culture and Innovation (*Kulturális és Innovációs Minisztérium*) (2023), Decision list – Support for performing arts organisations ([Döntési lista – Előadó-művészeti szervezetek támogatása](#)), 5 June 2023.



Challenges	Justification/explanation: description of issue at stake and its overall relevance compared to other challenges to democracy and the civic space. Please provide examples and references.
	risk, and more generally the elimination of alternative or critical voices from cultural life.
Lack of media freedom a/o media pluralism; disinformation (incl. online) <sup>67</sup>	<p>1. The enforcement of the CPL has intensified since the beginning of 2023. Anti-LGBTQI provisions on stricter actions against paedophile offenders, and the amendment of certain laws for the protection of children (the CPL) were introduced in Parliament by pro-government members of the Legislative Committee. The CPL amended a number of sectoral laws, including Act CLXXXV of 2010 on media services and mass communication (Media Act), and it restricts access for 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 sex at birth, sex change, or homosexuality. Against this, the explanatory memorandum to the CPL claims that the sole purpose of the Act is the protection of the children's healthy mental and intellectual development.<sup>68</sup> Notwithstanding that, the memorandum mostly deals with the issue of paedophilia and gives scant explanation of the provisions concerning homosexuality. It is also stated that the drafting of the law was in line with the regulations and that professionals were also included in the process.</p> <p>The Media Council of the National Media and Infocommunication Authority (hereinafter: Media Council) updated its 'recommendation on classification (ratings)' on 15 September 2021 in</p>

<sup>67</sup> Hungary, Háttér Society (2023), [Mid-term report on the implementation of recommendations relevant for the rights of LGBTQI people received as part of the 3rd cycle of the Universal Periodic Review \(UPR\)](#), 31 May 2023.

<sup>68</sup> Hungary, Reasoning to Act LXXIX of 2021 on stricter action against paedophile offenders and amending certain Acts to protect children ([2021. évi LXXIX. törvény indokolás a pedofil bűnelkövetőkkel szembeni szigorúbb fellépésről, valamint a gyermekek védelme érdekében egyes törvények módosításáról szóló 2021. évi LXXIX. törvényhez](#)). No official English translation has been found. Council of Europe (2021), [European Commission for democracy through law \(Venice Commission\): Opinion No. 1059/2021 on the compatibility with international human rights standards of Act LXXIX amending certain acts for the protection of children](#).

Challenges	Justification/explanation: description of issue at stake and its overall relevance compared to other challenges to democracy and the civic space. Please provide examples and references.
	<p>line with new provisions.<sup>69</sup> This document describes the classification of media content as not recommended for viewers under 18 if its ‘defining element’ is the propagation or depiction of deviation from self-identity in line with birth sex, sex change, or homosexuality.</p> <p>Since July 2021, the Media Council has not initiated proceedings against any media service provider registered in Hungary and thus within its jurisdiction. In two cases a service provider registered in Hungary (RTL Klub) requested an a priori classification of a content (i.e. setting the rating prior to airing it). One of the cases related to the promotional video for the 2023 Pride Community Festival, which received an 18+ rating which deemed it not recommended for viewers under 18.</p> <p>Until mid-June the Hungarian media authority received 136 reports alleging non-compliance with Section 9 (6) of the Media Act outlawing content depicting or promoting homosexuality, divergence from the sex at birth, or gender reassignment for minors.</p> <p>Although the number of cases where the CPL has been directly referred to by the Media Council remains relatively low, the new legislation has had a clear impact: between 8 June 2021 and 31 December 2022, the Hungarian media authority received 169 reports altogether alleging the violation of Section 9 of the Media Act (not only Section 9 (6) outlawing LGBTQI content) – this</p>

<sup>69</sup> Hungary, Media Council of the National Media and Infocommunications Authority (2021), Principles on the criteria for rating media content according to age, the signals to be used before and during the publication of each programme and the way in which the rating is communicated (consolidated structure) [*A médiatartalmak korhatár-besorolásánál irányadó szempontokra, az egyes műsorszámok közzététele előtt és közben alkalmazható jelzésekre, illetve a minősítés közzetésének módjára vonatkozó jogalkalmazási gyakorlat elvi szempontjai (egységes szerkezet)*], 15 September 2021. No official English translation has been found. Fábíán, T. (2021), ‘Orbán’s influence on the media is without rival in Hungary’, *Telex*, 23 March 2021; Szicherle, P. and Krekó, P. (2021), *Disinformation in Hungary: From fabricated news to discriminatory legislation*, Brussels, Heinrich Böll Stiftung.

Challenges	Justification/explanation: description of issue at stake and its overall relevance compared to other challenges to democracy and the civic space. Please provide examples and references.
	<p>marks a significant increase compared to the period of 1 January 2018 – 7 June 7 2021 where 198 reports were submitted.</p> <p>The case files Hättér has access to indicate that the media authority selectively refers explicitly to the CPL, but it follows the spirit of the law and seeks to sanction LGBTQI content not rated – in its view – adequately. While the foreign media authorities have so far refrained from imposing sanctions at the request of the Media Council, these proceedings contribute to the chilling effect of the law. The Media Council’s reasoning in these cases said to be inconsistent: at times they take action against content touching upon sexual orientation and gender identity, yet they do not refer to the specific provisions introduced by the CPL. In that way, the content that will trigger the application of the law and result in an 18+ rating is unpredictable.</p> <p>In Decision 496/2023 (VII.4.), the Media Council found that the impugned content is not in line with the requirements set for social service advertisement, and it may be aired only between 10 p.m. and 5 a.m. After establishing that the Pride Festival ‘is known to be one of the major events and celebration of people with orientations other than heterosexual’, the Media Council immediately invoked the provision inserted by the CPL into the Media Law (the ban on content depicting and promoting homosexuality and gender diversity) and concluded that it belongs to class V (not recommended for those below the age of 18). After recalling the above-mentioned Guidelines, it concluded: ‘the Programme is capable of adversely influencing the appropriate physical, mental, and moral development of children, and therefore may not be published by the Media Service Provider as social service advertisement pursuant to Section 32 (4a) of the Media Act.’ A judicial review against the decision is currently pending.</p> <p>Against this, according to the National Media and Infocommunications Authority (hereinafter: Media Authority) the relevant provision of the Media Act</p>

Challenges	Justification/explanation: description of issue at stake and its overall relevance compared to other challenges to democracy and the civic space. Please provide examples and references.
	<p>is a proportionate limitation of free speech for the protection of children. They claim that the regulation does not concern all scenes of homosexual activity but only its <i>promotion</i>; moreover, even the promotion of homosexuality can freely be displayed, but only within a specific time period (10pm to 5am). As a result, the Authority claims that the Media Act is in line with the AVMS directive of the European Union.<sup>70</sup></p> <p>2. The CPL has greatly impacted the representation of LGBTQI topics and the number of opportunities granted to LGBTQI organisations, experts, and human rights defenders to appear in the media. The Media Authority in its Social Diversity report until 2019 mapped the representation of sexual and gender minorities: the report covering January–June 2018 was the last report where LGBTQI representation was included. It found that the public media had not provided an opportunity to LGBTQI people to express their opinion on any of the examined topics (e.g. the operation of the Government, domestic politics, foreign affairs, civil society, etc.), only the assessment of commercial media yielded measurable results. Since 2019 no such report has contained any overview – or indeed, as a matter of fact, any mention at all – of LGBTQI representation in the media: the Media Council either ceased collecting these important data, or decided not to publish the data it had collected. In 2023 representatives of LGBTQI organisations were not invited to any program aired by the public media covering the rights of sexual and gender minorities, even when those opposing them could present their position.<sup>71</sup></p>

<sup>70</sup> Hungary, Media Authority report K-26353-2/2023, pp. 2–3.

<sup>71</sup> Hungary, Hirado.hu (2023), ‘Brussels spends billions on gender propaganda with EU and Soros money’ ([‘Milliárdos összegeket szánt genderpropagandára Brüsszel uniós és Soros-pénzből’](#)), 8 September 2023; Hirado.hu (2023), ‘Gender reassignment surgery is human experimentation – Hungarian child protection law could be a counter-example’ ([‘Emberkísérletnek számít a nemátalakító műtét – ellenpélda lehet a magyar gyermekvédelmi törvény’](#)), 22 April 2023.

Challenges	Justification/explanation: description of issue at stake and its overall relevance compared to other challenges to democracy and the civic space. Please provide examples and references.
	3. The CPL raised also issues other than media: the director of the National Museum was dismissed on the ground that minors were also able to enter the exhibition of World Press Photo in which photos of homosexuals were also displayed. <sup>72</sup>
Foreign interference	
<p><sup>73</sup>Lack of (processes for) transparent, accountable, democratic and pluralistic participation in law and policymaking; incl. access to information</p>	<p>1. Since 4 November 2020, the second wave of the Covid-pandemic, the government sustains and regularly extends the state of emergency (now citing the war in Ukraine as the basis for this) enabling it to rule by decree. Despite amending Act CXXXI of 2010 on Public participation in the preparation of legislation<sup>74</sup> (in response to the European Commission's conditionality mechanism), there is still little room for CSOs and citizens to engage with public institutions and decision-making. While pieces of legislation are published on the government's website, response times are short (usually not more than 7 days), and most often there is no feedback on whether and how opinions from the public were taken into account. Furthermore, the emergency legislation mostly deals with issues not closely linked to the danger itself.<sup>75</sup></p> <p>2. The single piece of legislation generating broad public interest and protest this year was undisputedly Act LII of 2023 on the legal status of</p>

<sup>72</sup> Hungary, Háttér Society (2023), '[Akcióban a gyermekvédelmi törvény: újabb abszurd jogalkalmazás](#)', 30 October 2023.

<sup>73</sup> Hungary, Letter of the Hungarian Civil Liberties Union (TASZ) as a response to service request no. 14, 26 September 2023; Hungarian Helsinki Committee (*Magyar Helsinki Bizottság*) (2023), '[Response of the Hungarian Helsinki Committee to Service Request no. 14 – FRANET contributions to the Fundamental Rights Report 2024 / Threats to democratic values](#)', 29 September 2023, p. 10; pp. 16–17.

<sup>74</sup> Hungary, Act CXXXI of 2010 on public participation in the preparation of legislation ([2010. évi CXXXI. törvény a jogszabályok előkészítésében való társadalmi részvételről](#)). No official English translation has been found.

<sup>75</sup> Hungarian Helsinki Committee (*Magyar Helsinki Bizottság*) (2023), '[Government gains excessive powers from forever renewable state of danger](#)', 24 February 2023; Mészáros, G. (2023), '[Exceptional Governmental Measures without Constitutional Restraints](#)', *Helsinki.hu*, February 2023.

Challenges	Justification/explanation: description of issue at stake and its overall relevance compared to other challenges to democracy and the civic space. Please provide examples and references.
	<p>teachers,<sup>76</sup> passed in July. While the government claimed to have organised the ‘broadest public consultation ever’ in fact, relevant trade unions and teachers’ associations were not allowed to speak out at meetings organised with relevant ministers and state secretaries, and most written submissions were neglected, too. This, together with the general crisis in the public education system generated demonstrations and acts of public disobedience throughout the spring, to no avail: protesters were rather met with tear gas in an apparently excessive police response than with any real dialogue on the side of the officials.<sup>77</sup> Several young protestors, including high-school students (teenagers) also received heavy fines in the order of several hundred thousand HUF or face criminal proceedings for participating in these actions.<sup>78</sup> The police claimed that the measure was professional and proportionate; that they only used tear gas in cases where the demonstrators were violent.<sup>79</sup></p> <p>3. Another issue that received much public attention was the plan to build car battery factories in several locations around the country (Győr, Debrecen, etc.), engendering local protests for fear of the overuse of water supplies and pollution. This led to angry scenes at public hearings organised by the local permitting authorities. In response, Government Decree 146/2023 was issued in April (using the</p>

<sup>76</sup> Hungary, Act LII of 2023 on the new career path of teachers ([2023. évi LII. törvény a pedagógusok új életpályájáról](#)). No official English translation has been found.

<sup>77</sup> Hungary, European Trade Union Committee for Education (2023), [Hungary passes controversial education law despite protest from education trade unions](#), 17 July 2023.

<sup>78</sup> Hungarian Helsinki Committee (*Magyar Helsinki Bizottság*) (2023), [Curtailing the rights of teachers who demand improvements in the public education system](#), 24 March 2023; Székács, L. (2023), ‘The whole generation has nothing left to lose – Pankotai Lili has been fined’ ([Az egész generációnak nincs már vesztenivalója – bírságot kapott Pankotai Lili](#)), *Eduline*, 14 June 2023; Székács, L. (2023), ‘A member of the United Student Front is suspected of open defiance of lawful authority’ ([Hivatalos személy elleni erőszakkal gyanúsítják az Egységes Diákfront egyik tagját](#)), *Eduline*, 14 June 2023.

<sup>79</sup> Hungary, Police (*Rendőrség*) (2023), ‘Tear gas at the Carmelite’ ([Könnygáz a Karmelitanál](#)), 25 April 2023.

Challenges	Justification/explanation: description of issue at stake and its overall relevance compared to other challenges to democracy and the civic space. Please provide examples and references.
	<p>state of emergency) changing the rules so that participation in local matters and permitting processes can be organised but without personal presence, solely via electronic means, thereby saving officials from having to meet citizens face-to-face. In practice this has meant relevant documents are simply placed on the website of the authority and citizens can respond only by e-mail, or by leaving (time-limited) messages on an answerphone.</p> <p>4. Parliament adopted a bill on 28 February 2023, within one day of its submission with an emergency motion that abolished mandatory membership of the Hungarian Chamber of Doctors.<sup>80</sup> There was no public consultation on the amendment. The accelerated procedure followed the 25 February statement of the Prime Minister, in which the Chamber was told that they would threaten doctors in primary care by expelling them from the Chamber and therefore withdrawing their permits if they signed their contracts as part of the reform of the on-call system. The bill also amended the ethical procedures: until the adoption of the bill, the Chamber conducted the ethical procedures, but the amendment gave this power to another authority, the Medical Research Council, which is the Ministry of the Interior's advisory council (the Minister of the Interior is responsible for healthcare). The decree entered into force on 1 September 2023. The memorandum of the Act states that: 'People's right to health care is a fundamental constitutional right, which is endangered by the Hungarian Chamber of Doctors by abusing its power to put pressure on doctors and threaten them. All this is unprincipled and unacceptable.' It further states that: 'By obstructing the operation of the new on-call system and thereby</p>

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<sup>80</sup> Hungary, Act I of 2023 amending Act XCVII of 2006 on professional chambers in the health sector and Act CLIV of 1997 on health care ([2023. évi I. törvény az egészségügyben működő szakmai kamarákról szóló 2006. évi XCVII. törvény és az egészségügyről szóló 1997. évi CLIV. törvény módosításáról](#)). No official English translation has been found.

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Challenges	Justification/explanation: description of issue at stake and its overall relevance compared to other challenges to democracy and the civic space. Please provide examples and references.
	endangering the health care of the Hungarian people, the Chamber violates the fundamental rule of its democratic public body character and disregards its own goals.’ As a consequence, its termination is in line with the patients’ interest. <sup>81</sup>
Lack of election integrity (incl. electoral process, political campaigning and party financing)	
Disproportionate use of law enforcement measures (surveillance, police violence, unlawful arrest etc.) <sup>82</sup>	<p>1. In April and May of 2023, the ongoing protests by students and teachers ended up in disproportionate actions by the police. The police used tear gas against the students twice: once on 24 April 2023, and once on 3 May 2023. On both occasions, after the end of their previously announced demonstrations, students continued the protest in front of the Prime Minister’s Office, which was surrounded by cordons and guarded by the police.</p> <p>On 24 April 2023, the police not only disproportionately applied coercive measures, but also failed to provide the prior warning required by law. It is important to highlight the fact that the protesters were mostly minors, and none of them attempted to attack the police, which is well documented by the journalists who were present. The demonstrators aimed to get through the cordons which they claimed had been illegally established and to continue the demonstration directly in front of the Prime Minister’s Office. The use of coercive measures was disproportionate; both Hungarian Civil Liberties Union (TASZ) and Hungarian Helsinki Committee provide legal aid to the students concerned to file a complaint against the police.</p> <p>On 3 May 2023, protesters intended to pull down the much-criticised, symbolic cordons around the Prime Minister’s Office once again. When mostly</p>

<sup>81</sup> Hungary, Act XCVII of 2006 on professional chambers in the health sector (*2006. évi XCVII. törvény az egészségügyben működő szakmai kamarákról*). No official English translation has been found.

<sup>82</sup> Hungary, Letter of the Hungarian Civil Liberties Union (TASZ) as a response to service request no. 14, 26 September 2023.



Challenges	Justification/explanation: description of issue at stake and its overall relevance compared to other challenges to democracy and the civic space. Please provide examples and references.
	<p>young people and students dismantled the cordon that had been blocking access to the Prime Minister's Office, the police used tear gas against the demonstrators, then removed several of them from the crowd and arrested some. Several people were prosecuted for violence against an official (in some cases, solely because of throwing an empty PET bottle in the direction of a police officer) or for creating a public nuisance, while others were prosecuted for breaching the law on assembly. Some minors were taken to a nearby police station but they were released shortly after, without having been accused of breaching the law. The next day the police published a press release in which it classified the demonstration as illegal. According to the law, failure to notify the police about a demonstration (or about the continuation of a demonstration) gives grounds for liability for a misdemeanour only to the person who, as an organiser, should have reported the demonstration. Nevertheless, the mere fact that a demonstration is not notified does not necessarily make it illegal in itself.</p> <p>After the second demonstration, the police brought charges against several students who covered their faces with masks to defend themselves against the use of tear gas. The Act on the Freedom of Assembly prohibits any type of face cover on demonstrations in general (except in cases when the accepted notification itself refers to the masks that participants aim to wear) and the law considers a breach of this law as a criminal offense but according to information from the Hungarian Civil Liberties Union, nobody has ever been charged on this ground before. The charges against those who wore masks during the protest are not just misdemeanours, but a criminal procedure, which completely ignores the ultima ratio nature of criminal law.<sup>83</sup></p>

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<sup>83</sup> Hungary, Boros, K. (2023), 'Government plan for teachers could lead to school closures' (['Iskolabezárásokhoz is vezethet a tanárokat érintő kormányzati terv'](#)), *RTL*, 3 May 2023; Police (*Rendőrség*) (2023), 'Measures at the Carmelite' (['Intézkedések a Karmelitánál'](#)), 3 May 2023;

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Challenges	Justification/explanation: description of issue at stake and its overall relevance compared to other challenges to democracy and the civic space. Please provide examples and references.
Corruption, including misuse of EU funds	
Lack of (effective judicial protection by) independent and impartial courts	
Threats to (the independence of) the fundamental rights institutional landscape (NHRIs, equality bodies, data protection authorities and similar bodies), incl. closure of fundamental rights bodies, legal changes, budget cuts and harassment	
Institutional issues linked to checks and balances (lack of parliamentary oversight, lack of implementation of final court decisions by executive, etc.) <sup>84</sup>	<p>1. The Hungarian government continues to have excessive emergency regulatory powers, and continues to use its mandate to issue emergency decrees extensively and in an abusive manner. The Government first acquired excessive emergency powers with a view to the pandemic in the spring of 2020: it declared a ‘state of emergency’ (<i>veszélyhelyzet</i>), a special legal order regime, while the governing majority transformed the legislative framework in such a way that the Government had a carte blanche mandate to override any Act of Parliament via emergency government decrees once a state of emergency had been declared. The Government has been maintaining a ‘rule by decree’ system ever since, with only a few months of intermission, most recently using the war in Ukraine as a pretext for keeping its excessive regulatory powers. The constitutional and statutory framework governing the various special legal order regimes was amended as of 1 November 2022, and these amendments cemented the very problematic practices developed during the pandemic in relation to the state of emergency. The state of emergency</p>

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Hungarian Helsinki Committee (*Magyar Helsinki Bizottság*) (2023), Only impartial investigations can clarify what happened at the Carmelite ([Csak pártatlan vizsgálatok tisztázhatják, mi történt a Karmelitánál](#)), 4 May 2023.

<sup>84</sup> Hungary, Letter of the Hungarian Civil Liberties Union (TASZ) as a response to service request no. 14, 26 September 2023; Hungarian Helsinki Committee (*Magyar Helsinki Bizottság*) (2023), [Response of the Hungarian Helsinki Committee to Service Request no. 14 – FRANET contributions to the Fundamental Rights Report 2024 / Threats to democratic values](#), 29 September 2023, p. 10.

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Challenges	Justification/explanation: description of issue at stake and its overall relevance compared to other challenges to democracy and the civic space. Please provide examples and references.
	<p>declared with a reference to the war in Ukraine is currently extended until 24 May 2024.<sup>85</sup></p> <p>While a good number of the emergency decrees issued during the state of emergency declared due to Covid-19 were indeed related to the pandemic, the Government has repeatedly used its authorisation to adopt decrees to ‘regulate matters unrelated to the Covid-19 pandemic’,<sup>86</sup> and several emergency decrees issued in this period raised rule of law and human rights concerns.</p>

<sup>85</sup> Hungary, Government Decree 515/2023 (XI.22.) amending Government Decree 424/2022 (X.28.) on the declaration of a state of emergency and certain emergency rules in view of an armed conflict or humanitarian disaster in Ukraine and in order to prevent and manage the consequences thereof in Hungary ([515/2023. \(XI. 22.\) Korm. rendelet az Ukrajna területén fennálló fegyveres konfliktusra, illetve humanitárius katasztrófára tekintettel, valamint ezek magyarországi következményeinek az elhárítása és kezelése érdekében veszélyhelyzet kihirdetéséről és egyes veszélyhelyzeti szabályokról szóló 424/2022. \(X. 28.\) Korm. rendelet módosításáról](#)).

No official English translation has been found.

<sup>86</sup> Hungary, Government Decree 491/2023 on certain emergency rules concerning Modern Cities Program ([491/2023. \(XI. 2.\) Korm. rendelet a Modern Városok Programot érintő egyes veszélyhelyzeti szabályokról](#)); Government Decree 432/2023 on rules for the approval and review of the rolling development system plan and the monitoring of the implementation of the approved plan ([432/2022. \(X. 30.\) Korm. rendelet a qördülő fejlesztési rendszerterv jóváhagyásának, felülvizsgálatának, a jóváhagyott terv végrehajtása ellenőrzésének szabályairól](#)); Government Decree 164/2023 on the different application of public finance rules in connection with the reconstruction of the Palace of Justice and the Ministry of Agriculture building on Kossuth Lajos Square ([164/2023. \(V. 8.\) Korm. rendelet a Kossuth Lajos téri Igazságügyi Palota és Agrárminisztérium épület rekonstrukciójával kapcsolatban az államháztartási szabályok eltérő alkalmazásáról](#)); Government Decree 492/2022 on the different application of certain provisions of the Act on Sport in times of emergency ([492/2022. \(XII. 1.\) Korm. rendelet a sportról szóló törvény egyes rendelkezéseinek veszélyhelyzet idején történő eltérő alkalmazásáról](#)); Government Decree 368/2022 on the emergency rules applicable to the school year 2022/2023 ([368/2022. \(IX. 29.\) Korm. rendelet a 2022/2023. tanév rendjére alkalmazandó veszélyhelyzeti szabályokról](#)). No official English translation has been found.

Challenges	Justification/explanation: description of issue at stake and its overall relevance compared to other challenges to democracy and the civic space. Please provide examples and references.
Other major developments threatening democratic values <sup>87</sup>	<p>1. A new and growing trend is the misuse of data protection rules in order to silence journalists. This is a special kind of SLAPP (Strategic Litigation Against Public Participation), which is based on the General Data Protection Regulation (GDPR). Since Hungary did not adopt any special rules on journalism under Article 85 of the Regulation, the general rules apply, and as the Data Protection Authority (DPA) and the courts interpret the possible legal bases narrowly, huge administrative burden is put on journalists – that is, documenting, balancing, informing with regard to every data item. The problem lies with the fact that courts interpret ‘task carried out in the public interest’ [GDPR 6 (1) e)] restrictively, therefore to many publications the legitimate interest of the data handler [GDPR 6 (1) f)] applies. The emerging case law is not in line with the special constitutional status of the press.</p>

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<sup>87</sup> Hungary, Letter of the Hungarian Civil Liberties Union (TASZ) as a response to service request no. 14, 26 September 2023.

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## 2.2. Legislative and policy measures having an impact on the freedom of assembly/association/expression of civil society actors

**Table 3 – Case law**

Case law	
Deciding body (in original language)	Magyarország Alkotmánybírósága
Deciding body (in English)	Constitutional Court of Hungary
Case number (also European Case Law Identifier <a href="#">ECLI</a> , where applicable)	3189/2023. (IV. 12.) AB végzés
Parties	Forbes Hungary, Data Protection Authority, the Barabás Family
Decision date	12 April, 2023. (date of publication)
Web link to the decision (if available)	<a href="https://shorturl.at/wyJPQ">https://shorturl.at/wyJPQ</a>
Which fundamental freedoms of (peaceful assembly, association and/or expression) were referred to in the case?	Freedom of expression; freedom of the press
Key facts of the case (max. 250 words)	Forbes Hungary is a press organisation that publishes a list of the wealthiest families and individuals in Hungary each year. The list includes a short portrait of each individual, detailing their most important business activities, the calculation of their assets, as well as a brief summary of the most significant economic events of public interests that occurred in the given business year in connection with the respective person or company. Multiple lawsuits were filed against Forbes, among others by the Barabás family, who are the owners of Hell Energy PLC, a company that has been producing one of the country's most popular energy drinks for years, and, in particular, as energy drink producers, using a considerable amount of public subsidies. The lawsuits were based on the alleged violation of their right to privacy and data protection rights, namely, that Forbes did not

Case law	
	carry out the necessary administrative obligations of balancing, documenting and informing the data subjects.
The key legal question raised by the Court	The core legal question was whether the data handling was based on the public interest clause [GDPR 6 (1) e] see above at other major developments] or on the legitimate interest clause [GDPR 6 (1) f)].
Result of the case in terms of factual outcome, and in terms of assessment of the legal question raised	The DPA, as well as the ordinary courts, held that the legal basis was the legitimate interest clause, since the publication of the wealth list does not fall under public interest. The DPA's approach was more categorical, as it stated that all journalistic activities fall under the legitimate interest clause, whereas the <i>Kúria</i> (the Supreme Court of Justice) held that it is to be decided on a case-by-case basis. With regard to the violation of the freedom of expression, the Constitutional Court found that one cannot reasonably claim that the administrative burden (balancing, informing, documenting) imposed by the ruling causes a chilling effect on the exercise of Forbes' fundamental rights, since the lists were ultimately published.

Case law	
Deciding body (in original language)	Magyarország Alkotmánybírósága
Deciding body (in English)	Constitutional Court of Hungary
Case number (also European Case Law Identifier <a href="#">ECLI</a> , where applicable)	3412/2023. (X. 11.) AB határozat
Parties	
Decision date	11 October 2023. (date of publication)

Case law	
Web link to the decision (if available)	<a href="https://alkotmanybirosag.hu/ugyadatlap/?id=DC32D97EB38CBF6FC125897800616CE6">https://alkotmanybirosag.hu/ugyadatlap/?id=DC32D97EB38CBF6FC125897800616CE6</a>
Which fundamental freedoms of (peaceful assembly, association and/or expression ) were referred to in the case?	Freedom of assembly
Key facts of the case (max. 250 words)	<p>In the case that is the basis of the procedure, the petitioner did not leave the highway after a reported gathering even when called upon by the police to do so, consequently the police used physical coercion against him and took him to the relevant police station. In its decision, the police established the petitioner's liability for violation of the KRESZ (highway code) and fined him. The petitioner, through his legal representative, objected to the decision of the infringement authority. The Central District Court of Pest reduced the amount of the fine with the challenged order, otherwise the authority's decision remained in effect. The court ruled that after the announced demonstration had been declared over, remaining at the location no longer fell under the scope of the assembly law, so the petitioner was governed by the rules of the KRESZ for pedestrians. According to the petitioner's claim, the judge's decision limited his right to peaceful assembly in a way that violates the Fundamental Law. In its decision, the Constitutional Court found that (uncontested by the petitioner) the meeting that gave rise to the appearance at the given location was over, and the official action took place after that. As a result, remaining at the location can no longer be interpreted as an act of participation in a meeting that had been declared closed. In the absence of a new, other lawful assembly, staying at the site of an assembly that had already been declared closed does not fall under the constitutional protection of the right to assembly.</p>
The key legal question raised by the Court	How long does the freedom of assembly last? Does it pertain to activities after the termination of the demonstration?

Case law	
Result of the case in terms of factual outcome, and in terms of assessment of the legal question raised	The petition was rejected. Remaining at the location of an already terminated demonstration is not covered by freedom of assembly.

Case law	
Deciding body (in original language)	Magyarország Alkotmánybírósága
Deciding body (in English)	Constitutional Court of Hungary
Case number (also European Case Law Identifier <a href="#">ECLI</a> , where applicable)	3/2023. (IV. 17) AB határozat
Parties	
Decision date	17 April 2023. (date of publication)
Web link to the decision (if available)	<a href="https://alkotmanybirosag.hu/ugyadatlap/?id=ABC761CF96F1BD3BC1258709005B31F2">https://alkotmanybirosag.hu/ugyadatlap/?id=ABC761CF96F1BD3BC1258709005B31F2</a>

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Case law	
Which fundamental freedoms of (peaceful assembly, association and/or expression) were referred to in the case?	Access to information
Key facts of the case (max. 250 words)	In the regulatory environment, the availability of data of a dual nature, i.e. of public interest (or public in the public interest) managed by Eximbank is not guaranteed at all in the current regulatory environment: the restriction on publicity is comprehensive, and not tailored to the absolutely necessary and proportionate extent, and there is no discretion possible within the scope of data publication.
The key legal question raised by the Court	In the current regulatory environment, bank secrecy excludes the data of all Eximbank customers (even legal entities) from the public, regardless of the fundamental right to freedom of information, in a way that precludes consideration, despite the fact that in connection with the tied aid loans, the bank performs a public task as an executor of government decisions, during which it uses and manages public money, and which fact is known in advance to the borrowers.
Result of the case in terms of factual outcome, and in terms of assessment of the legal question raised	The Constitutional Court found that the legislator caused an unconstitutionality by omission in not creating the guarantee rules that enable freedom of information to be enforced by access to bank secrets managed by Eximbank, which performs a public task and manages public money, and which is in the public interest or considered public data in the public interest and therefore the Constitutional Court called on the Parliament to fulfil its legislative task in this regard.

Case law	
Deciding body (in original language)	Magyarország Alkotmánybírósága
Deciding body (in English)	Constitutional Court of Hungary
Case number (also European Case Law Identifier <a href="#">ECLI</a> , where applicable)	1/2023. (I. 4) AB határozat
Parties	
Decision date	4 January 2023. (date of publication)
Web link to the decision (if available)	<a href="https://alkotmanybirosag.hu/ugyadatlap/?id=16CA2AE08696D9C6C1258885005B23F2">https://alkotmanybirosag.hu/ugyadatlap/?id=16CA2AE08696D9C6C1258885005B23F2</a>
Which fundamental freedoms of (peaceful assembly, association and/or expression) were referred to in the case?	Right to strike
Key facts of the case (max. 250 words)	During the pandemic, an emergency decree restricted the right to strike of teachers. After the emergency an Act of Parliament stipulated the same regulation; leaving the scope for teachers to strike very narrow.

Case law	
The key legal question raised by the Court	To what extent can the right to strike be restricted? According to the Act on Strikes, an employer that carries out activities that fundamentally affects the population can only go on strike in such a way that it does not prevent the provision of sufficient services. The extent and conditions of the still sufficient service can be established by law, and in the absence of legal regulation, the extent and conditions must be agreed upon during the consultation before the strike.
Result of the case in terms of factual outcome, and in terms of assessment of the legal question raised	<p>In its decision, the Constitutional Court found that the provisions of the Act on regulatory issues related to the termination of the state of emergency, which determine the precise content of the still sufficient services in the event of a strike in public educational institutions, are not unconstitutional.</p> <p>The Court claimed that the pertaining regulation does not ban the strike for teachers in general; instead it stipulates the conditions and criteria under which teachers can strike. Considering the need for education and the need for supervision of children, the restriction on the right to strike is proportionate.</p> <p>In their dissenting opinions Justice Szabó and Justice Schanda emphasised that limitations of the right to strike cannot erase the effect of the strike. They concluded that the restriction was unconstitutional.</p>