

Franet National contribution to the Fundamental Rights Report 2022

HUNGARY

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Policy and legal highlights 2021

Franet country study: policy and legal highlights 2021	
Issues in the fundamental rights institutional landscape	<p>The special legal order providing sweeping powers to the government was in force in 2021.</p> <p>The Global Alliance of National Human Rights Institutions recommended in its report to demote the Commissioner for Fundamental Rights of Hungary to a partially compliant status ("B").</p>
EU Charter of Fundamental Rights	<p>Implementation of the Charter: reference to the EU Charter can most often be found in judicial decisions, the Charter was mainly used as a tool of fundamental rights interpretation (e.g. effective remedy, fair trial) and compliance with the EU law. It is usually accompanied by other sources of EU law (e.g. EU treaties).</p>
Equality and non-discrimination	<p>LGBTIQ people: The Venice Commission states that the 9th amendment of the Fundamental Law restricts adoption by non-heterosexual couples and introduces a complete ban on legal gender recognition of trans and intersex people.</p> <p>The Parliament adopted a law dealing with sanctions related to pedophile crimes, and it combines these with provisions banning LGBTIQ-themed educational programs and media content to minors.</p>
Racism, xenophobia & Roma integration	<p>Roma: The European Commission sent a formal notice to Hungary regarding the amendment that bans financial compensation for discrimination in the field of education, obliging courts to award moral compensation only in the form of training or education services.</p> <p>In a criminal case (no. 6.Kbf.18/2021/6), policemen were found guilty of violence against a member of a community (persons considered Roma).</p>
Asylum & migration	<p>The European Court of Human Rights ruled in Shahzad v. Hungary case that push-backs carried out by Hungary are in breach of the European Convention on Human Rights. In the R.R. and others v. Hungary case the court ruled that the detention of an Iranian-Afghan family constituted unlawful detention and inhuman and degrading treatment.</p>
Data protection and digital society	<p>According to the news, the government used the Pegasus spy software to place e.g. critical journalists and opposition politicians under surveillance.</p> <p>Governmental Decree stipulates that under the state of danger the public body may respond to the freedom of information requests for data within 2x45 days instead of 2x15 days.</p>
Rights of the child	<p>Government decree put in place restrictions related to materials that portray deviation from sex at birth, "sex change", and homosexuality. The measures include a ban on the sale of certain products within 200 meters from educational, youth and religious institutions as well as further restrictions of selling products that are aimed at children.</p>
Access to justice, including	<p>Trans person asked for the annulment of the clause on the ban on registering sex changes, the Constitutional Court rejected the</p>

victims of crime	<p>application, arguing that the applicant failed to provide evidence that he is transsexual.</p> <p>Due to the new anti-LGBTQI law, LGBTQI people were targeted by record numbers of hate acts.</p>
Convention on the Rights of Persons with Disability	<p>The Constitutional Court in 2021 found in its decision that the CRPD and the Hungarian Fundamental Law do not require from the state to pay specific financial support to persons living with severe mobility disability.</p>

Chapter 1. Equality and non-discrimination

1.1 Legal and policy developments or measures relevant to fostering equality and combating discrimination against EU citizens based on their nationality and against LGBTIQ people

EU citizens

COVID-related restrictions applied in Hungary throughout 2021. The fundamental logic of the related government decree¹ differentiates between Hungarian citizens and others, the former having a right to enter Hungary (also guaranteed by the Fundamental Law²) subject to eventual health check. Non-Hungarian citizens, as a general rule, cannot enter Hungary, but the police has a discretion to allow entry in a number of cases including, among others, official procedures like appearing before a court, study, family events ('wedding, baptism, funeral'), caring for a relative.³ The rules applying to Hungarian citizens also apply to those having a right of permanent residence as well as to their family members.⁴ Crucially, restrictions do not apply to persons who can prove COVID-19 infection in the past six months or have COVID vaccine certificate or else presents a negative SARS-CoV-2 PCR test not older than 72 hours prior to entry.⁵

Vaccination registration for foreigners without Hungarian social insurance numbers started later, in May 2021, when 92% of registered citizens (55% of the Hungarian population) were vaccinated.⁶ The Vaccination Plan, not public at the time,⁷ also specified the group of persons "living in Hungary but without health

¹ Hungary, Government Decree 408/2020 (30 August) on travel restrictions during the period of state of epidemiological preparedness (408/2020. (VIII. 30.) Korm. Rendelet a járványügyi készültségi időszak utazási korlátozásairól), Section 2 (Hungarian citizens), Section 5 (non-Hungarian citizens), available at https://njt.hu/translation/J2020R0408K_20210807_FIN.PDF.

² Fundamental Law of Hungary (Magyarország Alaptörvénye), Art. XIV(1), available at https://njt.hu/translation/TheFundamentalLawofHungary_20201223_FIN.pdf.

³ Section 5 (non-Hungarian citizens), Section 6(2) (list of exceptions) of Government Decree 408/2020 (30 August) on travel restrictions during the period of state of epidemiological preparedness (408/2020. (VIII. 30.) Korm. Rendelet a járványügyi készültségi időszak utazási korlátozásairól).

⁴ Similar treatment is also applied to other groups, see Section 1(2) of Government Decree 408/2020 (30 August) on travel restrictions during the period of state of epidemiological preparedness.

⁵ Section 1(2) and 1(3) of Government Decree 408/2020 (30 August) on travel restrictions during the period of state of epidemiological preparedness.

⁶ About Hungary (2021), Foreigners without social insurance numbers can now register for vaccine, 21 June 2021, available at <https://abouthungary.hu/news-in-brief/foreigners-without-social-insurance-numbers-can-now-register-for-vaccine>; and Government of Hungary (2021), 'From Tuesday, foreigners living in Hungary and Hungarian citizens living abroad without a social insurance number can register for the vaccination' (Keddtől már a Magyarországon élő külföldiek és a TAJ-számmal nem rendelkező, külföldön élő és külhoni magyarok is tudnak regisztrálni az oltásra), 3 May 2021, available at <https://kormany.hu/hirek/keddtol-mar-a-magyarorszagon-elo-kulfoldiek-es-a-taj-szammal-nem-rendelkezo-kulfoldon-elo-es-kulhoni-magyarok-is-tudnak-regisztralni-az-oltasra>.

⁷ The document was only made available after the denial to access it was challenged before the court by the Hungarian Civil Liberties Union. See Hungarian Civil Liberties Union (2021), 'We have acquired the vaccination plan that the government had been trying to keep secret for almost a year' (Megszereztük az oltási tervet, amit majd egy éve próbál titkolni a kormány), 11 November 2021, available at <https://ataszjelenti.444.hu/2021/11/11/megszereztuk-az-oltasi-tervet-amit-majd-egy-eve-probal-titkolni-a-kormany>.

insurance” as a target group to achieve higher rates of vaccination, in addition to “Hungarian citizens living in Hungary” and “other citizens living in Hungary and having a health insurance”, but prior to “Hungarian citizens living outside Hungary” and “Hungarian people” (“*magyar emberek*”) – the latter groups only receiving vaccination if enough doses are available.⁸ Once the registration was open, from May 2021, vaccination was available under equal rules. According to a media report from 1 May 2021, non-Hungarian EU citizens working in Hungary had trouble accessing the immunity certificate issued by Hungarian authorities.⁹ Current regulations, in effect after 4 May 2021, require the automatic issuance of the certificate even for foreigners without a Hungarian social security number.¹⁰

Hungary is among the 18 Member States against which the Commission has taken legal action for failing to ensure proper implementation of the EU rules regarding the requirements for regulated professions, especially considering the proportionality of related restrictions.¹¹ Hungary was also called upon, with 23 other Member States, to comply with requirements to protect the rights of posted workers and received a letter of formal notice as the opening phase of an infringement procedure.¹²

LGBTIQ people

The Venice Commission in its Opinion adopted in July 2021 criticises the hasty process of adoption of the Ninth Amendment to the Fundamental Law that came into effect on 23 December 2020. The amendment includes an exclusive definition of the family as based on the marriage of one man and one woman, and adding that the ‘mother shall be a woman, the father shall be a man’.¹³ Furthermore, the amendment also adds a clause which limits legal gender recognition to ‘sex at birth’.¹⁴ The Venice Commission states that the process contravenes accepted standards of constitutional amendments. According to the Opinion, the

⁸ Government of Hungary, Operative Plan Concerning Vaccination Against COVID-19 (*A COVID-19 elleni védőoltással kapcsolatos feladatok terve*), approved by Minister of Interior Sándor Pintér, drafted from 26 November 2020 to 30 January 2021, p. 15, available at https://koronavirus.gov.hu/sites/default/files/sites/default/files/imce/a_covid-19_elleni_vedooltassal_kapcsolatos_feladatok_terve.pdf.

⁹ Bakó, B., and Bukovics, M. (2021), ‘Lives here, pays taxes here, works here, was vaccinated here, still denied an immunity certificate’ (*Itt él, itt adózik, itt dolgozik, itt lett beoltva, mégsem kap védettségi igazolványt*), *Azonnali*, 1 May 2021, available at https://azonnali.hu/cikk/20210501_itt-el-itt-adozik-itt-dolgozik-itt-lett-beoltva-megsem-kap-vedettsegi-igazolvanyt.

¹⁰ Government Office (*Kormányhivatal*) (2021), ‘Information sheet on the issuance of the immunity certificate and frequently asked questions (FAQ)’ (*Tájékoztató védettségi igazolvány kiállításáról és gyakran ismételt kérdések (GYIK)*), 21 May 2021, p. 4, available at <https://www.kormanyhivatal.hu/download/7/42/c6000/V%C3%A9detts%C3%A9gi%20t%C3%A1j%C3%A9koztat%C3%B3%200521%20t%C3%A1n.pdf>.

¹¹ European Commission (2021), ‘Commission calls on 18 Member States to strengthen the EU Single Market for regulated professions’, Press release, 2 December 2021, available at https://ec.europa.eu/commission/presscorner/detail/en/ip_21_6389.

¹² European Commission (2021), ‘July infringements package: key decisions’, 15 July 2021, available at https://ec.europa.eu/commission/presscorner/detail/EN/INF_21_3440.

¹³ Fundamental Law of Hungary (*Magyarország Alaptörvénye*), Art. L(1), available at https://njt.hu/translation/TheFundamentalLawofHungary_20201223_FIN.pdf.

¹⁴ Fundamental Law of Hungary (*Magyarország Alaptörvénye*), Art. XVII(1), available at https://njt.hu/translation/TheFundamentalLawofHungary_20201223_FIN.pdf.

amendment restricts adoption by non-heterosexual couples and introduces a complete ban on legal gender recognition of trans and intersex people. Earlier, it was possible for single individuals to adopt without further restrictions, and there is fear that the discretionary power of the Minister of Family Affairs will, in line with public statements from government officials and a general trend of heteronormative policies, be used to exclude homosexual couples from this possibility, even if they apply for adoption as single individuals.¹⁵

In January 2021, the Constitutional Court ruled on a motion filed by the Commissioner for Fundamental Rights in June 2013. The Constitutional Court found that the new Civil Code adopted in 2013, which unlike the earlier one does not list registered partners (a status exclusive to same-sex couples) as relatives (next of kin) or close relatives, is in accordance with the Constitution (the Fundamental Law of Hungary).¹⁶ In 2013, the Commissioner for Fundamental Rights (the last ombudsperson elected before 2010) initiated the procedure arguing that this omission violates human dignity, privacy and equal treatment, as manifested in the complaints filed with his office. While the Act on Registered Partnership from 2009 declares that wherever laws mention marriages and married partners, the relevant rules should also be applied to registered partnerships and partners (with few exceptions specified in the Act), the more recent Civil Code removed registered partners from the list of (close) relatives and the recognition of (non-married) partners is featured in the Obligations part of the Civil Code, not in the part on Families. As a result, some authorities deny benefits granted to (close) relatives in the case of same-sex registered partners. The president of the Supreme Court (*Kúria*) argued upon the inquiry of the Constitutional Court that the omission creates legal uncertainty and the amendment of the list in the Civil Code should be considered.¹⁷ The Constitutional Court argued that the legal situation is clear enough and declared, in the reasoning of the decision, that registered partners should be treated as close relatives.

On 19 January 2021, the National Authority for Consumer Protection obliged a publisher to indicate on a children's book that it depicts "behaviour deviating from traditional gender roles".¹⁸ The European Commission sent a letter of formal notice to Hungary arguing that this amounts to discrimination on grounds of sexual

¹⁵ European Commission for Democracy Through Law (Venice Commission), Hungary – Opinion on the constitutional amendments adopted by the Hungarian parliament in December 2020, CDL-AD(2021)029-e, 2–3 July 2021, paras. 24 and 29–31, 41 and 85, available at: [https://www.venice.coe.int/webforms/documents/default.aspx?pdffile=CDL-AD\(2021\)029-e](https://www.venice.coe.int/webforms/documents/default.aspx?pdffile=CDL-AD(2021)029-e).

¹⁶ Constitutional Court of Hungary, Resolution No. 3003/2021. (I. 14.).

¹⁷ Letter of Péter Darák, President of the Kúria, 2019.El.I.G.119., 7 January 2020, available at: [http://public.mkab.hu/dev/dontesek.nsf/0/f2fe7d417074fdddc1257bab001b9ffd/\\$FILE/II_1011_8_2013_K%C3%BAria_%C3%A1ll%C3%A1sf_anonim.pdf](http://public.mkab.hu/dev/dontesek.nsf/0/f2fe7d417074fdddc1257bab001b9ffd/$FILE/II_1011_8_2013_K%C3%BAria_%C3%A1ll%C3%A1sf_anonim.pdf).

¹⁸ Háttér Society, Hungarian Consumer Protection Authority slams book with LGBTQI characters, 19 January 2021, available at: <https://en.hatter.hu/news/hungarian-consumer-protection-authority-slams-book-with-lgbtqi-characters>.

orientation and a violation of the right to freedom of expression of authors and book publishers, contravening EU law.¹⁹

In March 2021, the Media Authority opened a procedure against the major TV channel RTL Klub for broadcasting before 9 pm its social advertisement video "Family is family" that includes rainbow families. They argued that this can create tensions and uncertainty in viewers under the age of 16.²⁰

In April 2021, the Constitutional Court found the retroactive application of an amendment to the rules of civil registration, banning the registration of sex changes, to be in violation of the Fundamental Law.²¹ The case was initiated before the Constitutional Court by the Miskolc Court of Appeal, in a litigation started by NGOs Háttér and the Hungarian Helsinki Committee. The decision means that the ban shall not apply in pending cases, started before the new law's entry into force (29 May 2020). The Commissioner for Fundamental Rights, responding to an individual complaint, called on the responsible authorities to conduct procedures on legal registration of sex changes and comply with the decision of the Constitutional Court.²² Individuals still struggle to make state authorities comply, in many cases having to go to court, but even a victory at court does not guarantee a favourable outcome in practice, due to the reluctance of the authorities.²³ In a follow-up case, the Constitutional Court specified that its earlier decision on the non-applicability of the ban on the registration of sex changes should be applied in all cases, not only on those that were pending at the time of its first decision.²⁴ Despite this decision, Háttér Society reports that the Budapest Government Office refuses to conduct these procedures that started before the entry into force of the restrictive legislative amendment. Grounds for this failure include the rejection of

¹⁹ European Commission (2021), EU founding values: Commission starts legal action against Hungary and Poland for violations of fundamental rights of LGBTIQ people, Press Release, 15 July 2021, available at: https://ec.europa.eu/commission/presscorner/detail/en/ip_21_3668.

²⁰ Media Authority, Resolution No. 163/2021. (III. 2.), available at: https://nmhh.hu/cikk/218956/A_Mediatanacs_1632021_III_2_szamu_dontese; Háttér Society, 'The Media Authority would censor rainbow families on TV' (*Cenzúrázná a tévében a szivárványcsaládokat a Médiahatóság, 5 March 2021*), available at: <https://hatter.hu/hirek/cenzurazna-a-teveben-a-szivarvanycsaladokat-a-mediahatosag>.

²¹ Constitutional Court of Hungary, Resolution No. 11/2021. (IV. 7.). English summary: Háttér Society, 'Hungarian Constitutional Court: Retroactive prohibition of legal gender recognition unconstitutional', 12 March 2021, available at: <https://en.hatter.hu/news/annuled-provision>; and Balogh, L.H. (2021), The Constitutional Court annulled the provision of the Registry Act that the new rules shall be applied to ongoing legal gender recognition proceedings as well, *European Equality Law Network*, 3 May 2021, available at: <https://www.equalitylaw.eu/downloads/5398-hungary-fundamental-law-gender-identity-110-kb>.

²² Report of the Commissioner for Fundamental Rights in case no. AJB-1846/2021 concerning the application of regulations on the legal recognition of sex (*Az alapvető jogok biztosának jelentése az AJB-1846/2021. számú ügyben a nem jogi elismerésével kapcsolatos eljárások gyakorlatával összefüggésben*), 7 April 2021, available at: http://www.ajbh.hu/documents/10180/3713052/Jelent%C3%A9s+a+nem+jogi+elismer%C3%A9s%C3%A9vel+kapcsolatos+elj%C3%A1r%C3%A1sok+gyakorlat%C3%A1val+%C3%B6sszef%C3%BCgg%C3%A9sben+1846_2021/0c1a68fe-51e0-be95-c2ce-9a0fe537d2d8?version=1.0.

²³ Háttér Society (2021), 'The courts are annulling one by one the decisions rejecting the legal recognition of the gender of transgender people' (*Sorra semmisítik meg a bíróságok a transznemű emberek nemének jogi elismerését elutasító döntéseket*), 6 September 2021, available at: <https://hatter.hu/hirek/sorra-semmisitik-meg-a-birosagok-a-transznemu-emberek-nemenek-jogi-elismereset-elutasito>.

²⁴ Decision No. 3386/2021. (X. 1.) of the Constitutional Court of Hungary.

the consideration of psychiatric expert opinions that are a usual part of such procedures.²⁵ The Government Office lost related cases in 12 instances, including one that reached the Kúria, the highest court, which declared in a judgment on 10 November 2021 that the decision of the Constitutional Court means that the new law cannot be applied, as a general rule, from the day following the date of the official publication of the Constitutional Court's decision annulling the restrictive provisions, in this case, from 8 April 2021.²⁶ In the concrete case, this meant that the Kúria affirmed the lower decision that mandated the Government Office to take into account the psychiatric expert opinion and conduct the procedure accordingly.

In a separate procedure where a trans person asked for the annulment of the clause on the ban on registering sex changes, the Constitutional Court rejected the application for lack of standing, arguing that the applicant failed to provide evidence that he is transsexual.²⁷ The Constitutional Court also rejected, for procedural reasons, the initiative of a judge from Debrecen concerning the legal provision laying down the ban on the registration of sex change.²⁸ The judicial initiative asked for the declaration of unconstitutionality and of inapplicability of the provision in the case pending before the Debrecen Court, on the basis of lack of legal clarity undermining legal certainty and the rule of law.²⁹ However, the Constitutional Court decided to interpret this as a request only for the declaration of unconstitutionality on the basis of a legislative omission, which a judge cannot initiate.

According to a report of the Háttér Society, the National Authority for Data Protection and Freedom of Information stated in a proceeding initiated at the request of a transgender woman, that the provision banning a change of sex in official documents goes against EU law and violates Articles 5 (accuracy) and 16 (right to rectification) of the General Data Protection Regulation (GDPR).³⁰

²⁵ Háttér Society (2021), 'Kúria: the government office can no longer sabotage the implementation of the Constitutional Court decision on sex and name changes' (*Kúria: nem szabotálhatja tovább a kormányhivatal az AB nem- és névváltoztatási eljárásokra vonatkozó határozatának végrehajtását*), 6 December 2021, available at <https://hatter.hu/hirek/kuria-nem-szabotalhatja-tovabb-a-kormanyhivatal-az-ab-nem-es-nevvaltoztatasi-eljarasokra>.

²⁶ Judgment of the Kúria No. Kfv.III. 37.787/2021/6. of 10 November 2021, available at <https://hatter.hu/sites/default/files/dokumentum/konyvlap/kuria-2021nov.pdf>. See the relevant statement in para. 25. The decision of the Constitutional Court [Constitutional Court of Hungary, Resolution No. 11/2021. (IV. 7.)] was published on 7 April 2021 in the Official Journal (*Magyar Közlöny*) No. 2021/60 available at <https://magyarkozlony.hu/dokumentumok/b99cf69154cd304066cb1423b997024912740280/letoltes>.

²⁷ Decision No. 3182/2021. (IV. 30.) of the Constitutional Court of Hungary.

²⁸ Decision No. 3358/2021. (VII. 28.) of the Constitutional Court of Hungary.

²⁹ See the text of the judicial initiative: Debrecen Administrative and Labour Court, Order no. 102.K.28.444/2019/10 (*Debreceni Közigazgatási és Munkaügyi Bíróság 102.K.28.444/2019/10. sz. végzése*), 28 February 2020, available at: [http://public.mkab.hu/dev/dontesek.nsf/0/d36cfd25440eb166c1258709005ba85a/\\$FILE/III_559_0_2020_inditvany.anoni_m.pdf](http://public.mkab.hu/dev/dontesek.nsf/0/d36cfd25440eb166c1258709005ba85a/$FILE/III_559_0_2020_inditvany.anoni_m.pdf).

³⁰ Háttér Society (2021), 'Hungarian Data Protection Authority: ban on legal gender recognition problematic from a data protection perspective', 27 April 2021, available at: <https://en.hatter.hu/news/hungarian-data-protection-authority-ban-on-legal-gender-recognition-problematic-from-a-data>.

On 15 June 2021, the Parliament adopted a law concerning “the stricter law enforcement against paedophile criminals and amendments for the protection of children”.³¹ While part of the law deals with sanctions related to paedophile crimes, the law combines these with provisions banning information related to LGBTIQ persons. The most controversial clauses of the law declare a ban on access to information/content “propagating and displaying the deviation from the identity corresponding to sex at birth, the change of sex, and homosexuality” for individuals under 18.³² The ambiguity of the wording of the law seems to puzzle those responsible for the implementation, as shown in responses by government officials, e.g. the Minister heading the Prime Minister’s Office or the State Secretary responsible for youth affairs.³³ The Media Council issued a guideline that draws the line at whether the homosexual content or the deviation from the sex at birth is determinative or essential to the overall content, or this behaviour is presented as exemplary or is propagated.³⁴

As a reaction to the law, the civil society got mobilised,³⁵ human rights and LGBTIQ organisations pressured (unsuccessfully) Parliamentarians and the President of the Republic to reject the law,³⁶ signed a protest letter,³⁷ launched a petition,³⁸ encouraged reporting of personal stories,³⁹ and asked the Commissioner for Fundamental Rights to carry out a prompt inquiry and to initiate the annulment of

³¹ Hungary, Act LXXIX of 2021 on taking more severe action against paedophile offenders and amending certain Acts for the protection of children (2021. évi LXXIX. törvény a pedofil bűnelkövetőkkel szembeni szigorúbb fellépésről, valamint a gyermekek védelme érdekében egyes törvények módosításáról), available at https://njt.hu/translation/J2021T0079P_00000000_FIN.PDF.

³² Art. 3 banning such advertisements for persons under the age of 18, Art. 9 on the mandatory qualification of such contents, Art. 10 on a general ban, and Art. 11 banning such content in education.

³³ Kádár, A. (2021), ‘Anti-LGBTQI legislation passed in Hungary’, *European Equality Law Network*, 18 August 2021, p. 3, available at: <https://www.equalitylaw.eu/downloads/5472-hungary-anti-lgbtqi-legislation-passed-in-hungary-131-kb>.

³⁴ Media Council (2021), ‘Principles for the application of law in relation to the criteria governing the age rating of media content, the indications applicable before and during the publication of each program and the manner in which the rating is communicated (uniform structure)’ (A médiatartalmak korhatár-besorolásánál irányadó szempontokra, az egyes műsorszámok közzététele előtt és közben alkalmazható jelzésekre, illetve a minősítés közlésének módjára vonatkozó jogalkalmazási gyakorlat elvi szempontjai (egységes szerkezet)), p. 17, available at: https://nmhh.hu/dokumentum/214969/klaszifikacios_ajanlas.pdf.

³⁵ Háttér Society (2021), ‘Hungarian Parliament passes Putin-like propaganda law despite huge social uproar’, 15 June 2021, available at: <https://en.hatter.hu/news/hungarian-parliament-passes-putin-like-propaganda-law-despite-huge-social-uproar>.

³⁶ Háttér Society (2021), ‘Open letter to Hungarian MPs: Do not vote for Russian-style attack on freedom of speech and children’s rights’ (Nyílt levél a magyar országgyűlési képviselőkhez: Ne szavazzák meg az orosz mintájú támadást a szólásszabadság és gyermekjogok ellen!), 12 June 2021, available at: <https://hatter.hu/hirek/nyilt-level-a-magyar-oroszgyulesi-kepviselokhoz-ne-szavazzak-meg-az-orosz-mintaju-tamadast-a>; Háttér Society (2021), ‘Thousands of letters were delivered by NGOs, the eyes of the world are on Áder’ (Ezer levelet kézbesítettek civil szervezetek, Áderen a világ szeme), 23 June 2021, available at: <https://hatter.hu/hirek/ezer-levelet-kezbesitettek-civil-szervezetek-aderen-a-vilag-szeme>.

³⁷ Hungarian Helsinki Committee (2021), ‘Hungarian government launches Russian-style attack on freedom of speech and children’s rights’, 17 June 2021, available at: <https://helsinki.hu/en/hungarian-government-launches-russian-style-attack-on-freedom-of-speech-and-childrens-rights/>.

³⁸ Also supported by the LGBTQI section of the Hungarian Psychology Association. Amnesty International (2021), ‘You’re not alone: let’s protect LGBTQI people!’ (Nem vagy egyedül: védjük meg az LMBTQI embereket!), available at: <https://www.amnesty.hu/petition/nem-vagy-egyedul-vedjuk-meg-az-lmbtqi-embereket/>.

³⁹ Háttér Society (2021), ‘Do not let yourself! Report if you are disadvantaged by the propaganda law!’ (Ne hagyd magad! Jelentsd, ha hátrány ért a propagandatörvény miatt!), 2 September 2021, available at: <https://hatter.hu/hirek/ne-hagyd-magad-jelentsd-ha-hatran-ert-a-propagandatorveny-miatt>.

the law before the Constitutional Court, including due to non-compliance with European standards.⁴⁰ On 15 July 2021, the Commission sent a letter of formal notice to Hungary arguing that the law violates EU rules.⁴¹ On 2 December 2021, the Commission decided to send a reasoned opinion on the matter, having found the Hungarian regulations to be in violation of EU norms, including the prohibition of discrimination on the ground of sexual orientation (mandatory disclaimer in children books presenting LGBTIQ people) and the Audiovisual Media Services and e-Commerce Directives (restricting access to certain LGBTIQ-related content).⁴² The Venice Commission also found the law to be incompatible with human rights standards in its opinion adopted in December 2021.⁴³

A related Government decree published on 6 August 2021 put in place restrictions related to materials that portray or propagate, “for its own sake”, deviation from sex at birth, “sex change”, sexuality, and homosexuality. The measures include a ban on the sale of certain products within 200 metres from educational, youth and religious institutions as well as a ban on displaying products for children publicly, e.g. in store windows, and they should be separated from other products and sold in sealed packaging.⁴⁴ This means that a children’s book that includes stories on non-conventional families cannot be opened in bookstores and is not available in open shelves, only in wrapped packaging, upon request. As a prequel to the Decree, a bookstore chain was fined for making available a book depicting a family with same-sex parents (“Micsoda család!” [“*What a Family!*”] by Lawrence Schimel and Elina Brasliņa, published in English under two titles, “Early One Morning” and “Bedtime, Not Playtime!”). The company indicated that it is puzzled since many titles in world literature and popular science depict homosexuality, and placed a

⁴⁰ Hungarian Civil Liberties Union et al. (2021), ‘Initiation of an ex officio investigation in connection with certain provisions of Act LXXIX of 2021 on stricter action against pedophile offenders and amending certain laws to protect children’ (*Hivatalbóli vizsgálat kezdeményezése a pedofil bűnelkövetőkkel szembeni szigorúbb fellépésről, valamint a gyermekek védelme érdekében egyes törvények módosításáról szóló 2021. évi LXXIX. törvény egyes rendelkezéseivel kapcsolatban*), 5 August 2021, available at: <https://tasz.hu/a/files/Alapveto-Jogok-Biztosanak-Hivatala-2021.-evi-LXXIX-tv-beadvany-velemenyezésre.pdf>.

⁴¹ European Commission (2021), ‘EU founding values: Commission starts legal action against Hungary and Poland for violations of fundamental rights of LGBTIQ people’, Press Release, 15 July 2021, available at: https://ec.europa.eu/commission/presscorner/detail/en/ip_21_3668.

⁴² European Commission (2021), ‘December infringements package: key decisions’, 2 December 2021, available at https://ec.europa.eu/commission/presscorner/detail/en/inf_21_6201.

⁴³ Venice Commission (2021), ‘Hungary – Opinion No. 1059/2021 on the compatibility with international human rights standards of Act LXXIX amending certain Acts for the protection of children, adopted by the Venice Commission at its 129th Plenary Session (Venice and online, 10-11 December 2021)’, CDL-AD(2021)050-e, 13 December 2021, available at [https://www.venice.coe.int/webforms/documents/?pdf=CDL-AD\(2021\)050-e](https://www.venice.coe.int/webforms/documents/?pdf=CDL-AD(2021)050-e).

⁴⁴ Government decree no. 473/2021. (VII. 6.) on the amendment of Government Decree no. 210/2009. (IX. 29.) concerning conditions for the performance of commercial activities (*A Kormány 473/2021. (VIII. 6.) Korm. rendelete a kereskedelmi tevékenységek végzésének feltételeiről szóló 210/2009. (IX. 29.) Korm. rendelet módosításáról*), available at <https://magyarkozlony.hu/dokumentumok/917afe0366bc220214a2c726b03adb96b8894810/megtekintes>.

notice on the entrance of all its stores, saying that “this bookstore also sells books with non-traditional content”.⁴⁵

The government campaign that applies the paedophile label to LGBTIQ persons and organisations started earlier in 2021. Magyar Nemzet, the leading government-leaning daily, labelled the Labrisz Lesbian Association as paedophilic, because it published a children’s book promoting a culture of tolerance. On 13 January 2021, the Association sued Magyar Nemzet for this.⁴⁶

On 13 April 2021, the Kúria decided, against a lower court decision and the decision of the now-defunct Equal Treatment Authority, that the denial of the Ministry of Human Capacities to include an LGBTIQ organization (the Rainbow Families Foundation) in the list of ‘family organizations’, posted on its website *csalad.hu* (‘family.hu’), did not amount to discrimination.⁴⁷ The judgment argues, among others, that there is no discrimination because no other LGBTIQ organization is on the list. European Equality Law Network expert András Kádár criticises the judgment for failure to consider the clear disadvantage resulting from the denial; and further for the court’s failure to follow the burden of proof principle applicable in discrimination cases. Further, he notes the “absurdity” of the argument that there was no discrimination because not all family-related organisations are included on the list, failing to consider whether any of the omitted organisations requested their inclusion on the list, as the Rainbow Families Foundation did.⁴⁸

On 21 July 2021, Prime Minister Viktor Orbán announced a referendum related to LGBTIQ persons, a major event that will coincide with the run-up to the parliamentary elections in Spring 2022. At the time of the announcement, there was still a general ban on referendums due to restrictions related to the COVID-19 pandemic. This obstacle was promptly removed as the Government lifted the ban⁴⁹ and the initiative was subsequently approved by the National Electoral Commission. The decision was challenged before the court by the Hungarian Civil

⁴⁵ Librarius.hu, ‘Consumer protection fine for the sale of the children’s book What a Family! – Lira Group seeking legal challenge’ (*Fogyasztóvédelmi büntetés a Micsoda család! című gyermekkönyv árusítása miatt – Jogi válaszlépésre készül a Lira Csoport*), 8 July 2021, available at <https://librarius.hu/2021/07/08/fogyasztovedelmi-buntetes-a-micsoda-csalad-cimu-gyermekkonyv-arusitasa-miatt-jogi-valaszlepesre-keszul-a-lira-csoport/>.

⁴⁶ Labrisz (2021), ‘Labrisz v. Magyar Nemzet in the Fairyland Case’ (*Labrisz kontra Magyar Nemzet Meseország-ügyben*), available at https://labrisz.hu/hirek/labrisz_kontra_magyar_nemzet_meseorszag-ugyben.844.html?pageid=58; Hungarian Helsinki Committee (2021), ‘Fairyland Case: Labrisz sues Magyar Nemzet’ (*Meseország-ügy: a Labrisz beperelte a Magyar Nemzetet*), 13 January 2021, available at: <https://helsinki.hu/meseorszag-ugy-a-labrisz-beperelte-a-magyar-nemzetet/>.

⁴⁷ Kúria Judgment No. Kfv.37.156/2021/3. of 13 April 2021. (The judgment is not available in the official case law database at <https://eakta.birosag.hu/anonimizalt-hatarozatok>; the decision is presented based on the summary from the report cited in the following paragraph.)

⁴⁸ Kádár, A. (2021), ‘High court rejects claim that denial of listing LGBTIQ organisation among family organisations by Ministry of Human Capacities amounts to discrimination’, 27 October 2021, available at <https://www.equalitylaw.eu/downloads/5528-hungary-high-court-rejects-claim-that-denial-of-listing-lgbtqi-organisation-among-family-organisations-by-ministry-of-human-capacities-amounts-to-discrimination-94-kb>.

⁴⁹ Government Regulation no. 438/2021 (VII. 21.) on the possibility to hold national referendum (*A Kormány 438/2021. (VII. 21.) Korm. rendelete országos népszavazás megrendezhetőségéről*), available at <https://magyarkozlony.hu/dokumentumok/b25dd69256fa2cb3618f85ed481b97d2235e43c1/megtekintes>.

Liberties Union (HCLU), arguing, among others, that the initiative goes against international human rights' obligations.⁵⁰

The questions of the referendum, called "referendum for child protection", are the following:

1. Do you support that education presenting sexual orientations be available to minors in public education institutions without the consent of the parents?
2. Do you support that sex change treatments be propagated to minors?
3. Do you support that sex change treatments be available also to minors?
4. Do you support the presentation of sexual media content to minors that influences their development without restrictions?
5. Do you support the presentation of media content to minors that display sex change?⁵¹

All five questions have been challenged before the Kúria. The Kúria found question no. 3 unlawful under the current regulations.⁵² The Government filed an appeal against this decision with the Constitutional Court, arguing that it infringes the right to a fair trial.⁵³ Nonetheless, without waiting for the Constitutional Court's decision, the Government proposed removing this question from the list, to make sure that the remaining questions can be put to a referendum along with the general elections in Spring 2022⁵⁴ (allowed by a legislative amendment in 2021⁵⁵). The challenge before the Kúria concerning question no. 2 was decided by a three-member chamber led by the new president of the Kúria who was recently elected by the governing majority despite the rejection of the National Judicial Council.⁵⁶

⁵⁰ Hungarian Civil Liberties Union (2021), 'HCL filed a lawsuit against the unlawful referendum questions of the Government' (*A kormány jogsértő népszavazási kérdései miatt bírósághoz fordult a TASZ*), 16 August 2021, available at: <https://tasz.hu/cikkek/a-kormany-jogserto-nepszavazasi-kerdesei-miatt-birosaghoz-fordult-a-tasz>.

⁵¹ FIDESZ (2021), 'The Government launches child protection referendum' (*Gyermekvédelmi népszavazást kezdeményez a kormány*), 21 July 2021, available at: <https://fidesz.hu/hirek/gyermekvedelmi-nepszavazast-kezdemenyez-a-kormany>.

⁵² Supreme Court Decision No. Knk.II.40.646/2021/9 of 22 October 2021, available at <https://kuria-birosag.hu/hu/nepszavagy/knkii4064620219-szamu-hatarozat>.

⁵³ Constitutional Court, Case no. IV/03991/2021, available at <http://public.mkab.hu/dev/dontesek.nsf/0/58C4C4BC8B4F2356C1258782005EDA9C?OpenDocument&fbclid=IwAR2cYylydS7f2ZuuyahZ-BZsaL49p-BjEhcFRADDDfFnoVJ2d4GI3w1IJtE>

⁵⁴ Kisalfold.hu (2021), 'There will be a parliamentary election and a child protection referendum at the same time' (*Egyszerre lesz a parlamenti választás és a gyermekvédelmi népszavazás*), available at <https://www.kisalfold.hu/orszag-vilag/egyszerre-lesz-a-parlamenti-valasztas-es-a-gyermekvedelmi-nepszavazas-11579954/>

⁵⁵ Act CXVII of 2021 amending certain laws related to elections (2021. évi CXVII. törvény egyes választási tárgyú törvények módosításáról).

⁵⁶ In the words of the Council: "The nomination of Dr Zsolt András Varga [to the presidency] was made possible by two recent legislative amendments which go against the constitutional requirement of placing someone at the top of the judiciary who meets the criterion of the appearance of independence from the other branches of power." Quoted in Kazai, V. Z. and Kovács, Á. (2020), *The Last Days of the Independent Supreme Court of Hungary?*, *VerfBlog*, 13 October 2020, <https://verfassungsblog.de/the-last-days-of-the-independent-supreme-court-of-hungary/>.

The court considered the challenge unfounded and question no. 2 was approved.⁵⁷ In subsequent, separate decisions of the Kúria, the other questions were also allowed to be used in the referendum.⁵⁸

The ombudsperson found a violation of the requirement of equal treatment by an employer who denied access to dressing room and bathroom in conformity with the gender of a transgender woman who has transitioned but had to continue using the facilities for male employees.⁵⁹

In 2021, there were a few court decisions issued concerning attacks against members of the LGBTIQ community that took place in previous years, all the while the leading NGO representing LGBTIQI people received record numbers of reports on hate acts.⁶⁰ In September 2021, the European Court of Human Rights (ECtHR) rejected a complaint filed by the Hungarian Helsinki Committee in 2016 on behalf of an LGBTIQ activist. The activist was threatened after extremist sites published his identity and whereabouts in 2014. The complaint alleged inadequate investigation by the authorities. The Court ruled that the fact that the authorities decided not to seek "information from Facebook to verify the identities of the authors of the comments in question" did not mean that Hungary failed to comply with the standards required by Article 8 of the European Convention on Human Rights.⁶¹ As a result of the received threats and the sense of not getting protection, the activist moved out of Hungary in 2016.⁶²

Furthermore, in July 2021, the District Court of Monor sentenced, at first instance, a man to two years of imprisonment for attacking in 2019 a woman for wearing a rainbow bag.⁶³ In August 2021, in a separate case, two young people were sentenced to 80 and 100 hours of community service, respectively, for continuously threatening and shaming a young homosexual neighbour who filed a

⁵⁷ Supreme Court Decision no. Knk.IV.40.645/2021/19 of 8 November 2021, <https://kuria-birosag.hu/hu/nepszavugy/knkiv40645202119-szamu-hatarozat>.

⁵⁸ Regarding questions no. 1, see Supreme Court Decision no. Knk.III.40.644/2021/15 of 11 November 2021, <https://kuria-birosag.hu/hu/nepszavugy/knkiii40644202115-szamu-hatarozat>), for question no. 4, Supreme Court Decision no. Knk.III.40.647/2021/18 of 11 November 2021, <https://kuria-birosag.hu/hu/nepszavugy/knkiii40647202118-szamu-hatarozat>) and for question no. 5, Supreme Court Decision No. Knk.IV.40.648/2021/23 of 15 November 2021, <https://kuria-birosag.hu/hu/nepszavugy/knkiv40648202123-szamu-hatarozat>).

⁵⁹ Háttér Society (2021), 'Ombudsperson: the employer must secure access to adequate dressing room and bathroom for trans' (*Ombudsman: a munkáltatónak biztosítania kell a transznemű munkavállalók megfelelő öltöző- és mellékhelyiség-használatát*), 24 November 2021, available at <https://hatter.hu/hirek/ombudsman-a-munkaltatonak-biztositania-kell-a-transznemu-munkavallalok-megfelelo-oltozo-es>. (As of 3 January 2021, the report itself is not available on the site of the ombudsperson's office.)

⁶⁰ Kovács, K., and Garay, A., 'There are more homophobic attacks' (*Több a homofób támadás*), *RTL Híradó*, 18 July 2021, <https://rtl.hu/rtlklub/hirek/lmbtg-hatter-tarsasag-ugynevezett-pedofilterveny-tamadasok>.

⁶¹ *Andrea Giuliano v. Hungary*, App. no. 45305/16, Decision (First Section) of 2 September 2021.

⁶² Hungarian Civil Liberties Union (2021), 'A step backwards in hate crime legal practice in Strasbourg', 6 September 2021, available at: <https://hclu.hu/en/articles/a-step-backwards-in-hate-crime-legal-practice-in-strasbourg>.

⁶³ Háttér Society (2021), 'He hit because of a rainbow bag: was sentenced to two years in prison' (*Szivárványos táska miatt ütött: két év börtönre ítélte a bíróság*), 7 July 2021, available at: <https://hatter.hu/hirek/szivarvanyos-taska-miatt-utott-ket-ev-bortonre-itelte-a-birosag>.

complaint against them in 2016.⁶⁴ One of the crimes invoked in both cases (violence against member of a community) specifically applies to acts targeting people for their belonging to certain groups, including based on sexual orientation.⁶⁵

As the above overview has shown, there is little commitment at national level to implement the EU's [LGBTIQ Equality Strategy 2020–2025](#). Government action counters the goal of creating a more inclusive society. However, existing mechanisms continue to work, leading to adequate responses in individual cases, tackling discrimination and strengthening LGBTIQ people's safety.

As part of the United Nation's Universal Periodic Review (UPR) mechanism, Hungary received 36 recommendations that specifically addressed LGBTIQI issues, a sixfold increase from the 2016 cycle and 13% of all recommendations received in the current cycle. Amnesty International and four LGBTIQI NGOs read this as a sign that UN Member States show concern for recent developments.⁶⁶

General developments

Following an amendment in 2020, the Equal Treatment Authority, the national equality body ceased to function from January 2021 and its competences are transferred to the Office of the Commissioner for Fundamental Rights.⁶⁷ The status of the latter is being questioned for lack of effective protection of human rights, under the UN Paris Principles. The Global Alliance of National Human Rights Institutions (GANHRI) – its Sub-Committee on Accreditation – recommended in its report to demote the Commissioner for Fundamental Rights of Hungary to a partially compliant status ("B") as assessed by the standards of the Paris Principles on the Status of National Institutions.⁶⁸ According to the report, the Hungarian commissioner, among other concerns, "has not effectively engaged on and publicly addressed all human rights' issues, including in relation to vulnerable groups such as ethnic minorities, LGBTIQ, refugees and migrants".⁶⁹ The status

⁶⁴ Hátér Society (2021), 'They harassed their teenage gay neighbours for months, they were sentenced to community service by the court' (*Hónapokig székírozták tizenéves meleg szomszédjukat, közmunkára ítélte őket a bíróság*), 30 August 2021, available at: <https://hatter.hu/hirek/honapokig-szekiroztak-tizeneves-meleg-szomszedjukat-kozmunkara-itelte-oket-a-birosag>.

⁶⁵ Violence against member of a community, Art. 216 of the Criminal Code of Hungary.

⁶⁶ Amnesty International, 'Hungary received six times more LGBTIQI recommendations from the UN' (*Hatszor annyi LMBTQI ajánlást kapott Magyarország az ENSZ-től*), 23 November 2021, available at <https://www.amnesty.hu/hatszor-annyi-lmbtqi-ajanlast-kapott-magyarorszag-az-ensz-to/>.

⁶⁷ For a list of criticisms in English, see Kádár, A. (2021), 'Whether abolishing the Equal Treatment Authority and transferring its tasks to the Ombudsman decreases the level of protection against discrimination', *European Equality Law Network*, 10 February 2021, available at: <https://www.equalitylaw.eu/downloads/5345-hungary-legislation-adopted-abolishing-the-equal-treatment-authority-and-transferring-its-tasks-to-the-ombudsman-126-kb>.

⁶⁸ Principles relating to the Status of National Institutions (The Paris Principles), General Assembly resolution 48/134 of 20 December 1993.

⁶⁹ Global Alliance of National Human Rights Institutions (GANHRI), Report and Recommendations of the Virtual Session of the Sub-Committee on Accreditation (SCA), 14–24 June 2021, pp. 12–15, available at: <https://www.ohchr.org/Documents/Countries/NHRI/GANHRI/EN-SCA-Report-June-2021.pdf>.

change will take effect, if the situation does not change, upon the first meeting of the Sub-Committee in 2022.

On 18 May 2021, the Parliament, in line with the CJEU judgment of 18 June 2020,⁷⁰ moved to revoke the law on the transparency of foreign-funded organisations imposing additional requirements on civil society organisations.⁷¹ The CJEU found in its judgment that this law was incompatible with EU law. However, the law that revoked the earlier measures created new requirements that certain associations and foundations (with a balance sheet total exceeding HUF 20 million, approx. € 57,000, with certain organisations exempted) be examined annually by the State Audit Office.⁷²

The Council of Europe Commissioner for Human Rights criticised in a memorandum the measures that impact civil society activities for protecting the rights of the Roma and LGBTIQ people, stating that “Civil society representatives and human rights’ defenders have also been demonised as “foreign agents” and “traitors to the nation”, particularly when protecting the rights of migrants, Roma or LGBTIQ people.”⁷³ Civil society organisations including the leading NGO on LGBTIQ rights (Háttér) and a foundation supporting Roma empowerment (PAE) signed a public letter of protest calling against the adoption of the law.⁷⁴ The European Commission’s 2021 Rule of Law Report on Hungary also notes the developments related to NGOs and underlines that civil society organisations “critical towards the Government remain under pressure”.⁷⁵

1.2 Findings and methodology of research, studies, or surveys on experiences of discrimination against EU citizens on the grounds of nationality and against LGBTIQ people

LGBTIQ people

⁷⁰ *Commission v. Hungary*, C-78/18, Judgment of 18 June 2020.

⁷¹ The original law: Act LXXVI of 2017 on the transparency of organisations supported from abroad.

⁷² Act XLIX of 2021 on the transparency of civil society organisations carrying out an activity capable of influencing public debate and on the amendment of certain related laws (2021. évi XLIX. törvény a közélet befolyásolására alkalmas tevékenységet végző civil szervezetek átláthatóságáról).

⁷³ Commissioner for Human Rights (2021), ‘Memorandum on freedom of expression and media freedom in Hungary’, CommDH(2021)10, *Council of Europe*, 30 March 2021, para. 36, available at: <https://rm.coe.int/memorandum-on-freedom-of-expression-and-media-freedom-in-hungary/1680a1e67e>.

⁷⁴ Hungarian Helsinki Committee (2021), ‘The repeal of the law against civil society organisations is an important step, but the new bill that replaces it raises concerns’ (*A civilelles törvény visszavonása fontos lépés, de a helyébe lépő új törvényjavaslat aggályokra ad okot*), 21 April 2021, available at: <https://helsinki.hu/a-civilelles-torveny-visszavonasa-fontos-lepes-de/>.

⁷⁵ European Commission (2021), ‘2021 Rule of Law Report – Country Chapter on the rule of law situation in Hungary’, Commission Staff Working Document, SWD(2021) 714 final, 20 July 2021, available at: https://ec.europa.eu/info/sites/default/files/2021_rlr_country_chapter_hungary_en.pdf.

Takács and Swart, in an article published in Hungarian in 2021, examine social attitudes towards lesbians and gay, by comparing data based on three questions related to views on homosexuality from two rounds of the European Social Survey (8th and 9th) across 20 countries, including Hungary, and argue that the combined approach allows us to track attitudes better.⁷⁶

In August 2021, the Háttér Society reported on the findings of a representative survey commissioned by the organisation. The telephone survey was conducted in Hungary by the Medián Public Polling and Market Research Institute between 13 and 19 July 2021, on a nationally representative sample of 1,000 people.⁷⁷ According to the report, close to three quarters of respondents reject the statement voiced by government actors that gays and lesbians would corrupt children (73 %) and would allow the registration of sex changes (74.5 %). A clear majority supports marriage equality (59 %), agree with the statement that same-sex couples can also be good parents (69 %) and agree that students should hear about sexual minorities as part of their school curriculum (66 %). An overwhelming majority disagree with the claim that someone can become homosexual as a result of hearing about homosexuality in school (83 %) and that the parents and the teachers should be able to decide, not the government, what is taught on this subject.

An article published in 2021 in Hungarian presents the results of research on attitudes towards assisted reproduction technologies based on four focus group discussions with five to six women of 20 to 35 years of age.⁷⁸ The background of the study is the political decision of 2020 to nationalise fertility clinics in Hungary. The most divisive topic proved to be the availability of these procedures for single mothers and lesbians.⁷⁹

Another article published in 2021 in Hungarian assesses attitudes and the existing infrastructure of LGBTQ tourism in Hungary.⁸⁰ The results are based on an online non-representative survey (N = 912) carried out in January-February 2020, which was complemented by interviews with two actors working in the gay and lesbian tourism field. The research confirms that people living in larger cities with higher qualifications are more tolerant and that LGBTQ tourism remains limited, even in Budapest, and it is also limited geographically, to inner parts of the capital.

⁷⁶ Takács, J., and Swart, G. A. (2021), 'More variables, more rejections' (*Több változó, több elutasítás?*), *Socio.hu*, Vol. 11, No. 2, pp. 3–29, available at: <https://doi.org/10.18030/socio.hu.2021.2.3>.

⁷⁷ Háttér Society (2021), 'Acceptance of gays in Hungary at a historical peak' (*Történelmi csúcson a meleg elfogadottsága Magyarországon*), 13 August 2021, available at: <https://hatter.hu/hirek/tortenelmi-csucs-a-meleg-elfogadottsaga-magyarorszagon>.

⁷⁸ Szalma, I. (2021), 'Attitudes towards artificial insemination procedures among young childless women in Hungary' (*Mesterséges megtermékenyítési eljárásokkal kapcsolatos attitűdök a fiatal gyermektelen nők körében Magyarországon*), *Socio.hu*, Vol. 11, No. 1, pp. 125–146, available at: <https://doi.org/10.18030/socio.hu.2021.1.125>.

⁷⁹ *Ibid.*, 136–138.

⁸⁰ Szabó, B. A. (2021), 'Research on the supply side of LGBTQ tourism among Hungarian university students' (*Az LMBTQ turizmus kínálati oldalának vizsgálata a magyarországi egyetemisták körében*), *Földrajzi Közlemények*, Vol. 145, No. 1, pp. 67–79, available at: <https://doi.org/10.32643/fk.145.1.5>.

Háttér Society launched four-hour online training sessions for professionals working in different fields (media, family and childcare, sport, health, education) focusing on LGBTQI and gender non-conforming children,⁸¹ as part of a project (“Diversity and Childhood”) co-funded by Rights, equality and citizenship (2014–2020) programme of the European Union.⁸² A handbook on preventing violence against LGBTQI and gender non-conforming children and young people was published in Hungarian in May 2021.⁸³ A related four-week MOOC course was launched in July 2021.⁸⁴

The Sokszínűség (Diversity) Education Working Group published e-learning materials on harassment and exclusion in schools⁸⁵ as part of Diversity Week held online from 12 to 16 April 2021 with 183 registered participants.⁸⁶

Chapter 2. Racism, xenophobia and related intolerance

2.1 Findings and methodology of research, studies, or surveys on experiences of ethnic discrimination, racism and hate crime

In March 2021, Minority Rights Group Europe released a report on Roma in Hungary: ‘The Challenges of Discrimination’.⁸⁷ It was based on desk research and focus group research. It found systematic challenges in relation to the existence of discrimination, lack of awareness of antidiscrimination legislation, lack of access to remedy, including lawyers not being familiar with antidiscrimination litigation, etc.

⁸¹ Háttér Society (2019), ‘Awareness raising training for professionals on LGBTQI topics (*Tudatosságnövelő képzések szakembereknek LMBTQI témában*)’, 15 February 2021, available at: <https://hatter.hu/hirek/tudatossagnovelo-kepzesek-szakembereknek-lmbtqi-temaban>.

⁸² Háttér Society (2019), ‘Diversity and Childhood – Sokszínűség és gyermekkor’, available at: <https://en.hatter.hu/divchild>.
⁸³ Háttér Society (2021), ‘How can we tackle violence against LGBTQI and sexually nonconforming children and youth?’, (*Hogyan léphetünk fel az LMBTQI és nemileg nonkonform gyermekekkel és fiatalokkal szembeni erőszak ellen?*), available at: <https://hatter.hu/sites/default/files/dokumentum/kiadvany/handbook-dac-a5-hun-zs-ajbh.pdf>.

⁸⁴ Háttér Society (2021), ‘Professionals do not want to let LGBTQI youth down’ (*A szakemberek nem akarják cserben hagyni az LMBTQI fiatalokat*), 30 July 2021, available at: <https://hatter.hu/hirek/a-szakemberek-nem-akarjak-cserben-hagyni-az-lmbtqi-fiatalokat>.

⁸⁵ See an English presentation posted here: <https://www.sutori.com/en/story/sokszinuseg-hetere-2021--AKsLY2QvftUTXkk1XoNLSJa>.

⁸⁶ Sokszínűség (Diversity) Education Working Group (2021), ‘The 3rd Diversity Week was diverse online as well’ (*Online is sokszínű volt a 3. Sokszínűség Hete*), available at: <https://sokszinusegoktatas.hu/hirek/online-sokszinu-volt-3-sokszinuseg-hete>.

⁸⁷ Király, K.J, Bernáth, G. and Setét, J/ (2021), Roma in Hungary: The Challenges of Discrimination , Minority Rights Group Europe, March 2021, available at https://minorityrights.org/wp-content/uploads/2021/03/MRG_Rep_RomaHung_EN_Mar21_E.pdf.

In February 2021, the National Democratic Institute (NDI) also published research, specifically on the impact of COVID-19 on Roma communities in Hungary. It conducted field surveying and focus group discussions with 2359 respondents from nine counties, in the period May - August 2020. This sample is statistically representative of the Hungarian Roma population as to gender, education level and region.⁸⁸ It found that the COVID-19 crisis significantly worsened the situation of Roma in various dimensions (access to healthcare, deteriorating financial situation, access to education, experiences of discrimination and hate crimes, etc.).

According to the 2020 Annual report of the Commissioner for Fundamental Rights (published in 2021), there was a 13% decrease in cases (complaints and ex officio investigations) regarding rights of nationalities compared to 2019. The Deputy Commissioner for the Rights of Nationalities Living in Hungary attributes the decrease to the limited functioning of the nationalities' self-governments due to the COVID-19 pandemic and related restrictions. Out of the 351 complaints submitted in 2020, 172 complaints came from the Roma community.⁸⁹

2.2 Legal and policy developments or measures relating to the application of the Framework Decision on Racism and Xenophobia and the Racial Equality Directive

a) [Racial Equality Directive](#)

Legal developments

In 2021, there have been minor, mostly technical amendments to the Act transposing the Racial Equality Directive;⁹⁰ however, these were not related to its

⁸⁸ National Democratic Institute for International Affairs (2021), The Impact of COVID-19 on Hungary's Roma Communities, 12 February 2021, available at <https://www.ndi.org/sites/default/files/Impact%20of%20Covid-19%20on%20Hungarian%20Roma%20Communities%20-%20Associated%20Narrative%20%281%29%20%281%29.pdf>.

⁸⁹ Office of the Commissioner for Fundamental Rights (2021), Annual report on the activities of the Commissioner for Fundamental Rights and of its deputies 2020 (*Beszámoló az alapvető jogok biztosának és helyetteseinek tevékenységéről 2020*) (published 2021), p. 121, available at <https://www.ajbh.hu/documents/10180/3812363/AJBH+besz%C3%A1mol%C3%B3+2020.pdf/a629d00d-5057-b867-afef-aadcf10cf8ea?version=1.0&t=1617187816142>.

⁹⁰ Hungary, Act CXXV of 2003 on equal treatment and promotion of equal opportunities (2003. évi CXXV. törvény az egyenlő bánásmódról és az esélyegyenlőség előmozdításáról).

transposing dimension.⁹¹ In 2021, there has been no reference to the Racial Equality Directive in any new legal norms either.⁹²

In 2021, there have been 77 judicial decisions mentioning the act transposing the Racial Equality Directive, i.e. the Equal Treatment Act.⁹³ However, so far, only two concerned discrimination based on racial or ethnic origin.

In one case, the Metropolitan Tribunal annulled a decision by the Commissioner for Fundamental Rights (actually, the decision was issued by its predecessor, the Equal Treatment Authority) which found that a local self-government violated its duty to eliminate racial residential segregation. The Court found that the local self-government operated programmes which aimed at the elimination of segregation, and had to observe other legal obligations as well, thus the fact that some of the measures taken enhanced segregation does not change the overall assessment of the situation.⁹⁴

In a further decision, the Supreme Court (*Kúria*) found a request for review unfounded, and it confirmed the decision of the Debrecen Regional Court⁹⁵ (which was reported on in the 2021 Fundamental Rights Report⁹⁶) finding that the principle of equal treatment was not violated in the case, since the act (separation of a newborn baby from the mother for seven days) was not carried out due to the mother's Roma origin.⁹⁷ For further information see Chapter 3 as well as Annex 2.

Policy developments:

In relation to **COVID-19**, the Government has not introduced any measures mentioning or specifically tailored to the needs of ethnic minorities (in particular the Roma) according to desk research.⁹⁸

b) [Framework Decision on Racism and Xenophobia](#)

Legal developments:

⁹¹ See for example Hungary, Act XCIX of 2021 on transitional rules related to the state of danger (*2021. évi XCIX. törvény a veszélyhelyzettel összefüggő átmeneti szabályokról*), integrating a reference to a new type of legal status for employees in the public health care system; Act L of 2021 on amendments necessary for the simplification of certain official procedures (*2021. évi L. törvény az egyes hatósági eljárásokat érintő egyszerűsítések érdekében szükséges törvénymódosításokról*) amending, among others, certain procedures under the responsibility of the minister for social inclusion stipulated in Act CXXV of 2003 on equal treatment, etc.

⁹² Except in the Hungarian version of the [Council conclusions on equity and inclusion in education and training in order to promote educational success for all 2021/C 221/02](#).

⁹³ Hungary, Act CXXV of 2003 on equal treatment and promotion of equal opportunities (*2003. évi CXXV. törvény az egyenlő bánásmódról és az esélyegyenlőség előmozdításáról*).

⁹⁴ Hungary, Metropolitan Tribunal (*Fővárosi Törvényszék*) 105.K.701.748/2021/8.

⁹⁵ Hungary, Debrecen Regional Court (*Debreceni ítélőtábla*), Pf.I.20.266/2019/19, 23 January 2020.

⁹⁶ Franet National contribution to the Fundamental Rights Report 2021, Hungary, p. 18, available at https://fra.europa.eu/sites/default/files/fra_uploads/fr2021_hungary-frr2021_en.pdf.

⁹⁷ Hungary, Supreme Court (*Kúria*) Pfv.III.20.512/2020/14. 25 May 2021.

⁹⁸ See Franet Country Study released in May 2021: Milieu Consulting SRL, [Coronavirus pandemic in the EU – Fundamental Rights implications National vaccine deployment](#), Hungary 5 May 2021.

The Criminal Code⁹⁹ implements the Framework Decision in its Article 216(1) and (4) (violence against a member of a community), Article 332 (incitement against a member of a community) and Article 333 (public denial of genocide or crimes against humanity committed by the communist or national socialist regimes). These were not modified in 2021.

There have been a few decisions mentioning Article 216 of the Criminal Code in 2021 according to the official database of court decisions. In a criminal case, policemen were found guilty of violence against a member of a community (persons considered Roma – called for instance „Gypsy dog” - and beaten up by the police).¹⁰⁰ For more information see Annex 2.

A civil decision against a caricaturist using reference to Christianity also mentions Article 216, but it has no bearing on racial equality.¹⁰¹ The exact same decision is the one out of two from 2021 which mentions Article 332 as well, again with no bearing on racial equality or xenophobia. The other one¹⁰² corrects a minor mistake (wrong labelling of a piece of evidence) in a 2019 lower court decision¹⁰³ on incitement against a member of a community.

The European Commission launched infringement proceedings against Hungary in December 2021 for failing to criminalise the public condoning, denial or gross trivialisation of international crimes.¹⁰⁴ (Note however that the relevant provision of the Framework Decision only requires the criminalisation of these conducts when they are “carried out in a manner likely to incite violence or hatred”, and incitement to hatred and violence are criminalised in the Hungarian criminal law. Thus, the question perhaps revolves around the interpretation of Article 216 to include not only actual, but also „likely” incitement to hatred and violence).

Policy developments:

No relevant policy developments related to the Framework Decision have been identified. There appears to have been no national efforts and measures to engage and strengthen partnerships with civil society or community-based organisations (CSOs) in the fights against racism and racist hate crime and hate speech in 2021.

The National Social Inclusion Strategy 2030 is a “strategy serving primarily to combat poverty, and, at the same time, it is also a strategy for the inclusion [‘catching up’] of groups of domestic Roma population who live in poverty.”¹⁰⁵

⁹⁹ Act C of 2012 on the Criminal Code (2012. évi C. törvény a Büntető Törvénykönyvről)

¹⁰⁰ Hungary, Debrecen Tribunal (*Debreceni Törvényszék*), Decision no. III.Kb.5/2021/11-II, confirmed by the Metropolitan Regional Court (*Fővárosi ítélőtábla*), Decision no. 6.Kbf.18/2021/6.

¹⁰¹ Hungary, Metropolitan Tribunal (*Fővárosi Törvényszék*), Decision no. 22.P.21.457/2020/14.

¹⁰² Hungary, Debrecen Regional Court (*Debreceni Ítélőtábla*), Decision no. Bhar.I.625/2020/32.

¹⁰³ Hungary, Eger Tribunal (*Egri Törvényszék*) Decision no 4.Bf.149/2019/33. The decision cannot be found in the database, it is only referred to in the mentioned decision of the Debrecen Regional Court.

¹⁰⁴ European Commission, December infringements package: key decisions, 2 December 2021, available at https://ec.europa.eu/commission/presscorner/detail/en/inf_21_6201

¹⁰⁵ Hungarian National Social Inclusion Strategy 2030, p.8, available at <https://ec.europa.eu/info/sites/default/files/mntfs2030.pdf>.

The strategy uses indicators such as people “at risk of poverty” and “at risk of social exclusion”,¹⁰⁶ thus it is not based on the theoretical framework of anti-gypsyism, but mentions anti-gypsyism (as “*anticiganizmus*”¹⁰⁷) three times, while “hate” six times. (For more information about the National Strategy see the next chapter).

Chapter 3. Roma equality and inclusion

3.1 Policy developments in regards to the application of the EU Roma strategic Framework for equality, inclusion and participation for 2020-2030

Please put down the name of the national Roma framework/Roma strategy/integrated set of policy measures and the link	Magyar Nemzeti Társadalmi Felzárkózási Stratégia 2030 [Hungarian National Social Inclusion (‘Cathing-Up’) Strategy 2030]
Please add a hyperlink if the strategy is publicly available.	http://romagov.hu/wp-content/uploads/2021/08/MNTFS2030.pdf
Did an evaluation of the previous Roma inclusion strategy take place? If yes, please provide reference	Yes/No/Other (please specify): A Magyar Nemzeti Társadalmi Felzárkózási Stratégia (MNTFS) érvényesülésének értékelése, Értékelő jelentés, Véglegesített változat [Evaluation of the implementation of the Hungarian National Social Inclusion Strategy (HNSIS)], 15 January 2020, https://www.palyazat.gov.hu/download.php?objectId=1089915 Executive Summary in English: https://www.palyazat.gov.hu/download.php?objectId=1089913
Does the strategy use the (headline) indicators as suggested in the new portfolio of indicators?	Yes <u>Partially</u> No No indicator on discrimination is included; ¹⁰⁸ several other indicators are featured in the Strategy. ¹⁰⁹ The part of the inclusion that would target the non-Roma population is largely

¹⁰⁶ Hungarian National Social Inclusion Strategy 2030, p.6, available at <https://ec.europa.eu/info/sites/default/files/mntfs2030.pdf>.

¹⁰⁷ Hungarian National Social Inclusion Strategy 2030, pp. 142-143, available at <https://ec.europa.eu/info/sites/default/files/mntfs2030.pdf>.

¹⁰⁸ Racial discrimination is mentioned scarcely and is only linked to indirect actions under other headings or the availability of the complaint mechanism before the ombudsperson’s office (see e.g. p. 142–143). There is reference to a segregation index (p. 173) and related trends (p. 59–61) like the increase in segregation from 2008 to 2018 in segregation in primary education.

¹⁰⁹ See Table 4, p. 36 of the Strategy: <http://romagov.hu/wp-content/uploads/2021/08/MNTFS2030.pdf>.

	absent, instead focusing on the 'catching-up' ('felzárkózás') of the Roma themselves. ¹¹⁰
Was Roma civil society involved in the development of the strategy? Please provide examples?	Yes/No Inconclusive: The draft was posted on 7 December 2020 on the government website with the deadline of 5 January 2021. ¹¹¹ Eleven Roma organisations criticised the process of consultation and called it 'worrisome'. ¹¹²
Were NHRIs and/or equality bodies involved in the strategy development? Please provide example?	Yes/ <u>No</u> The Equal Treatment Authority was abolished at the time of the consultation. There is no indication that the Commissioner for Fundamental Rights was involved in the process. ¹¹³
Does the new strategy link to the operational programmes for the new EU funding period 2021-2027?	Yes/No/ <u>Other</u> (please specify) Direct references are largely missing (although see a passing reference on p. 8 and 167 to the programming period and on p. 168 to a Commission recommendation); there seems to be more focus on the Carpathian Basin as the home of all Hungarians, including those living in neighbouring countries, than on the wider European aspects; projects that are financed by the European Social Fund are indicated (e.g. EFOP 5.2.2 Roma pastoration in the Carpathian Basin, p. 148), without mentioning the source of the funding.

3.2 Legal and policy developments or measures directly or indirectly addressing Roma/Travellers inclusion

On 15 April 2021, the Deputy Commissioner for the Rights of Nationalities Living in Hungary ('*nemzetiségi biztoshelyettes*') issued a General Resolution in connection to their investigation concerning the education and child protection problems of a Roma student with special needs and found that the responsible schools in Mosonmagyaróvár failed to provide the legally required accommodating

¹¹⁰ On implementation, see also the Government resolution from 3 September 2021: A Kormány 1619/2021. (IX. 3.) Korm. határozata a Magyar Nemzeti Társadalmi Felzárkózási Stratégia 2030 végrehajtásának a 2021–2024. évekre szóló kormányzati intézkedési tervéről, available at: <https://magyarkozlony.hu/hivatalos-lapok/hyloEEWCm76j5fha5lgA612510b7c0272/dokumentumok/e5e5991edb937c07dd606335ffe71aaf66d923f1/letoltes>.

¹¹¹ Ministry of Interior, Draft of the Hungarian National Social Inclusion Strategy 2030 (*Magyar Nemzeti Társadalmi Felzárkózási Stratégia 2030 tervezet*) 7 December 2020, available at: <http://romagov.hu/magyar-nemzeti-tarsadalmi-felzarkozasi-strategia-2030-tervezet/>. See also https://emberijogok.kormany.hu/download/d/7c/c2000/Emlekezteto_Romaugyekert_FTMCS_20210414.pdf, p. 3.

¹¹² Polgár Alapítvány, 1Magyarország Kezdeményezés, Bagázs Közhasznú Egyesület, InDaHouse Hungary Egyesület, Romaversitas Alapítvány, Gyerekesély Egyesület, Partners Hungary Alapítvány, Számá Dá Noj Egyesület, Digi Tanoda Alapítvány, Idetartozunk Egyesület, Autonómia Alapítvány, 'General opinion on the draft Hungarian National Social Inclusion Strategy' (*Általános vélemény a Magyar Nemzeti Felzárkóztatási Stratégia tervezetéről*) available at: <https://drive.google.com/file/d/1QFIRHFfzmfgoX94tqNLXSF28z200hdh/view>.

¹¹³ The Commissioner is only mentioned when citing the Commissioner's earlier report (p. 45 and 61–62) and when listing legal mechanisms (p. 143).

and supportive measures to the student in question. The resolution reveals that during the investigation a number of systemic problems were identified: the lack of personal development programmes, inadequacies in the legal framework on the transfer of student data, lack of action on the side of the institution to accommodate the special needs of the student named in the complaint, irregularities in the conduction of the exam retake, the failure of child protection authorities to cooperate and communicate in line with their statutory obligations.¹¹⁴

The European Commission sent a letter of formal notice to Hungary in June 2021 regarding the 2020 legislative amendment¹¹⁵ that bans financial compensation for discrimination in the field of education and vocational training, obliging courts to award moral compensation only in the form of training or education services, instead of a one-time payment.¹¹⁶ This rule was adopted in response to a financial compensation awarded in a Roma desegregation lawsuit.¹¹⁷ The Government Commissioner for Roma Relations defended the government's position that denies compensation arguing that their approach seeks to address the root causes as opposed to merely scratching the surface.¹¹⁸

The Deputy Commissioner for the Rights of Nationalities Living in Hungary issued a resolution regarding the situation of the education of Roma children in Gyöngyöspata. This is a municipality that regularly appears in national media concerning the Roma and racism, most recently concerning compensation paid to victims of segregated education.¹¹⁹ The document¹²⁰ finds that continued school

¹¹⁴ Deputy Commissioner for the Rights of Nationalities Living in Hungary, Resolution No. 1/2021. on the specific and systemic shortcomings identified in the examination of the educational and child protection problems of a Roma pupil (1/2021. számú elvi állásfoglalás egy roma nemzetiségű tanuló nevelési-oktatási és gyermekvédelmi problémáinak vizsgálata kapcsán feltárt egyedi és rendszerszintű hiányosságokról) 15 April 2021, available at: http://nemzetisegijogok.hu/documents/2657648/4166042/1_2021.+E%C3%81+-+Egy+roma+nemzetis%C3%A9g%C5%B1+tanul%C3%B3+nevel%C3%A9si-oktat%C3%A1si+%C3%A9s+gyermekv%C3%A9delmi+probl%C3%A9m%C3%A1inak+vizsg%C3%A1lata+sor%C3%A1n+felt%C3%A1rt+egyedi+%C3%A9s+rendszer szint%C5%B1+hi%C3%A1nyoss%C3%A1gok.pdf/752e5aa3-8587-1304-527a-4e5c2bef9d4f?version=1.0.

¹¹⁵ Law No. 87 of 2020 amending Law No. 190 of 2011 on national public education (2020. évi LXXXVII. törvény a nemzeti köznevelésről szóló 2011. évi CXCV. törvény módosításáról), Art. 18, introducing Art. 59-4 in the amended law (No. 190 of 2011).

¹¹⁶ European Commission (2021), 'June infringements package: key decisions', 9 June 2021, available at: https://ec.europa.eu/commission/presscorner/detail/EN/INF_21_2743.

¹¹⁷ Supreme Court, Decision No. Pfv.IV.20.097/2015/3., 12 May 2020.

¹¹⁸ Ónody-Molnár, D., "Attila Sztojka: We don't think of bulldozers, the goal is full employment for the Roma' (Sztojka Attila: Nem dózerban gondolkodunk, a cél a romák teljes foglalkoztatása), *Jelen*, 2 September 2021, <https://jelen.media/interju/sztojka-attila-nem-dozerban-gondolkodunk-a-cel-a-romak-teljes-foglalkoztatasa-2221>.

¹¹⁹ See the report on 2020: Franet National contribution to the Fundamental Rights Report 2021, Hungary, p. 21–23, available at https://fra.europa.eu/sites/default/files/fra_uploads/frr2021_hungary-frr2021_en.pdf.

¹²⁰ Deputy Commissioner for the Rights of Nationalities Living in Hungary, Resolution No. 5/2021. on the specific and general problems identified concerning the situation of the education of Roma children in Gyöngyöspata (5/2021. számú Elvi állásfoglalás a gyöngyöspatai roma gyermekek nevelési-oktatási helyzetével kapcsolatban feltárt egyedi és általános problémákról), 5 November 2021, https://nemzetisegijogok.hu/documents/2657648/4166042/5_2021.+E%C3%81+-+A+gy%C3%B6ngy%C3%B6spatai+roma+gyermekek+nevel%C3%A9si-oktat%C3%A1si+helyzet%C3%A9vel+kapcsolatban+felt%C3%A1rt+egyedi+%C3%A9s+%C3%A1tal%C3%A1nos+probl%C3%A9m%C3%A1kr%C3%B3l.pdf/adba0e8d-7646-7c6d-d13d-2eb39fa4e847?version=1.0&t=1637587184395.

segregation is not only the result of spontaneous social processes or increasing prejudices, but is also the responsibility of school superiors¹²¹ as well as of general developments in social and educational policy.¹²² The Roma-only local school (Demeter Nekcsei Primary School) fails to meet basic quality standards, resulting in the violation of the right of students to equal treatment.¹²³ The deputy ombudsperson in her report recommends the establishment of an inclusive educational pilot program, the strengthening of the responsibility to implement the requirement of equal treatment and a support program targeting schools with a critical mass of students with special needs.¹²⁴

The Kúria in its decision of 25 May 2021 rendered a final and enforceable judgment in a strategic litigation case launched by the Hungarian Civil Liberties Union in cooperation with the European Roma Rights Centre, challenging the practice of removing children from their families to be placed in state child protection care, systematically affecting Roma families living in poverty. The court partly accepted the argument that the right to family life was violated by the removal of children from the family, including the denial to breastfeed a newborn, but the judgment did not find that the violation was based on discrimination.¹²⁵

On 4 October 2021, the Budapest Metropolitan Court rendered a judgment in a case started in 2017 by the European Roma Rights Centre as *actio popularis*. According to the report of the ERRC, the Court found the practice of removing children from families for financial reasons in Nógrád county a violation of the right to equal treatment on grounds of socio-economic status, poverty, and ethnicity. The majority of the children concerned were Roma. The Court found the Ministry of Human Capacities to be liable and obliged the Ministry to collect anonymous data on the ethnicity of children in state care which allows for the assessment of equal treatment.¹²⁶

In July 2021, the Commissioner for Fundamental Rights and the Deputy Commissioner for the Rights of Nationalities Living in Hungary issued a joint report concerning their investigations related to police measures taken against a Roma person. The report found that the police action undertaken against the Roma

¹²¹ Deputy Commissioner for the Rights of Nationalities Living in Hungary, Resolution No. 5/2021. on the specific and general problems identified concerning the situation of the education of Roma children in Gyöngyöspata, 5 November 2021, p. 63.

¹²² Deputy Commissioner for the Rights of Nationalities Living in Hungary, Resolution No. 5/2021. on the specific and general problems identified concerning the situation of the education of Roma children in Gyöngyöspata, 5 November 2021, p. 77.

¹²³ Deputy Commissioner for the Rights of Nationalities Living in Hungary, Resolution No. 5/2021. on the specific and general problems identified concerning the situation of the education of Roma children in Gyöngyöspata, 5 November 2021, p. 65.

¹²⁴ Deputy Commissioner for the Rights of Nationalities Living in Hungary, Resolution No. 5/2021. on the specific and general problems identified concerning the situation of the education of Roma children in Gyöngyöspata, 5 November 2021, p. 78.

¹²⁵ Supreme Court Decision No. Pfv.III.20.512/2020/14., 25 May 2021, available at: <https://eakta.birosag.hu/anonimizalt-hatarozatok>; Hungarian Civil Liberties Union (2021), 'Strategic litigation against unlawful removal of children – Summary' (*Stratégiai per a jogellenes gyermekkiemelések ellen – Összefoglaló*), 24 August 2021, available at: <https://tasz.hu/cikkek/strategiai-per-a-jogellenes-gyermekkiemelések-ellen-osszefoglalo>.

¹²⁶ European Roma Rights Centre, Budapest Court Rules State Removal of Romani Children from Families is Discrimination, 5 October 2021, <http://www.errc.org/press-releases/budapest-court-rules-state-removal-of-romani-children-from-families-is-discrimination>.

person, based on a police order for enhanced checks was unlawful,¹²⁷ also relying on the judgment of the European Court of Human Rights that declared the underlying provision, allowing a general, blanket authorisation for checks,¹²⁸ to be in violation of the European Convention on Human Rights.¹²⁹

In the spring of 2021, human rights' organisations (The City is for Everyone, Hungarian Civil Liberties Union, European Roma Rights Centre) sought to call attention to the fate of Roma families who face the risk of eviction and becoming homeless in Hajdúhadház, as a result of a project financed from European funds originally aimed at the "Rehabilitation of Degraded Urban Areas".¹³⁰ The mayor and the head of the local Roma nationality self-government disputed this and claimed that they were looking for a solution for all families.¹³¹

The Hungarian Civil Liberties Union addressed letters to various state bodies (National Centre for Public Health, Prime Minister, Office of the Prime Minister, Ministry of Interior, Ministry of Defence) seeking information on the efforts made to reach disadvantaged communities in response to the COVID-19 pandemic.¹³² The organisation also shared a public statement on recommended measures.¹³³ The responses show that no systemic effort is made to reach segregated and other

¹²⁷ Commissioner for Fundamental Rights and the Deputy Commissioner for the Rights of Nationalities Living in Hungary, Joint report in cases AJB-729/2021 and AJB-730/2021 concerning the examination of police measures in the context of increased checks on a Roma person (*Az alapvető jogok biztosának és a Magyarországon élő nemzetiségek jogainak védelmét ellátó biztoshelyettesének közös jelentése az AJB-729/2021. és az AJB-730/2021. számú ügyekben egy roma nemzetiségű személlyel szemben fokozott ellenőrzés keretében foganatosított rendőri intézkedések vizsgálatát érintően*), 22 July 2021, available at: http://nemzetisegijogok.hu/documents/2657648/4166042/729_730_2021+-+k%C3%B6z%C3%B6s+jelent%C3%A9s+-+fokozott+ellen%C5%91rz%C3%A9s.pdf/eca90039-52c5-e5e5-bc46-6db5f489ae7b?version=1.0.

¹²⁸ Decree no. 30/2011 (IX.22.) of the Minister of the Interior on the Police Service Regulation (A rendőrségről szóló 1994. évi XXXIV. törvény [Act No. 34 of 1994 on the police], Art. 30-3 and 30/2011. (IX. 22.) BM rendelet a rendőrség szolgálati szabályzatáról), Art. 26.

¹²⁹ *Vig v. Hungary*, App. no. 59648/13, Judgment (First Section) of 14 January 2021.

¹³⁰ Rorke, B. (2021), '80 Roma face eviction after local government receives €1.4 million in EU funds to renovate properties', *European Roma Rights Centre*, 12 May 2021, <http://www.errc.org/news/80-roma-face- eviction-after-local-government-receives-1.4-million-in-eu-funds-to-renovate-properties>; Hungarian Civil Liberties Union (2021), 'Almost a hundred people may become homeless in Hajdúhadház as a result of the renovation of social rental housing' (*Csaknem száz ember válhat hajléktalanná Hajdúhadházon a szociális bérlakások felújítása nyomán*), 28 April 2021, available at: <https://tasz.hu/cikkek/csaknem-szaz-ember-valhat-hajlektalanna-hajduhadhazon-a-szocialis-berlakasok-felujitasa-nyoman>. See also the Petition of the organisation "The City is for Everyone": <https://szabad.ahang.hu/petitions/ne-hagyjuk-hogy-tobb-mint-80-hajduhadhazi-lakos-elveszitse-az-otthonat>.

¹³¹ Lovas, V. (2021), 'Joint communiqué' (*Közös közlemény*), *Hajdúhadház*, 3 May 2021, available at: <http://www.hajduhadhaz.hu/kozos-kozlemeny/>.

¹³² See the attached letters here: Hungarian Civil Liberties Union (2021), 'The pandemic put many people in hopeless situations, the poorest in particular' (*Sokakat sodort kilátástalan helyzetbe a járvány, a legszegényebbeket különösen*), 8 March 2021, available at: <https://tasz.hu/cikkek/sokakat-sodort-kilatastalan-helyzetbe-a-jarvany-a-legszegenyebbeket-kulonosen>; Hungarian Civil Liberties Union (2021), 'We asked the state what it was doing to vaccinate people living in poor settlements' (*Megkérdeztük az államtól, hogy mit tesz a szegénytelepeken élők beoltásáért*), 20 April 2021, available at: <https://tasz.hu/cikkek/megkerdeztuk-az-allamtol-hogy-mit-tesz-a-szegenytelepeken-elok-beoltasaert>.

¹³³ Hungarian Civil Liberties Union (2021), 'Immediate and serious government measures are needed to mitigate the effects of the epidemic in disadvantaged settlements' (*Azonnali és komoly kormányzati intézkedésekre van szükség a hátrányos helyzetű településeken a járvány hatásainak mérséklésére*), 5 March 2021, available at: https://tasz.hu/a/img/level_koronavirus_szegenyseg.pdf.

disadvantaged communities nationally.¹³⁴ The deputy ombudsperson responsible for the rights of nationalities living in Hungary issued a statement calling for targeted measures in the case of disadvantaged groups including many Roma citizens.¹³⁵

As mentioned under Chapter 2, two reports were published in 2020 regarding the Roma people's situation in Hungary. In February 2021, the National Democratic Institute (NDI) published research on the impact of COVID-19 on Roma communities in Hungary¹³⁶ and in March 2021, Minority Rights Group Europe released a report concerning the challenges of discrimination experienced by Roma in Hungary.¹³⁷ For more information see Chapter 2 above.

¹³⁴ For an overview with links to the responses received, see: <https://ataszjelenti.444.hu/2021/04/09/az-allam-nem-akarja-eszrevenni-a-szegenytelepeken-elok-kiszolgalatottsagat-a-jarvany-alatt>.

¹³⁵ Deputy Commissioner for the Rights of Nationalities Living in Hungary (2021), 'Message of the Deputy Commissioner for the Rights of Nationalities Living in Hungary regarding the challenges of the fourth wave of the COVID pandemic' (A Nemzetiségi Biztoshelyettes üzenete a koronavírus világjárvány negyedik hullámának kihívásaival kapcsolatban), 22 November 2021, available at <https://nemzetisegijogok.hu/hu/web/njbh/-/2681089-11>.

¹³⁶ National Democratic Institute for International Affairs (2021), The Impact of COVID-19 on Hungary's Roma Communities, available at <https://www.ndi.org/sites/default/files/Impact%20of%20Covid-19%20on%20Hungarian%20Roma%20Communities%20-%20Narrative.pdf> and <https://www.ndi.org/publications/impact-covid-19-hungarys-roma-communities>.

¹³⁷ Király, K.J., Bernáth, G. and Setét, J. (2021), Roma in Hungary: The Challenges of Discrimination, Minority Rights Group Europe, March 2021, available at https://minorityrights.org/wp-content/uploads/2021/03/MRG_Rep_RomaHung_EN_Mar21_E.pdf.

Chapter 4. Asylum, visas, migration, borders and integration

4.1 Number of beneficiaries of international protection whose protection status was revoked in 2021

Country	Cessation of refugee status		Cessation of subsidiary protection	
	Number of refugee status revoked	Main reasons	Number of subsidiary protection status revoked	Main reasons
Hungary	According to data provided by the National Directorate for Aliens Policing (<i>Országos Idegenrendészeti Főigazgatóság</i>), hereinafter:NDAP), ¹³⁸	According to the NDAP no statistical data is collected on the reasons of revocation. ¹⁴¹ In 2021 the refugee status of 62 Romanian, 56 Macedonian, 24 Russian, 16 Georgian, 13 Syrian, 13 unknown, five Afghan, four Pakistani, four Iranian, three Somalian, two Croatian, two Kosovar, one Bangladeshi, one Iraqi, one Nigerian, one Albanian, one Cuban, one Lebanese, one Armenian citizen and two stateless person was revoked. ¹⁴²	According to data provided by the NDAP, between 01.01.2021 – 31.12.2021 138 subsidiary protection statuses were revoked. ¹⁴⁷ In contrast to this, in 2020, 117 subsidiary	According to the NDAP no statistical data is collected on the reasons of revocation. ¹⁴⁹ In 2021 the subsidiary protection status of 58 Syrian, 28 Afghan, 25 Iraqi, six Somalian, four Palestinian, two Serbian, two Yemeni, two Pakistani, one Armenian, one Mali, one Cuban, one Russian, one Sudanese, one Tunisian, one Ukrainian, four unknown citizen was revoked. ¹⁵⁰ In comparison, in 2020 the subsidiary protection status of 50 Syrian, 25 Afghan, 22 Iraqi, six Palestinian, four Serbian, three unknown, two

¹³⁸ National Directorate for Aliens Policing (*Országos Idegenrendészeti Főigazgatóság*), available at: <http://www.bmbah.hu/index.php?lang=hu>

¹⁴¹ Information provided by the National Directorate for Aliens Policing to public data request, 24 September 2021, p.2.

¹⁴² Information provided by the National Directorate for Aliens Policing to public data request, 13 January 2022, p.2.

¹⁴⁷ Information provided by the National Directorate for Aliens Policing to public data request, 13 January 2022, p.2.

¹⁴⁹ Information provided by the National Directorate for Aliens Policing to public data request, 24 September 2021, p.2.

¹⁵⁰ Information provided by the National Directorate for Aliens Policing to public data request, 13 January 2022, p.2.

	<p>between 01.01.2021 – 31.12.2021 213 refugee status was revoked¹³⁹</p> <p>In contrast to this 23 refugee status were revoked in 2020.¹⁴⁰</p>	<p>In comparison, in 2020, the refugee status of five Syrian, four Iraqi, two Afghan, two Nigerian, two unknown, one Congo, one Georgian, one Iranian, one Lebanese, one Pakistani, one Palestinian, one Russian and one Somalian citizen was revoked.</p> <p>In general, under Act LXXX of 2007 on Asylum (2007. évi LXXX törvény a menedékjogról, hereinafter: Act LXXX of 2007)¹⁴³ the revocation of refugee or subsidiary protection status may follow the subsequent procedures:</p> <p>1. The refugee authority (NDAP) is to re-examine every three years after the recognition of the refugee status (only as of 2016¹⁴⁴) or subsidiary protection status, in an officially launched <i>supervisory procedure</i> whether the conditions of granting international protection still persist or not. (Article 7/A (1) and Article 14 (1)).</p>	<p>protection statuses were revoked.¹⁴⁸</p>	<p>Sudani, one Georgian, one Iranian, one Pakistani, one Somalian and one stateless person was revoked.</p> <p>In comparison, in 2020, the subsidiary protection status of 55 Syrian, 25 Afghan, 22 Iraqi, six Palestinian, four Serbian, three unknown, two Sudanese, one Armenian, one Iranian, one Pakistani, one Somalian citizen and one stateless person was revoked.</p> <p>In general, under Act LXXX of 2007 on Asylum (2007. évi LXXX törvény a menedékjogról, hereinafter: Act LXXX of 2007)¹⁵¹ the revocation of refugee or subsidiary protection status may follow the subsequent procedures:</p> <p>1. The refugee authority (NDAP) is to re-examine every three years after the recognition of the refugee status (only as of 2016¹⁵²) or subsidiary protection status, in an officially launched <i>supervisory procedure</i> whether the conditions of</p>
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¹³⁹ Information provided by the National Directorate for Aliens Policing to public data request, 13 January 2022, p.2.

¹⁴⁰ Information provided by the National Directorate for Aliens Policing to public data request, 24 September 2021, p.2.

¹⁴³ Act LXXX of 2007 on Asylum (2007. évi LXXX törvény a menedékjogról), available at: <https://njt.hu/jogszabaly/2007-80-00-00>.

¹⁴⁴ The relevant Article 7/A was inserted into Act LXXX of 2007 by Article 71 of Act XXXIX of 2016 on the modification of certain migration related and – in view of this other laws (2016. évi XXXIX. törvény egyes migrációs tárgyú és ezekkel összefüggésben más törvények módosításáról), available at: <https://njt.hu/jogszabaly/2016-39-00-00.0>. Article 7/A is only applicable in the case of such recognised refugees whose status was recognised after 1 July 2016. In relation to refugee statuses recognised before 1 July 2016, no such supervisory procedure takes place.

¹⁴⁸ Information provided by the National Directorate for Aliens Policing to public data request, 24 September 2021, p.2.

¹⁵¹ Act LXXX of 2007 on Asylum (2007. évi LXXX törvény a menedékjogról), available at: <https://njt.hu/jogszabaly/2007-80-00-00>.

¹⁵² The relevant Article 7/A was inserted into Act LXXX of 2007 by Article 71 of Act XXXIX of 2016 on the modification of certain migration related and – in view of this other laws (2016. évi XXXIX. törvény egyes migrációs tárgyú és ezekkel összefüggésben más törvények módosításáról), available at: <https://njt.hu/jogszabaly/2016-39-00-00.0>. Article 7/A is only applicable in the case of such recognised refugees whose status was recognised after 1 July 2016. In relation to refugee statuses recognised before 1 July 2016, no such supervisory procedure takes place.

		<p>According to information provided by the Hungarian Helsinki Committee (<i>Magyar Helsinki Bizottság</i>)¹⁴⁵ the supervisory procedure may typically lead to the revocation of the international protection status of the person concerned if the authorities find that the circumstances in the country of origin or in a part of the country of origin, which may be regarded as an internal flight alternative, have changed. In their experience there have been many cases of persons originating from Afghanistan in the past few years, whose protection status was withdrawn on the basis of the emergence of an internal flight alternative in, for instance, Kabul.¹⁴⁶</p> <p>2. The refugee authority revokes the refugee or subsidiary protection status of the person concerned in a revocation procedure, which may only be launched officially unless the person concerned renounces his or her international protection status.</p> <p>The refugee authority revokes the international protection status if it ceases to exist because the person concerned acquires</p>		<p>granting international protection still persist or not (Article 7/A (1) and Article 14 (1)).</p> <p>According to information provided by the Hungarian Helsinki Committee (<i>Magyar Helsinki Bizottság</i>)¹⁵³ the supervisory procedure may typically lead to the revocation of the international protection status of the person concerned if the authorities find that the circumstances in the country of origin or in a part of the country of origin, which may be regarded as an internal flight alternative, have changed. In their experience there have been many cases of persons originating from Afghanistan in the past few years, whose protection status was withdrawn on the basis of the emergence of an internal flight alternative in, for instance, Kabul.¹⁵⁴</p> <p>2. The refugee authority revokes the refugee or subsidiary protection status of the person concerned in a revocation procedure, which may only be launched officially unless the person concerned renounces his or her international protection status.</p>
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¹⁴⁵ Hungarian Helsinki Committee (*Magyar Helsinki Bizottság*), is a public benefit human rights organization that protects human dignity through legal and public activities. They provide help to refugees, detainees and victims of law enforcement violence. Homepage available at: <https://helsinki.hu/en/>.

¹⁴⁶ Information provided by the Hungarian Helsinki Committee via telephone interview, 6 September 2021.

¹⁵³ Hungarian Helsinki Committee (*Magyar Helsinki Bizottság*), is a public benefit human rights organization that protects human dignity through legal and public activities. They provide help to refugees, detainees and victims of law enforcement violence. Homepage available at: <https://helsinki.hu/en/>.

¹⁵⁴ Information provided by the Hungarian Helsinki Committee via telephone interview, 6 September 2021.

		<p>Hungarian citizenship. Similarly, the status is revoked if the person concerned:</p> <ul style="list-style-type: none"> - has voluntarily applied for the protection of his or her country of origin - reacquires his or her (former) lost citizenship - acquires a new citizenship and enjoys the protection of the country concerned - voluntarily returned to the country he or she left because of his or her fear from persecution - the circumstances which grounded his or her protection status ceased to exist. This is not applicable to those who refer to reasons originating from their former persecution that may still substantiate their refusal of the protection of the country they left. - renounces his or her protection status - has had the recognition of his or her status despite an existing exclusion ground or such an exclusion ground has emerged, or if - the grounds for recognition did not exist at the time of the recognition of the international protection status, - failed to mention during the recognition procedure, some important fact or facts, made a false statement on such fact or facts or used false or falsified documents if this had an impact on his or her recognition. <p>(Article 11 and Article 18 of Act LXXX of 2007.)</p>		<p>The refugee authority revokes the international protection status if it ceases to exist because the person concerned acquires Hungarian citizenship. Similarly, the status is revoked if the person concerned:</p> <ul style="list-style-type: none"> - has voluntarily applied to the protection of his or her country of origin - reacquires his or her (former) lost citizenship - acquires a new citizenship and enjoys the protection of the country concerned - voluntarily returned to the country he or she left because of his or her fear from persecution - the circumstances which grounded his or her protection status ceased to exist. This is not applicable to those who refer to reasons originating from their former persecution that may still substantiate their refusal of the protection of the country they left. - renounces his or her protection status - has had the recognition of his or her status despite an existing exclusion ground or such an exclusion ground has emerged, or if - the grounds for recognition did not exist at the time of the recognition of the international protection status, - failed to mention during the recognition procedure, some important fact or facts, made a false statement on such fact or facts or used false or falsified documents if this had an impact on his or her recognition. <p>(Article 11 and Article 18 of Act LXXX of 2007.)</p> <p>The subsidiary protection status also ceases to exist if the person concerned receives refugee status (Article 18 of Act LXXX of 2007).</p>
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				For further information, public data request is pending with the NADP.
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4.2 National border monitoring mechanisms

Country	Legal source providing for border monitoring	Organisation(s) responsible for monitoring	Is the monitoring body at the at same time the National Preventative Mechanism? (Y/N)	Are reports publicly available? [if yes, please add hyperlink]	Number of monitoring operations in 2021	Is monitoring (at least partially) funded by the EU? If so, under which modalities?
Hungary	Act CXI of 2011 on the Office of the Commissioner for Fundamental Rights (2011. évi CXI. törvény az alapvető jogok biztosáról, hereinafter: Act CXI of 2011): ¹⁵⁵	Office of the Commissioner for Fundamental Rights (<i>Alapvető Jogok Biztosának Hivatala</i>), hereinafter: CFR. ¹⁵⁷ The CFR is entitled to launch an investigation on	Yes	In general, CFR reports would be publicly available; however, no reports related to border monitoring have been published so far	In response to public data request on its border monitoring activities, the CFR maintained that in 2021 the Commissioner for Fundamental Rights, the	The supervisory activities of the prosecutor's office are financed by the state.

¹⁵⁵ Act CXI of 2011 on the Office of the Commissioner for Fundamental Rights (2011. évi CXI. törvény az alapvető jogok biztosáról), available at: <https://nit.hu/jogszabaly/2011-111-00-00>.

¹⁵⁷ Office of the Commissioner for Fundamental Rights (*Alapvető Jogok Biztosának Hivatala*). Homepage: <http://www.ajbh.hu/en/kezdolap>.

	<p>- Article 1 (2) on the competence of the CFR</p> <p>-Article 2 (6) on the designation of the CFR as the National Preventive Mechanism</p> <p>Act CXLIII of 2011 on the promulgation of the „Optional Protocol to the Convention against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment (2011. évi CXLIII. Törvény a kínzás és más kegyetlen,</p>	<p>the basis of a complaint submitted by the person(s) concerned or on their own accord <i>ex officio</i> (Article 18 (1) and (4), Act CXI of 2011.</p> <p>The CFR also acts as the National Preventive Mechanism.</p> <p>The Global Alliance of National Human Rights Institutions (GANHRI) has recently recommended the downgrading of the CFR from status A to status B¹⁵⁸ as the CFR “</p>		<p>in 2021.¹⁶⁴ Public data request with the CFR and the Ministry of the Interior (Belügy-minisztérium) is pending.</p>	<p>Policing Director of the CFR, accompanied by four employees of the CFR “paid a visit” to eleven border crossing points at the border (Röszke-Horgos, Hercegszántó, Letenye, Rábafüzes-Heiligenkreutz, Nógrádszakál, Tornyosnémeti, Bánréve, Hegyeshalom, Komárom, Nagykereki-Bors II). The CFR did not provide any information on the date, extent, methodology or duration of</p>	
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¹⁵⁸ Global Alliance of National Human Rights Institutions (GANHRI): *Report and Recommendations of the Virtual Session of the Sub-Committee on Accreditation*, (SCA) 14-24 June 2021, available at: <https://www.ohchr.org/Documents/Countries/NHRI/GANHRI/EN-SCA-Report-June-2021.pdf> .

¹⁶⁴ Office of the Commissioner for Fundamental Rights: Reports published in 2021, available at: http://www.ajbh.hu/en/jelentesek-inditvanyok-allasfoglalasok?p_p_id=1_WAR_ajbhdocumentlibrarydisplayportlet&p_p_lifecycle=0&p_p_state=normal&p_p_mode=view&p_p_col_id=column-1&p_p_col_count=1&_1_WAR_ajbhdocumentlibrarydisplayportlet_currentFolderId=3713052&_1_WAR_ajbhdocumentlibrarydisplayportlet_folderOrderByCol=NAME&_1_WAR_ajbhdocumentlibrarydisplayportlet_folderOrderByName=desc&_1_WAR_ajbhdocumentlibrarydisplayportlet_folderCur=&_1_WAR_ajbhdocumentlibrarydisplayportlet_deltafileCur=20&_1_WAR_ajbhdocumentlibrarydisplayportlet_keywords=&_1_WAR_ajbhdocumentlibrarydisplayportlet_advancedSearch=false&_1_WAR_ajbhdocumentlibrarydisplayportlet_andOperator=true&_1_WAR_ajbhdocumentlibrarydisplayportlet_orderByCol=NAME&_1_WAR_ajbhdocumentlibrarydisplayportlet_orderByType=asc&_1_WAR_ajbhdocumentlibrarydisplayportlet_resetCur=false&_1_WAR_ajbhdocumentlibrarydisplayportlet_fileCur=1.

	<p><i>embertelen vagy megalázó bánásmód vagy büntetés elleni egyezmény fakultatív jegyzőkönyvé-nek kihirdetéséről</i>¹⁵⁶</p>	<p>has not effectively engaged on and publicly addressed all human rights' issues, including in relation to vulnerable groups such as (...) refugees"¹⁵⁹, despite the various concerns raised by partner organisations of the CFR or NGOs in relation to the treatment of migrants and asylum seekers at the border and/or in the transit zones.¹⁶⁰</p> <p>The relevant NGO shadow report of 2021 accentuated the CFR's inactivity</p>			<p>these visits and no reports have been presented or published either. On 29 July 2021, the CFR also paid a visit at the Northern Great Plain Directorate of the NDAP and were informed of the alien policing situation of the region and of the operation of the Directorate. Similarly, on 30 September 2021, they visited the Mórahalom and Rösztke, Border Policing Centres</p>	
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¹⁵⁶ Act CXLIII of 2011 on the promulgation of the Optional Protocol to the Convention against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment (2011. évi CXLIII. Törvény a kínzás és más kegyetlen, embertelen vagy megalázó bánásmód vagy büntetés elleni egyezmény fakultatív jegyzőkönyvé-nek kihirdetéséről), available at: <https://njt.hu/jogszabaly/2011-143-00-00> .

¹⁵⁹ Global Alliance of National Human Rights Institutions (GANHRI): *Report and Recommendations of the Virtual Session of the Sub-Committee on Accreditation*, (SCA) 14-24 June 2021, available at: <https://www.ohchr.org/Documents/Countries/NHRI/GANHRI/EN-SCA-Report-June-2021.pdf>. p.5.

¹⁶⁰ Most recently: Hungarian Helsinki Committee (*Magyar Helsinki Bizottság*), *Árnyékjelentés a GANHRI Akkreditációs Albizottsága számára az Alapvető Jogok Biztosának tevékenységéről és függetlenségéről (Shadow report for the GANHRI Sub-Committee on Accreditation on the operation and independence of the Commissioner for Fundamental Rights)*, 18 February 2021, p. 16-18.

		<p>since the “refugee crisis” in 2015 despite various attempts on the part of NGOs to draw the attention of the CFR on the related issues.¹⁶¹</p> <p>Meanwhile, the said concerns were endorsed by relevant judgments of the European Court of Human Rights¹⁶² or the Court of Justice of the European Union¹⁶³.</p>			<p>while on 1 December 2021 another visit was paid to the Röszke-Horgos highway border crossing and the temporary security border closure at Röszke. The CFR maintained that during their visits no irregularities were revealed.¹⁶⁵</p> <p>According to the response provided by the Ministry of Interior, in 2021, there have been no border monitoring</p>	
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¹⁶¹ Hungarian Helsinki Committee (*Magyar Helsinki Bizottság*), Árnýéjkeletés a GANHRI Akkreditációs Albizottsága számára az Alapvető Jogok Biztosának tevékenységéről és függetlenségéről (*Shadow report for the GANHRI Sub-Committee on Accreditation on the operation and independence of the Commissioner for Fundamental Rights*), 18 February 2021, p. 16. See also: Hungarian Helsinki Committee (2020) Letter to the Commissioner for Fundamental Rights, available at: https://helsinki.hu/wp-content/uploads/HHC_submission_CFR_Asylum_07042020.pdf.

¹⁶² European Court of Human Rights, *R.R. and others v. Hungary*, Application no. 36037/17, 2 March 2021.; European Court of Human Rights, *Shahzad v. Hungary*, Application no. 12625/17, 8 July 2021. See also in previous years: European Court of Human Rights, *Ilias and Ahmed vs. Hungary*, Grand Chamber judgment, Application no. 47287/15, 21 November 2019.

¹⁶³ Court of Justice of the European Union, judgment, *Joined Cases C-924/19 PPU and C-925/19 PPU*, 14 May 2020.

¹⁶⁵ Response of the Office of the Commissioner for Fundamental Rights to public data request via email, 7 January 2022.

					<p>activities conducted by the border state organs or by NGOs. They emphasised that it is the general task of the prosecutor's office to conduct the supervision of the legality of measures resulting in the restriction of personal freedom (e.g. alien policing detention) and expulsion of migrants/ refugees in alien policing procedures. The Ministry of Interior claims that – due to the Coronavirus pandemic – the personal visits of the prosecutors were suspended in March 2020</p>	
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					<p>but were later reinstated.¹⁶⁶</p> <p>The Ministry of Interior also remarked that there are ongoing negotiations between the UNHCR Regional Representation for Central Europe ¹⁶⁷ and the Hungarian Police Headquarters (<i>Országos Rendőr-főkapitányság</i>) on the prospective border monitoring activities of the UNHCR Office (<i>Standard Operating Procedure on the coordination and the modalities of</i></p>	
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¹⁶⁶ Information provided by the Department of European Cooperation, Ministry of the Interior to public data request via email, 22 October 2021, 11 November 2021.

¹⁶⁷ UNHCR Regional Representation for Central Europe, available at: <https://www.unhcr.org/ceu/2673-central-europes-regional-office.html>.

					<p><i>border monitoring activities undertaken by UNHCR). The ministry maintains that the guarded reception centres are monitored monthly by the employees of UNHCR. This monitoring covers the number, nationality, average detention period of the persons concerned, reception conditions (with special regard to vulnerable groups), provision of food, rights of the detainees, potential problems raised by the detainees. In general, this</i></p>	
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					<p>monitoring activity covers the refugee procedure, the procedure concerning unaccompanied children, and statistical data.¹⁶⁸</p> <p>The Ministry of Interior reinforced that the CFR has the general competence to conduct border monitoring activities and the ministry also claims such “meetings” have occurred in 2020.¹⁶⁹</p> <p>According to the Hungarian Helsinki Committee, however, during these “visits”, the CFR did not</p>	
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¹⁶⁸ Information provided by the Department of European Cooperation, Ministry of the Interior to public data request via email, 22 October 2021, 11 November 2021.

¹⁶⁹ Information provided by the Department of European Cooperation, Ministry of the Interior to public data request via email, 22 October 2021, 11 November 2021.

					<p>conduct a meaningful border monitoring activity. In their view, the CFR spent only very little time at the border, "having a coffee", consulting with those responsible for the maintenance of the facilities there.¹⁷⁰</p>	
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¹⁷⁰ Information provided by the Hungarian Helsinki Committee via telephone interview, 6 September 2021.

Chapter 5. Information society, privacy and data protection

5.1 Legal and policy developments or measures that have been implemented related to data protection and private life with regards to security issues

On 13 May 2021, The Constitutional Court of Hungary (*Alkotmánybíróság*) made a decision¹⁷¹ on the constitutional requirements attached to the temporary rules Governmental Decree no. 521/2020¹⁷² introduced with respect to the Coronavirus outbreak in Hungary. Article 1(3)-(5) of the Governmental Decree stipulates that the public body may respond to the request for data of public interest in 45 days instead of the otherwise applicable 15 days if the performance of the data request would jeopardise its public duties. The Constitutional Court, as per the request of an independent member of the Hungarian Parliament (*Országgyűlés*), interpreted the circumstances under which the public body may extend the deadline to respond to the request for data of public interest. The Constitutional Court ruled the prolonged deadline was not in violation of the Fundamental Law of Hungary, however, the public body must set the underlying reasons that justify the prolonged deadline to respond to the data request. This concretisation of the underlying reasons must be real and must prove that the public duties of the body may be endangered if the data request was responded to in the regular 15 day-deadline.

Governmental Decree no. 333/2021 set detailed rules on the pandemic evaluation register that was established to help the containment of the Coronavirus.¹⁷³ The register is kept electronically by the National Health Insurance Fund (*Nemzeti Egészségbiztosítási Alapkezelő*) (hereinafter: NEAK). The register contains detailed information on the infected persons and the vaccinated population. The purpose of the register is to better organise healthcare, to monitor the individual patient path, and to further improve the efficiency of the vaccination strategy. NEAK received the necessary data from the database of other

¹⁷¹ Constitutional Court of Hungary (Alkotmánybíróság) no. 15/2021 on the constitutional requirements related to Article 1(3)-(5) of Governmental Decree no. 521/2020 on the derogation of certain data request provisions in the period of state of danger (15/2021. (V. 13.) *AB határozat a veszélyhelyzet idején az egyes adatigénylési rendelkezésektől való eltérésről* szóló 521/2020. (XI. 25.) Korm. rendelet 1. § (3)-(5) bekezdéseire vonatkozó alkotmányos követelmény megállapításáról), 13 May 2021, available at: <https://net.jogtar.hu/jogszabaly?docid=A21H0015.AB>.

¹⁷² Hungary, Governmental Decree no. 521/2020 on the derogation of certain data request provisions in the period of state of danger (521/2020. XI. 25. *a veszélyhelyzet idején az egyes adatigénylési rendelkezésektől való eltérésről*), 26 November 2020, available at: <https://njt.hu/jogszabaly/2020-521-20-22>.

¹⁷³ Hungary, Governmental Decree no. 333/2021 on detailed rules on the pandemic evaluation register that was established to serve certain epidemic measures (333/2021. (VI. 10.) Korm. rendelet egyes járványügyi védekezést szolgáló pandémia-értékelő regiszterre vonatkozó részletes szabályokról), 11 June 2021, available at: <https://njt.hu/jogszabaly/2021-333-20-22>.

public bodies (e.g. National Public Health Centre (*Nemzeti Népegészségügyi Központ*), hospitals and other healthcare providers. The data of patients and vaccinated people are kept in the register in a format that is available to identify the data subjects. The Decree stipulates that after 10 years, data must be deprived of the possibility of personal identification. NEAK must make statistics, diagrams and charts based on the data the register contains, and it must send the analysis to the Minister of Human Capacities (*Emberi Erőforrások Minisztériuma*) and to the Minister of the Interior (*Belügyminisztérium*) on a weekly basis. The statistical analysis is transferred to the ministers in a way persons cannot be identified.

On 25 June 2021, the Hungarian Parliament adopted a new law on the national data asset.¹⁷⁴ The new law established a National Data Asset Agency (*Nemzeti Adatvagyron Ügynökség*) that is a coordinative body to whom businesses may turn to request data for the purpose of conducting market analysis. The Agency shall examine each data request, and, in case it allows the market analysis, the Agency turns to the competent public body to obtain the requested data. Based on the data obtained, the Agency sends an anonymised database to the business. The purpose of the new legislation is to boost AI based digitalisation of Hungarian businesses through providing Big Data to them by the State.

The Hungarian National Authority for Data Protection and Freedom of Information (*Nemzeti Adatvédelmi és Információszabadság Hatóság*) issued several decisions, guidelines and communications on the interpretation of data protection laws with respect to the pandemic:

- On 2 September 2021, the Authority released a communication on whether dormitories of higher education institutions can require the immunity card proving that the person is either vaccinated against or recovered from SARS-CoV-2 as a condition to accommodate them. The Authority declares the information on the immunity card as special category data, and as such, it requires an elevated legal protection. The Authority stressed in the absence of a specific legislation that would grant higher education institutions with the right to ask for the immunity card of the students, dorms cannot make the immunity card a condition for accommodating students.¹⁷⁵

¹⁷⁴ Hungary, Act XCI of 2021 on the national data asset (*2021. évi XCI. törvény a nemzeti adatvagyronról*), 26 July 2021, available at: <https://njt.hu/jogszabaly/2021-91-00-00>.

¹⁷⁵ Hungarian National Authority for Data Protection and Freedom of Information (*Nemzeti Adatvédelmi és Információszabadság Hatóság*), Communication on the legality of asking for an immunity card to accommodate students in the dormitories of higher education institutions (*Közlemény a felsőoktatási intézmények kollégiumaiban történő elhelyezés feltételéül szabott*

- On 1 April 2021, the Authority issued Guidelines on the right of employers to get to know the fact of whether the employees are in possession of an immunity card. The Authority requires employers to conduct a detailed risk analysis prior to asking for the immunity card of the employees to determine whether the risk of infection for the employees and/or for clients/partners justifies this request. Asking for the immunity card as a condition to employment must be a necessary and proportionate measure considering the risk of infection. The result of the risk analysis must be made available to the employees. Under no circumstances, however, can the employer make copies of the immunity card and it cannot store or transmit data stored on the cards to unauthorised third parties. Only the fact of immunity can be acknowledged by the employer.¹⁷⁶

In July 2021, the media claimed the Hungarian Government used an NSO spyware called 'Pegasus' in assault on media. According to the news, the Government hacked phones of investigative journalists, lawyers, opposition politicians and owners of leading newspapers in the country. Staff members of Amnesty International Hungary also claimed their phones had been affected by the spyware shortly after they commented on something or requested data from Hungarian government officials. The Government denied the data collection through the spyware,¹⁷⁷ and classified until 2050 what was said at a meeting of the National Security Committee of the Hungarian Parliament on the use of the Pegasus software.¹⁷⁸ On 5 August 2021, the Hungarian National Authority for Data Protection and Freedom of Information, confirmed they had started an investigation ex

koronavírus elleni védetség igazolásával összefüggő adatkezelés jogszerűségéről), 2 September 2021, available at: <https://www.naih.hu/dontesek-adatvedelem-tajekoztatok-kozelemenyek?download=418:kozlemeny-a-felsooktatasi-intezmenyek-kollegiumaiban-torteno-elhelyezes-felteteleul-szabott-koronavirus-elleni-vedettseg-igazolasaval-osszefuggo-adatkezeles-jogszerusegerol>.

¹⁷⁶ Hungarian National Authority for Data Protection and Freedom of Information (*Nemzeti Adatvédelmi és Információszabadság Hatóság*), Guidelines no. NAIH-3903-1/2021 on the possibility of the employer to get to know the fact of immunity in employment relations under the scope of Act I of 2012 on Labour Law (*Tájékoztató a Munka Törvénykönyvéről szóló 2012. évi I. törvény hatálya alá tartozó jogviszonyokban a munkavállaló koronavírus elleni védetségének tényének munkáltató általi megismerhetőségéről*), 1 April 2021, available at: https://www.google.com/url?sa=t&rct=j&q=&esrc=s&source=web&cd=&ved=2ahUKewivhezw4_zyAhUpi8MKHY7mBB8QFnoECAMQAQ&url=https%3A%2F%2Fwww.naih.hu%2Fdontesek-adatvedelem-tajekoztatok-kozelemenyek%3Fdownload%3D350%3Aa-hatosag-tajekoztatoja-a-munka-torvenykonnyverol-szolo-2012-evi-i-torveny-hatalya-ala-tartozo-jogviszonyokban-a-munkavallalo-koronavirus-elleni-vedettsege-tenyenek-munkaltato-altali-megismerhetosegerol&usg=AOvVaw1NQSXmMzM_Ut5_b2AsNeI7.

¹⁷⁷ The Guardian (2021), 'Viktor Orbán using NSO spyware in assault on media, data suggests', 18 July 2021, available at: <https://www.theguardian.com/news/2021/jul/18/viktor-orban-using-nso-spyware-in-assault-on-media-data-suggests?fbclid=IwAR1tDHfH0zkNaJc-47j7QOVhLqATprrrVgrp60bZY1uMpH9fovckE6UhVJw>.

¹⁷⁸ HVG.hu (2021), 'Pegasus case: there was a committee meeting, however, what was said is confidential until 2050' (*Pegasus-ügy: volt bizottsági ülés, de 2050-ig titkos, mi hangzott el*), 20 September 2021, available at: https://hvg.hu/itthon/20210920_Pegasusugy_2050_titkos_vizsgalobizottsag_FideszKDNP.

officio.¹⁷⁹ On 4 November 2021, the Chair of the Defence and Law Enforcement Committee of the Parliament (*Honvédelmi és Rendészeti Bizottság*), in a television interview, admitted the spyware was commissioned by the Ministry of the Interior (*Belügyminisztérium*); however, he personally believed the tech giants conduct a broader surveillance on citizens than on the state.¹⁸⁰

In 2021, there have been no legal or policy developments concerning data retention, cybercrime, online terrorist content, online hate speech, e-evidence and the proposed Digital Services Act. On 5 May 2021, however, the Office of the Hungarian Parliament (*Országgyűlés Hivatala*) published a study they originally prepared for the members of the Parliament on the regulation of social media and online platforms in the European Union.¹⁸¹ The study collects the legislative measures and best practices from various EU Member States with regard to regulating social media platforms. The study covers Germany, France, Austria and the proposed Digital Services Act of the European Union. The analysis does not provide for legislative proposals or other measures as it meant to serve as a background material that may assist the Parliament in an upcoming legislation on social media platforms.

5.2 Artificial intelligence and big data

Actor*	Type**	Description	Are Human Rights issues mentioned? (yes/no)	Reference
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¹⁷⁹ Hungarian National Authority for Data Protection and Freedom of Information (*Nemzeti Adatvédelmi és Információszabadság Hatóság*), Communication, 5 August 2021, available at: https://www.google.com/url?sa=t&rct=j&q=&esrc=s&source=web&cd=&cad=rja&uact=8&ved=2ahUKewiks7v_4_zyAhVBw4sKHZIkBy0QFnoECAMQAQ&url=https%3A%2F%2Fnaih.hu%2Fdon-tesek-adatvedelem-tajekoztatok-koezlemlenyek%3Fdownload%3D413%3Akozlemleny-a-kemsoftver-ugyben-hivatalbol-inditott-vizsgalatrol&usg=AOvVaw1I5Jx2yxtDVX7Hely8Wob8.

¹⁸⁰ 444.hu (2021), 'Lajos Kósa publicly stated the government uses Pegasus' (*Kósa Lajos nyíltan beszélt arról, hogy a kormány használja a Pegasust*), 4 November 2021, available at: <https://444.hu/2021/11/04/kosa-lajos-mar-nyiltan-beszelt-arrol-hogy-a-kormany-hasznalja-a-pegasust>.

¹⁸¹ Office of the Hungarian Parliament (*Országgyűlés Hivatala*) (2021), 'Regulation of social media and online platforms in the European Union' (*A közösségi média és az online platformok szabályozása az Európai Unióban*), 5 May 2021, available at: https://www.parlament.hu/documents/10181/39255330/Elemzes_2021_kozossegi_media_szabalyozasa.pdf/330bfe76-0728-9083-7dcc-c9451c03f653?t=1623391869700.

Government / Parliamentary	Adopted Acts	Act XCI of 2021 on the national data asset was adopted on 25 June 2021. The new law provides for commercialisation of data kept by public bodies and enables private businesses to get access to anonymised statistics and analysis based on such data from a central body, the National Data Asset Agency (<i>Nemzeti Adatvagyon Ügynökség</i>). The Agency accepts inquiries from private businesses and related to data kept by public authorities and government agencies. The Agency obtains the requested data from the public body and builds anonymised statistics, analysis based on the inquiry of the business. The statistics analysis is then sent to the business.	No	Hungarian Parliament, Act XCI of 2021 on the national data asset (<i>2021. évi XCI. törvény a nemzeti adatvagyonról</i>), 25 June 2021, available at: https://nit.hu/jogszabaly/2021-91-00-00 .
Business	Other projects	As a result of the tenders on creating AI Accelerator Centres, two projects will be founded. AI Accelerator Centres will be established in two cities (Debrecen and Zalaegerszeg). The main purpose of the Accelerator Centres is to provide professional counsel to company managers free of charge on complex structural and business development ideas related to the implementation of AI driven technologies. The Centre in Zalaegerszeg will assist company managers on identifying the optimal technology and digital environment that can support the operation of the company represented.	No	Artificial Intelligence Coalition (<i>Mesterséges Intelligencia Koalíció</i>) (2021), Accelerator Centres under the framework of GINOP-3.2.8-20 tenders (<i>Akcelerator központok a GINOP-3.2.8-20 kiemelt projekt keretében</i>), November 2021, available at: https://ai-hungary.com/en/content/innovation-centre .

Chapter 6. Rights of the child

6.1 Measures taken during the COVID 19 pandemic to ensure the well-being of children living in poverty and the protection of children from violence

Measures to address the specific vulnerabilities of children living in poverty	<ul style="list-style-type: none">• The following measures were introduced during 2021 to ensure the well-being of children living in poverty.• The Government extended the scope of the suspension on the repayment of debts to families raising a child for the entire year of 2021.¹⁸² The repayment of debts to those who qualify for the moratorium is automatically suspended unless the client communicates his/her intention to continue the repayment directly to the credit institution (financial institution). Financial institutions must inform their clients, the debtors on the extended suspension of the repayment of the debts and must provide primarily electronic means for them to opt out of the moratorium.• The Government plans to pay the 2021 tax collected from families raising a child back in 2022 if the economic growth of the country reaches 5.5 % by the end of 2021.¹⁸³• On 5 May 2021, the Government introduced a suspension of evictions. The suspension lasts 15 days after the state of danger the Government declared on 3 November 2020 in the containment of the Coronavirus ends. The suspension of evictions covers anybody not just those raising a child in the household.¹⁸⁴
Measures to protect children from violence	<ul style="list-style-type: none">• In 2021, the following measures were implemented to protect children from violence:• On 6 February 2021, the National Police Headquarters (<i>Országos Rendőrfőkapitányság</i>) published recommendations on its website targeting parents on how to protect their children from online abuse. The recommendations raise awareness on built-in protective functions of the operating systems, provides information on useful router settings, content filter and on general awareness on vigilant internet use.¹⁸⁵• The Digital Pedagogy Methodological Centre (<i>Digitális Pedagógia Módszertani Központ</i>), on its website, made free content (handbook, cartoon, study books, exercise books) available to both teachers and to

¹⁸² Hungary, Governmental Decree no. 637/2020 on the introduction of the special rules for the repayment of debts in the state of danger (637/2020. (XII. 22.) Korm. rendelet a hiteltörlesztési moratórium veszélyhelyzettel kapcsolatos különös szabályainak bevezetéséről), 1 January 2021, available at: <https://njt.hu/jogszabaly/2020-637-20-22>.

¹⁸³ Koronavirus.gov.hu (2021), 'Mihály Varga: The tax reduction is worth 1,500 billion forints (Varga Mihály: 1500 milliárd forintot tesznek ki az adócsökkentések)', 3 September 2021, available at: <https://koronavirus.gov.hu/cikkek/varga-mihaly-1500-milliard-forintot-tesznek-ki-az-adocsokkentések>.

¹⁸⁴ Hungary, Governmental Decree no. 229/2021 on the special measures related to the auctioning and evacuation of real estate in the state of danger (229/2021. (V. 5.) Korm. rendelet az ingatlanok árverezésére és kiűritésére a veszélyhelyzet ideje alatt alkalmazandó eltérő intézkedésekről), 6 May 2021, available at: <https://njt.hu/jogszabaly/2021-229-20-22>.

¹⁸⁵ Police.hu (2021), 'The protection of children – Parental supervision' (*Gyermekek védelme – szülői felügyelet*), 6 February 2021, available at: <http://www.police.hu/hu/hirek-es-informaciok/bunmegelozes/internet-biztonsag/gyermekek-vedelme-szuloi-felugyelet>.

	<p>children on the potential hazards of internet use and of digital education.¹⁸⁶</p> <ul style="list-style-type: none"> • The Parliament adopted Act LXXIX of 2021 on more severe action against paedophile offenders and amending certain acts for the protection of children.¹⁸⁷ The new law amended several already existing pieces of legislation (e.g. the Criminal Code, the Media Act, the National Education act, the Act on Minor Offences) to impose stricter penalties against paedophile offenders, to limit the access to work of paedophile offenders, and to establish a register of paedophile offenders. The new law, however, introduced some amendments and additions to existing laws that civil society organisations and international organisations consider serious violation of the rights of LGBTIQ people.¹⁸⁸ The Act prohibits showing programmes on the propagation or portrayal of divergence from self-identity corresponding to sex at birth, sex change or homosexuality.¹⁸⁹ The new law uses vague definitions and leaves several provisions open for interpretation, therefore, twisted interpretations are also possible (e.g. an LGBTIQ person cannot be seen on programmes aired or showed to children).¹⁹⁰
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6.2 Legal and policy developments or measures relating to criminal proceedings

Legislative changes	Act XLIII of 2020 ¹⁹¹ amended Article 87 of Act XC of 2017 on the Criminal Proceeding (hereinafter: CPA). ¹⁹² The amendment entitles the court, the
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¹⁸⁶ Digital Pedagogy Methodological Centre (*Digitális Pedagógiai Módszertani Központ*), 'Online safety – Methodological guidelines of the Digital Pedagogy Methodological Centre for digital education' (*Online biztonság – A Digitális Pedagógiai Módszertani Központ módszertani ajánlásai digitális munkarend idején*), 19 March 2021, available at: <https://dpmk.hu/2021/03/19/a-digitalis-pedagogiai-modszertani-kozpont-modszertani-ajanlasai-digitalis-munkarend-idejen-2-4/>.

¹⁸⁷ Hungary, Act LXXIX of 2021 on taking more severe action against pedophile offenders and amending certain acts for the protection of children (*2021. évi LXXIX. törvény a pedofil bűnelkövetőkkel szembeni szigorúbb fellépésről, valamint a gyermekek védelme érdekében egyes törvények módosításáról*), 8 July 2021, available at: https://njt.hu/translation/J2021T0079P_00000000_FIN.PDF.

¹⁸⁸ Amnesty International Hungary (2021), 'You are not alone: let's protect LGBTIQ people!' (*Nem vagy egyedül: védjük meg az LMBTQI embereket!*), 10 July 2021, available at: <https://www.amnesty.hu/petition/nem-vagy-egyedul-vedjuk-meg-az-lmbtqi-embereket/>.

¹⁸⁹ Hungary, Act LXXIX of 2021 on taking more severe action against pedophile offenders and amending certain acts for the protection of children (*2021. évi LXXIX. törvény a pedofil bűnelkövetőkkel szembeni szigorúbb fellépésről, valamint a gyermekek védelme érdekében egyes törvények módosításáról*), 8 July 2021, Section 9(2), available at: https://njt.hu/translation/J2021T0079P_00000000_FIN.PDF.; Hungarian Helsinki Committee (*Magyar Helsinki Bizottság*) (2021), 'In lack of social support, the Parliament still voted on he Putin style propaganda act' (*Társadalmi támogatottsága nincsen, az Országgyűlés mégis megszavazta a putyini propagandatörvényt*), 15 June 2021, available at: <https://helsinki.hu/tarsadalmi-tamogatottsaga-nincsen-az-orszaggyules-megis-megszavazta-a-putyini-propagandatorvenyt/>.

¹⁹⁰ Hungarian Helsinki Committee (*Magyar Helsinki Bizottság*) (2021), 'In lack of social support, the Parliament still voted on he Putin style propaganda act' (*Társadalmi támogatottsága nincsen, az Országgyűlés mégis megszavazta a putyini propagandatörvényt*), 15 June 2021, available at: <https://helsinki.hu/tarsadalmi-tamogatottsaga-nincsen-az-orszaggyules-megis-megszavazta-a-putyini-propagandatorvenyt/>.

¹⁹¹ Hungary, Act XLIII of 2020 on the amendment of the Criminal Proceedings Act and other related acts (*2020. évi XLIII. törvény a büntetőeljárásról szóló törvény és más kapcsolódó törvények módosításáról*), 1 January 2021, available at: <https://njt.hu/jogszabaly/2020-43-00-00>.

¹⁹² Hungary, Act XC of 2017 on the Criminal Proceedings (*2017. évi XC. törvény a büntetőeljárásról*), 1 July 2018, available at: <https://njt.hu/jogszabaly/2017-90-00-00>.

	<p>prosecutor’s office or the investigation authority to order the mandatory presence of a psychologist expert at any procedural act that involves a child (under 18 years of age). This provision aims to help the child feel more comfortable during the procedural act and get support from a professional. The amendment also aims to introduce the Icelandic Barnahus model where law enforcement authorities and child protection services continuously cooperate to minimise the occasions where a child has to speak about a traumatic event. The amendment entered into force on 1 January 2021.</p> <p>A civil society organisation, Barnahus Hungary was established in 2020 in preparation for the entry into force of the amended CPA in Hungary to assist child victims and to strengthen cooperation between the law enforcement authorities and the child protection services. Barnahus Hungary organises training for staff members of the authorities, provides for direct consultation services to child victims. The civil society organisation has child friendly rooms for interrogating children, psychologists are available to assist the authorities in procedural acts and medical doctors are also available at Barnahus Hungary to identify child victims.¹⁹³</p>
Policy developments	No policy development relating to the involvement of children in criminal proceeding were identified in 2021.
Other measures or initiatives	There have been no new measures or initiatives related to the entering into force of Directive 2016/800.

Chapter 7. Access to justice

7.1 Legal and policy developments or measures relevant to the implementation of the Victims’ Rights Directive and the EU strategy for Victims’ Rights 2020-2025

At present, measures and various segments related to victim support and protection belong to two ministries, the Ministry of Justice (*Igazságügyi Minisztérium*), which is primarily responsible for the operation and development of victim support services, and the Ministry of Human Resources (*Emberi Erőforrások Minisztériuma*), which is responsible for various child protection and family care services, and maintains institutions available for child victims of domestic abuse. The Minister Without Portfolio Responsible for Families (*Családokért felelős tárcanélküli miniszter*) also plays a role and is responsible for the maintenance of crisis centres, secret shelters and crisis ambulant services.

A) Legislative amendments

¹⁹³ Barnahus Hungary, available at: <https://barnahus.hu>.

1. Relevant legislative amendments to Act CXXXV of 2005 on Crime Victim Support and State Compensation¹⁹⁴ (hereinafter: Act CXXXV of 2005), which entered into force on 1 January 2021¹⁹⁵ and 1 November 2021¹⁹⁶ were the following:

a) *Reaching out directly to victims*: under Article 43/A of Act CXXXV of 2005, the investigation authority in the case of deliberate violent crimes directed against one's person, sexual delicts, crimes related to prostitution and child prostitution, harrasment, robbery, certain forms of theft, informs the victims when they report the crime or, otherwise, at their hearing about the available victim protection services and their entitlement to support. The victims' data – unless they oppose this – are transferred directly to the victim support services so that they may contact the victims. The fact that the victims have received this information and the statement of the victims on giving or denying their permission to the transfer of their data shall be recorded. If the victims do not oppose such a data transfer, it should take place preferably right after the hearing or the launch of the investigation, but within a maximum of two days. If the victim support services receive information on the victim status of someone, they are to contact the person concerned in writing and give information on the victim's entitlement to victim support services (Article 24 (2) of Act CXXXV of 2005.).

b) State compensation: since 1 January 2021, victims do not need to prove their indigence if they apply for state compensation and victims have one year, instead of three months, to submit their applications. The calculation of damages and state compensation also became less complicated. The deadline for submitting an application for immediate financial assistance increased from three days to eight days (Article 6 (2)-(3), Article 22 (2), Article 30 of Act CXXXV of 2005).¹⁹⁷

The Hungarian White Ring Foundation (*Fehérgyűrű Alapítvány*),¹⁹⁸ however, remarked that despite these legislative amendments, in their experience, the system of reaching out directly to the victims still does not work properly due to the lack of adequately qualified and dedicated personnel. In their view, most employees of the Victim Support Centres have a legal background and they, for

¹⁹⁴ Hungary, Act CXXXV of 2005 on Crime Victim Support and State Compensation (*2005. évi CXXXV. törvény a bűncselekmények áldozatainak segítéséről és az állami kárenyhítésről*), 6 December 2005, available at: <https://njt.hu/jogszabaly/2005-135-00-00>.

¹⁹⁵ See e.g. Article 23-24, Act CLXV of 2020 on the amendment of certain acts related to judicial services (*2020. évi CLXV. törvény az egyes igazságügyi tárgyú törvények módosításáról*), available at: <https://njt.hu/jogszabaly/2020-165-00-00.0>. Promulgation 23rd December 2020.

¹⁹⁶ See e.g. Article 14 (1), Act CIII of 2021 on the modification of act related to the facilitation of the competitive operation of higher educational institutions, property management, government administration and criminal justice (*2021. évi CIII. törvény a felsőoktatási intézmények versenyképes működését elősegítő szabályokról, valamint egyes vagyongazdálkodási, kormányzati igazgatási és büntetőjogi tárgyú törvények módosításáról*), <https://njt.hu/jogszabaly/2021-103-00-00.0>.

¹⁹⁷ Article 25, Act CLXV of 2020 on the amendment of certain acts related to judicial services (*2020. évi CLXV. törvény az egyes igazságügyi tárgyú törvények módosításáról*), available at: <https://njt.hu/jogszabaly/2020-165-00-00.0>. ; Article 8 (3), Article 9 (2), Act CL of 2020 on the modification of certain legal acts in relation to the abolishment of abuse in procedures concerning state compensation for overcrowded prison conditions (*2020. évi CL. törvény a börtönzsűfolttság miatti kártalanítási eljárással összefüggő visszaélések megszüntetése érdekében szükséges egyes törvények módosításáról*), available at: <https://njt.hu/jogszabaly/2020-150-00-00.0>.

¹⁹⁸ Hungarian White Ring Foundation (*Fehérgyűrű Alapítvány*) was established in 1989, "its main task is to provide direct and indirect support to victims and relatives of victims of crimes in any legal, financial and psychological way" and to defend the interests of victims. Homepage available at: <http://fehergyuru.eu/en/home/>.

instance, lack the necessary professional experience, attitude and training or even empathy on how to communicate or deal with crime victims, traumatised or abused persons, how to detect a crisis situation or how to solve related problems. This hinders their capacity to provide these victims adequate support and assistance. They may fill out all the necessary papers but do not follow the cases or what happens afterwards to the victims.¹⁹⁹

2. An amendment to Article 87 (1) b) bb) of Act XC of 2017 on criminal proceedings (*2017. évi XC törvény a büntetőeljárásról*)²⁰⁰ makes it possible, as of 1 January 2021, that procedural actions requiring the participation of children under the age of 18 in criminal proceedings may be conducted by a judicial psychologist expert or an expert service provider listed in Article 61 (2) Act XXXI of 1997 on the protection of children and administration of guardianship (*1997. évi XXXI. törvény a gyermekek védelméről és a gyámügyi igazgatásról*, hereinafter Act XXXI of 1997).²⁰¹ As the Ministry of Human Resources specified: this makes it possible to use as evidence the audio and video recordings prepared under the Barnahus model based on child-friendly centres for abuse victims.²⁰² The only available "Barnahus" operates in Szombathely as of 2016 as a special service of the Vas County Regional Child Protection Service and Children's Home (*Vas Megyei Területi Gyermekvédelmi Szakszolgálat és Gyermekotthon (Tegyesz)*). The institutions are under the auspices of the Vas County Sub-Office Social and Child Protection Directorate (*Szociális és Gyermekvédelmi Főigazgatóság Vas megyei Kirendeltsége*) and the Ministry of Human Resources.²⁰³ The legislative amendment which makes it possible to use as evidence the audio and video recordings prepared under the Barnahus model was deemed as a major step forward and welcomed by e.g. the Hintalovon Foundation (Hintalovon Alapítvány).²⁰⁴

The child protection notification system has also been expanded by new members in 2021. Thus, as of 1 January 2021, the notaries of local governments, the penitentiary institutions and the penitentiary probation officers are also under the

¹⁹⁹ Information provided by Fehérgyűri Alapítvány via telephone interview and via email, 17 and 23 November 2021.

²⁰⁰ Act XC of 2017 on criminal proceedings (*2017. évi XC törvény a büntetőeljárásról*) as amended by Article 154 of Act XLIII of 2020 on the amendment of the act on criminal proceedings and other related acts (*2020. évi XLIII. törvény a büntetőeljárásról szóló törvény és más kapcsolódó törvények módosításáról*), available at: <https://njt.hu/jogszabaly/2020-43-00-00.0#SZ154>.

²⁰¹ Act XXXI of 1997 on the protection of children and administration of guardianship (*1997. évi XXXI. törvény a gyermekek védelméről és a gyámügyi igazgatásról*), available at: <https://njt.hu/jogszabaly/1997-31-00-00>.

²⁰² Information provided by the Ministry of Human Resources to public data request, 15 October 2021, p. 1.

²⁰³ Barnahus Szombathely, available at: <https://barnahus.hu/ez-a-barnahus/a-barnahus-szombathely-szolgalatasai/>.

²⁰⁴ Tibor Csaba Tóth (2021) 'Bevezette a magyar állam a Barnahus-módszert a bántalmazott gyermekek kihallgatására', (The Barnahus model has been introduced for the hearing of abused children) MÉRCE.hu, 31 January 2021, available at: <https://merce.hu/2021/01/31/bevezette-a-magyar-allam-a-barnahus-modszert-a-bantalmazott-gyermekek-kihallgatasara/>.

obligation to signal the endangerment or abuse of a child to the competent authorities (Article 17 (1) p), q), r) of Act XXXI of 1997.²⁰⁵

B) Institutional and policy developments

Government Decree 1645/2019 on the development of the Victim Support System (1645/2019. (XI. 19.) Korm. Határozat az áldozatsegítés rendszerének fejlesztéséről)²⁰⁶ was adopted in 2019 on the establishment of a national network of Victim Support Centres (Áldozatsegítő Központok) by the end of 2025. So far, three new Victim Support Centres were opened in 2020, on 1 September in Pécs,²⁰⁷ on 3 December in Szeged²⁰⁸ and on 10 December in Kecskemét.²⁰⁹ In 2021 another Victim Support Centre was opened on 30 June in Veszprém²¹⁰. A Victim Support Point (Áldozatsegítő Pont) opened on 26 October 2021 in Salgótarján.²¹¹ A further Victim Support Centre is planned to open soon in Debrecen.²¹²

In February 2021, a cooperation agreement was concluded between the Ministry of Justice (*Igazságügyi Minisztérium*) and the National Police Headquarters (*Országos Rendőr-főkapitányság*) to make (criminal) supervision more effective and to enhance the protection of the victims. The parties undertook to pay more attention to the rights of victims during the procedure and cooperate in the organisation of crime prevention programmes.²¹³

On 13 May 2021, the Ministry of Justice concluded a cooperation agreement with the Pest County Police Headquarters (*Pest Megyei Rendőr-főkapitányság*) in order to enhance the rights of victims, victim support and protection and to mitigate the

²⁰⁵ As amended by: Article 12, Act CXLVII of 2020 on the amendment of certain acts related to child protection and social policy (2020. évi CXLVII. törvény egyes gyermekvédelmi és szociális tárgyú törvények módosításáról), available at: <https://njt.hu/jogszabaly/2020-147-00-00.0>.

²⁰⁶ Government Decree 1645/2019 on the development of the Victim Support System (1645/2019. (XI. 19.) Korm. Határozat az áldozatsegítés rendszerének fejlesztéséről), available at: http://njt.hu/cgi_bin/njt_doc.cgi?docid=216678.375152.

²⁰⁷ Áldozatsegítő Központ (Victim Support Centre), New victim support centre opens to help those in need (Új Áldozatsegítő Központ nyílt a bajbajutottak megsegítésére), 31 August 2020, available at: <https://vansegitsege.hu/hirek/19>.

²⁰⁸ Szegedma.hu (2020) Megkezdte működését a szegedi áldozatsegítő központ (The Victim Support Centre Started its Operation in Szeged), available at: <https://szegedma.hu/2020/12/megkezdte-mukodeset-a-szegedi-aldozatsegito-kozpont>

²⁰⁹ Hiros.hu (2020) Megnyílt a Kecskeméti Áldozatsegítő Központ – Videóval (The Kecskemét Victim Support Centre has Opened – with Video) available at: <https://hiros.hu/hirek/kecskemet/megnyilt-a-kecskemeti-aldozatsegito-kozpont---videoval>.

²¹⁰ Áldozatsegítő Központ (Victim Support Centre), Átadták az Áldozatsegítő Központot a megyeszékhelyen, 30 June 2021, available at: <https://vansegitsege.hu/atadtak-az-aldozatsegito-kozpontot-a-megyeszekhelyen/>

²¹¹ Nool (2021), Áldozatsegítő Pontot adtak át a Nógrád Megyei Rendőr-főkapitányság épületében (A Victim Support Point has opened in the building of the Nógrád County Police Headquarters), 26 October 2021, available at: <https://www.nool.hu/helyi-kozelet/2021/10/aldozatsegito-pontot-adtak-at-a-nograd-megyei-rendor-fokapitanysag-epuleteben>.

²¹² Áldozatsegítő Központ (Victim Support Centre), Judit Varga: Our aim is to set up a nationwide network by 2025 (Varga Judit: A célunk, hogy 2025-re országos hálózatot hozzunk létre), available at: <https://vansegitsege.hu/varga-judit-a-celunk-hogy-2025-re-orszag-os-halozatot-hozzunk-letre/>.

²¹³ Egy lépés az áldozatsegítés és a pártfogó felügyelet hatékonyabbá tételéért.

2021. 02. 23. <https://vansegitsege.hu/egy-lepes-az-aldozatsegites-es-a-partfogo-felugyelet-hatekonyabba-teteleert/>

social, moral, financial and emotional damage inflicted upon victims of crimes and offences against property. Under the concluded agreement, the Pest County Police Headquarters ensures offices and necessary equipment at 13 county police headquarters to the employees of the Victim Support Centres. The Pest County Police Headquarters also undertakes to propagate information related to victim support and protection through audiovisual and other infocommunication tools. The Ministry of Justice ensures the presence of the victim support personnel at the police headquarters and carries out the victim protection training of the police personnel.²¹⁴

The Ministry of Justice renewed its cooperation agreement (concluded in 2018) with the Budapest Police Headquarters (*Budapesti Rendőr-főkapitányság*) on 20 May 2021.²¹⁵ The aim of the cooperation is to fulfil tasks related to victim support and victim protection, and the mitigation of the social, moral, financial and emotional damage inflicted upon victims of crimes and offences against property. Under the concluded agreement, the Budapest Police Headquarters ensures offices and necessary equipment at 12 district police headquarters to the employees of the Budapest Victim Support Centre. The Ministry of Justice ensures the presence of the victim support personnel and carries out the victim protection training of the police personnel.

The Ministry of Justice concluded a cooperation agreement with the Nógrád County Police Headquarters (*Nógrád Megyei Rendőr-főkapitányság*) on 26 October 2021. In relation to this, a Victim Support Point (Áldozatsegítő Pont) opened on 26 October 2021 in Salgótarján.²¹⁶

A series of podcasts were launched by the Victim Support Centre to fight bullying in schools.²¹⁷

7.2 Measures addressing violence against women

Although in 2014 Hungary signed the Council of Europe Convention on preventing and combating violence against women and domestic violence in 2014, in May 2020 the Parliament blocked its ratification.

²¹⁴ Áldozatsegítő Központ (*Victim Support Centre*), Together for the victims (Együtt az áldozatokért), 13 May 2021, available at: <https://vansegitsege.hu/egyutt-az-aldozatokert/>.

²¹⁵ Áldozatsegítő Központ (*Victim Support Centre*), Victim support in focus (*Fókuszban az áldozatsegítés*), 21 May 2021, available at: <https://vansegitsege.hu/fokuszb-an-az-aldozatsegites/>.

²¹⁶ Nool (2021), *Áldozatsegítő Pontot adtak át a Nógrád Megyei Rendőr-főkapitányság épületében* (A Victim Support Point has opened in the building of the Nógrád County Police Headquarters), 26 October 2021, available at: <https://www.nool.hu/helyi-kozelet/2021/10/aldozatsegito-pontot-adtak-at-a-nograd-megyei-rendor-fokapitanysag-epuleteben>.

²¹⁷ Az iskolában is áldozattá válhatnak: figyeljünk az árulkodó jelekre! <https://vansegitsege.hu/az-iskolaban-is-aldozatta-valhatnak-figyeljunk-az-arulkodo-jelekre/>.

In the opinion of the Ministry of Justice, though legislative amendments to the victim protection system, introducing measures e.g. aiming at an early reaching out to victims on the part of the authorities and the facilitation of state compensation for crime victims, do not specifically aim to protect women, still, these cover several crimes which are related to violence against women, such as sexual violence, prostitution, partnership violence. Thus, in their view, the amendments to Act CXXXV of 2005, which entered into force on 1 January 2021²¹⁸ and 1 November 2021,²¹⁹ also provide enhanced protection to women.²²⁰ These measures, under Article 43/A of Act CXXXV of 2005 ensure that the investigation authority in the case of deliberate violent crimes directed against one's person, sexual delicts, crimes related to prostitution and child prostitution, harassment, robbery, certain forms of theft, informs the victims when they report the crime or, otherwise, at their hearing about the available victim protection services and their entitlement to support. The victims' data – unless they oppose this – are transferred directly to the victim support services so that they may contact the victims. The fact that the victims have received this information and the statement of the victims on giving or denying their permission to the transfer of their data shall be recorded. If the victims do not oppose such a data transfer, it should take place preferably right after the hearing or the launch of the investigation, but certainly within a maximum of two days. If the victim support services receive information on the victim status of someone, they are to contact the person concerned in writing and give information on the victim's entitlement to victim support services. Similarly, as of 1 January 2021, victims do not need to prove their indigence if they intend to apply for state compensation and victims have one year, instead of three months, to submit their applications. The calculation of damages and state compensation also became less complicated. The deadline for submitting an application for immediate financial assistance increased from three days to eight days (Article 6 (2)-(3), Article 22 (2), Article 30 of Act CXXXV of 2005)²²¹ (see also section 7.2.).

The Ministry of Justice, on the other hand, considers it the obligation of victim support services to notify the relevant authorities if they acquire knowledge of child endangerment, partnership or sexual violence, an important step forward in the protection of women against violence. While this obligation had already been

²¹⁸ See e.g. Article 23-24, Act CLXV of 2020 on the amendment of certain acts related to judicial services (*2020. évi CLXV. törvény az egyes igazságügyi tárgyú törvények módosításáról*), available at: <https://nit.hu/jogszabaly/2020-165-00-00.0>. Promulgation 23rd December 2020.

²¹⁹ See e.g. Article 14 (1), Act CIII of 2021 on the modification of act related to the facilitation of the competitive operation of higher educational institutions, property management, government administration and criminal justice (*2021. évi CIII. törvény a felsőoktatási intézmények versenyképes működését elősegítő szabályokról, valamint egyes vagyongazdálkodási, kormányzati igazgatási és büntetőjogi tárgyú törvények módosításáról*), available at: <https://nit.hu/jogszabaly/2021-103-00-00.0>.

²²⁰ Information provided by the Ministry of Justice to public data request, VII-LK/1689/2/2021., pp. 2-3.

²²¹ Article 25, Act CLXV of 2020 on the amendment of certain acts related to judicial services (*2020. évi CLXV. törvény az egyes igazságügyi tárgyú törvények módosításáról*), available at: <https://nit.hu/jogszabaly/2020-165-00-00.0>. Promulgation 23rd December 2020. ; Article 8 (3), Article 9 (2), Act CL of 2020 on the modification of certain legal acts in relation to the abolishment of abuse in procedures concerning state compensation for overcrowded prison conditions (*2020. évi CL. törvény a börtönzsúfoltság miatti kártalanítási eljárással összefüggő visszaélések megszüntetése érdekében szükséges egyes törvények módosításáról*), available at: <https://nit.hu/jogszabaly/2020-150-00-00.0>.

prescribed by Article 2 (i) of Act 2009 of LXXII on barring orders applicable in case of violence between relatives (*2009. évi LXXII. törvény a hozzátartozók közötti erőszak miatt alkalmazható távoltartásról*, hereinafter: Act 2009 of LXXII),²²² the ministry considers the introduction of this obligation into Act CXXV of 2005 a major improvement.²²³

In relation to questions to this end, the Ministry of Justice remarked that the provision of therapy for perpetrators of partnership violence, domestic violence, and related crimes does not belong – strictly speaking – to the system of victim protection for which it is responsible. However, the Ministry of Justice maintained that “the regional probation services may organise, especially for juvenile perpetrators or perpetrators with anger-management problems: ART-training (Aggression Replacement Training) and value-correction correction training, and may provide special case management programmes for perpetrators of partnership, domestic or sexual violence.”²²⁴

The amendments introduced by Act CVIII of 2020 on the modification of certain acts in view of the enhanced protection of family member victims of serious crimes involving violence against persons (*2020. évi CVIII. Törvény a hozzátartozók sérelmére elkövetett súlyos személy elleni erőszakos bűncselekmények áldozatainak fokozottabb védelme érdekében egyes törvények módosításáról*, hereinafter: Act CVIII of 2020)²²⁵ also implied the introduction of specific rules, e.g. on the rules of conduct and barring of such perpetrators in Article 69 and Article 71 of Act C of 2012 on the Criminal Code on the tasks of probation officers.²²⁶ (Act CVIII of 2020 altered the regulation of e.g. the early conditional release of those perpetrators who committed the crimes mentioned above (see in detail: the National report submitted in contribution to the FRA Annual Report 2021). The amendments introduced by Act CVIII of 2020 led to the related modification of Regulation 8/2013. (VI. 29.) of the Ministry of Administration and Justice on the probation officer services (*8/2013. (VI. 29.) KIM rendelet a Pártfogó Felügyelői Szolgálat tevékenységéről*)²²⁷ and specified the tasks of probation officers in relation to the above mentioned perpetrators, including the frequency of supervision or the obligation of the probation officer to cooperate with the

²²² Act 2009 of LXXII on barring orders applicable in case of violence between relatives (*2009. évi LXXII. törvény a hozzátartozók közötti erőszak miatt alkalmazható távoltartásról*) <https://njt.hu/jogszabaly/2009-72-00-00>.

²²³ Information provided by the Ministry of Justice to public data request, VII-LK/1689/2/2021., p. 2.

²²⁴ Information provided by the Ministry of Justice to public data request, VII-LK/1689/2/2021., pp. 3-4.

²²⁵ See e.g. Article 4 -5, Act CVIII of 2020 on the modification of certain acts in view of the enhanced protection of family member victims of serious crimes involving violence against persons (*2020. évi CVIII. Törvény a hozzátartozók sérelmére elkövetett súlyos személy elleni erőszakos bűncselekmények áldozatainak fokozottabb védelme érdekében egyes törvények módosításáról*), available at: <https://uj.njt.hu/jogszabaly/2020-108-00-00.1>.

²²⁶ Act C of 2012 on the Criminal Code (*2012. évi C törvény a Büntető Törvénykönyvről*), available at: <https://njt.hu/jogszabaly/2012-100-00-00>.

²²⁷ See e.g. Article 40/A, Regulation 8/2013. (VI. 29.) of the Ministry of Administration and Justice on the probation officer services (*8/2013. (VI. 29.) KIM rendelet a Pártfogó Felügyelői Szolgálat tevékenységéről*), available at: [https://njt.hu/jogszabaly/2013-8-20-2T.10.as amended by e.g.](https://njt.hu/jogszabaly/2013-8-20-2T.10.as.amended.by.e.g) Article 50 of Regulation 20/2020. (XII. 30.) of the Ministry of Justice on the amendment of certain regulations concerning criminal justice and judicial subjects (*20/2020. (XII. 30.) IM rendelet egyes büntetőjogi és igazságügyi tárgyú igazságügyi miniszteri rendeletek módosításáról*), available at: <https://njt.hu/jogszabaly/2020-20-20-06>.

related childcare services, guardianship authority, etc. These latter modifications took effect on 1 January 2021.

The Minister Without Portfolio Responsible for Families did not refer to any legislative or institutional developments but mentioned an awareness raising campaign for children between 14 and 18 years old. The students had the opportunity to fill out a questionnaire testing their knowledge on domestic and partnership violence, and the results showed that only 28 % had heard of the problem, while 20 % of them encountered partnership violence in their surroundings. The Minister Without Portfolio Responsible for Families also indicated that between October 2020 and October 2021, 2463 persons were admitted to crisis centres and secret shelters. The capacity of the existing 20 crisis centres (cc. six places in each), eight secret shelters (cc. 18 places in each) is around 320. There are also 21 half-way exit houses with four places in each. These institutions are not directly run by the state but by civil organisations or churches. To the question whether there were new crisis centres or secret shelters set up in 2020/2021, the Minister responded that no new institutions were set up in 2020/2021 as a "measurement of the capacities showed that the present institutions are capable of ensuring continuously available places for the victims at once, so there is no need to open new institutions." The Minister also remarked that the "continuous provision and imperturbability" of the related services was due to institutional developments undertaken by the government in previous years. The Minister maintained that all the necessary personnel is available too.²²⁸ In comparison: the Ministry of Human Resources maintained in 2019 that the number of available places was around 290.²²⁹

In its response to a public data request, the National Police Headquarters maintained that the number of criminal proceedings launched in police procedure in relation to partner violence on the basis of the Unified Investigation Authority and Prosecution Statistics (*Egységes Nyomozóhatósági és Ügyészségi Bűnügyi Statisztika / EnyüBs*) in 2020 was 1200 and between 1 January 2021 and 31 August 2021 was 965. However, criminal proceedings are registered with significant delay in the Unified Investigation Authority and Prosecution Statistics. This means that the given data may provide limited information on a specific period of time as it may reflect previous developments. The number of temporary preventive barring orders issued by the Police was 1842 in 2020 and 1460 between 1 January 2021 and 31 August 2021.²³⁰

In response to public data request, the National Police Headquarters reinforced that they did not issue any new protocols or orders in relation to the protection of victims of domestic violence, partnership violence and sexual violence.²³¹

²²⁸ Response of the Minister Without Portfolio Responsible for Families to public data request, p. 1-2.

²²⁹ Ministry of Human Resources (2019), Response to Public Data Request (Válaszok az Európai Unió Alapvető Jogok Ügynöksége (FRA) 2020. Évi jelentésének elkészítéséhez feltett kérdésekre), 47360-1/2019/MKFO, 06.11.2019. p. 4.

²³⁰ National Police Headquarters, Response to public data request, 11 October 2021, 29000- 197/56-7/2021, p. 2.

²³¹ National Police Headquarters, Response to public data request via email, 19 November 2021

Since 27 April 2021, the Bright Sky HU victim support mobile application is available at the major mobile application stores.²³² The Bright Sky HU app, which is a free Android Lifestyle app, was released by Vodafone Magyarország Alapítvány on 19 February, 2021²³³ and was developed to offer assistance to victims of partner violence. The application contains information on partner violence, on the possible ways to ask for help, on the available services to victims of partner violence, advice on how to improve online security and on how to support an acquaintance living in an abusive partnership. The app also contains information on sexual consent, stalking and harassment.

The app makes available and searchable the list of organisations aiding victims of partner and sexual violence in the vicinity of the victim. These organisations may also be called from the application. It also contains contact data of such organisations and help lines that may provide assistance to the victims across the whole territory of Hungary. The app contains a "My diary" function as well which is capable of storing textual, audio or video evidence or photos. The app also contains questionnaires which help the victims to assess whether they are at risk of partner violence or living in an abusive partnership. These questionnaires also help to disperse false preconceptions regarding partner violence and sexual violence. The Bright Sky HU victim support application was developed with the participation of the Department responsible for public services of the Ministry of Justice.²³⁴

According to the Hungarian White Ring Foundation, however, no major legislative or policy measures have been adopted in 2021 that would enhance the protection of women. They do not deem the mere opening of the new Victim Support Centres a significant development as they consider only the operation of the Kecskemét Victim Support Centre adequate to offer effective support and assistance to crime victims and victims of partner violence due to its professional management and adequately qualified personnel. Similarly, they do not consider that the early reach of victims by the victim support services operates properly in practice and they deem the number of available places in the crisis centres and secret shelters still inadequate, though if "one has good connections, one may find places for their clients". However, these centres and shelters tend to receive and accommodate more victims than their official capacity, the data held by the National Crisis and Information Telephone Service (*Országos Kríziskezelő és Információs Központ*) is not up-to-date and reliable on the available places, the NGOs and churches operating these institutions are under-financed and constantly need to participate in various tenders. These institutions lack adequate personnel, outside Budapest

²³² Áldozatsegítő Központ (*Victim Support Centre*), The mobile application assisting victims of partner violence became available (*Elérhetővé vált a kapcsolati erőszak áldozatait segítő mobilalkalmazás*), available at: <https://vansegitseget.hu/elerhetove-valt-a-kapcsolati-eroszak-aldozatait-segito-mobilalkalmazas/>.

²³³ Source: CloudApks, available at: <https://cloudapks.com/app/com.vodafone.brightsky.hu/>.

²³⁴ Áldozatsegítő Központ (*Victim Support Centre*), The mobile application assisting victims of partner violence became available (*Elérhetővé vált a kapcsolati erőszak áldozatait segítő mobilalkalmazás*), available at: <https://vansegitseget.hu/elerhetove-valt-a-kapcsolati-eroszak-aldozatait-segito-mobilalkalmazas/>.

it is rare to have direct access e.g. to a psychologist. Besides, the transfer of victims is not ensured, many may not reach the available places which may be far from their places of residence, the vehicles purchased to this end by the state, unfortunately, may even be used for other purposes. According to the Hungarian White Ring Foundation, the COVID pandemic resulted in a considerable extra workload/further increase of cases, they claim that experts working in this field work three times as much, while the state failed to provide the necessary additional personnel, resources or support.²³⁵ (See, in a similar vein the assessment of other NGOs below).

According to stakeholder reports submitted 2021 by NGOs such as (PATENT Association (*Patent Egyesület*)²³⁶ and NANE Women's Rights Association (*Nők a Nőkért Együtt az Erőszak Ellen Egyesület*)²³⁷ working in this field, to the United Nations Universal Periodic Review²³⁸ domestic violence and sexual violence remain serious problems in Hungary. In their views, "despite high rates of domestic violence, the legal measures do not provide an adequate remedy." The major concerns raised concern the lack of training of police personnel, the victim-blaming attitudes of the authorities or the formulation of partner violence as a crime in the Criminal Code, which only covers "cohabiting persons or co-parenting couples", and criminalises "only the second incident of physical violence that takes place within a short time period." Furthermore, "minor offences of domestic violence either require private prosecution or require the victim's motion for punishment of the perpetrator."²³⁹

Despite developments in the past few years (in terms of some more funding and physical shelter spaces), the above-mentioned NGOs still consider that, in general, even irrespective of the Corona Pandemic, the "support, shelter, and resources" provided to "victims of domestic violence are insufficient." They claim, in particular, that "despite the coronavirus pandemic causing increased isolation and rates of violence, authorities have halted promised efforts to increase resources for support of victims."²⁴⁰

²³⁵ Interview with the Hungarian White Ring Foundation, 13 September 2021. Information provided by the Hungarian White Ring Foundation via email, 27 September 2021. Information provided by the Hungarian White Ring Foundation via telephone, 17 November 2021.

²³⁶ PATENT Association (*Patent Egyesület*) is a Hungarian civil society organisation, which aims to take action against gender-based violence in the fields of law-making and law enforcement. It provides legal aid and psychological assistance to women victims of violence and to those whose reproductive rights are limited. More information is available at: www.patent.org.hu/en/about-us.

²³⁷ NANE (*Nők a Nőkért Együtt az Erőszak Ellen Egyesület*) is a Hungarian civil society organisation with the goal of preventing violence against women and children. NANE and PATENT operate without state support. More information is available at: <http://nane.hu/egyesuletunk>.

²³⁸ Patent Association, NANE (2021) Stakeholder report for the United Nations Universal Periodic Review, 25 March 2021, available at: <https://patent.org.hu/2>.

²³⁹ Patent Association, NANE (2021) Stakeholder report for the United Nations Universal Periodic Review, 25 March 2021, p. 3. available at: <https://patent.org.hu/2>.

²⁴⁰ Patent Association, NANE (2021) Stakeholder report for the United Nations Universal Periodic Review, 25 March 2021, p. 3. available at: <https://patent.org.hu/2>.

Chapter 8. Developments in the implementation of the Convention on the Rights of Persons with Disabilities

8.1 CRPD policy & legal developments

Legal and policy reforms: There have been no new legal norms adopted in 2021 which refer to the CRPD.

The Act on the foundation of the 2021 budget,²⁴¹ and a Government Decision issued in April 2020 on the response plan of the National Council on Disability for the implementation of the National Disability Program until 2022 mention the CRPD.²⁴² This latter one lists a wide range of measures to be taken in the years ahead and include all kinds of measures aimed at securing social inclusion of persons living with disabilities.

The Constitutional Court brought one decision in 2021 which relates to the rights of persons living with disabilities. It found at the request of a judge (judicial referral) that neither the CRPD nor the Hungarian Fundamental Law requires the state to pay specific financial support to persons living with severe mobility disability. In conclusion, a government ordinance objected by the judge in the underlying case cannot be deemed unconstitutional.²⁴³

There have been no judicial cases decided in 2021 mentioning the CRPD which appear in the official database by January 2022. However, there has been an important decision of the Metropolitan Tribunal (*Fővárosi Törvényszék*) on the responsibility of the state under the CRPD to guarantee supported housing for persons living with disabilities, and not leaving their parents (mothers in the case) in a situation where they either put their severely disabled child in a large institution not fulfilling minimal human rights standards, or taking care of them every day until the end of their own, or as long as their own health allows it, and giving up their own work and social life entirely. In the litigation initiated by the Hungarian Civil Liberties Union (HCLU), representing 6 families – mothers caring 24/7 for their severely disabled (adult) children – the court found that the state has violated their personality rights and ordered the state to immediately create the conditions for supported housing, and awarded compensation of HUF 5 million

²⁴¹ Hungary, Act LXXVI of 2020 on the foundation of the central budget 2021 of Hungary (2020. évi LXXVI. törvény Magyarország 2021. évi központi költségvetésének megalapozásáról).

²⁴² Hungary, Government Decision 1187/2020. (IV. 28.) on the Response Plan of the implementation of the National Disability Program until 2022 (1187/2020. (IV. 28.) Korm. határozat az Országos Fogyatékosságügyi Program végrehajtásának 2022. évig tartó Intézkedési Tervéről).

²⁴³ Hungary, Constitutional Court, Decision no. 3030/2021. (II. 2.).

(cc. EUR 13,950) per person. The HCLU considers the decision groundbreaking in the area of disability rights.²⁴⁴ The decision is not final yet.

The European Accessibility Act does not appear to have been transposed into Hungarian law until January 2022.

8.2 CRPD monitoring at national level

The organ under Article 33(2) CRPD is the National Council on Disability (*Országos Fogyatékosügyi Tanács*).²⁴⁵ The National Council does not seem to have a website.

The 2021 National Reform Programme of Hungary submitted to the European Commission,²⁴⁶ unlike the one submitted in 2020, makes no reference to disability.

The Commissioner for Fundamental Rights (*alapvető jogok biztosa*) visited a home for persons living with disabilities which was taken over from the state by the Hungarian Maltese Organization, and it found that there was no need to take measures as the institution functions in an acceptable way.²⁴⁷

The Commissioner for Fundamental Rights also conducted inquiries for individual complaints. For instance, it found in one case²⁴⁸ that the authorities have not respected various rights of an autistic child with special needs under the CRPD (namely, Article 4 - general obligations; Article 9 – accessibility; Article 24 - right to education, including inclusive education, the lack of which has already been criticised earlier by the Commissioner; Article 26 - habilitation and rehabilitation). The Commissioner also criticised the authorities for not protecting the right to remedy.

²⁴⁴ Hungarian Civil Liberties Union: We won in the case of mothers home caring for their children against the state (*Megnyertük az otthongondozó anyák és gyermekeik perét az állam ellen*) December 8, 2021. <https://tasz.hu/cikkek/megnyertuk-az-otthongondozo-anyak-es-gyermekeik-peret-az-allam-ellen>.

²⁴⁵ Hungary, Government Decision 1065/2008 on the request of a body responsible for monitoring the implementation of the Convention on the Rights of Persons with Disabilities (1065/2008. (X. 14.) Korm. határozat a Fogyatékossgal élő személyek jogairól szóló egyezmény végrehajtását ellenőrző szerv felkéréséről).

²⁴⁶ Government of Hungary, The 2021 National Reform Programme of Hungary (*Magyarország Kormánya, Magyarország 2021. évi Nemzeti Reform Programja*) April 2020, https://ec.europa.eu/info/sites/default/files/2021-european-semester-national-reform-programme-hungary_hu.pdf.

²⁴⁷ Hungary, Commissioner for Fundamental Rights, Report in the case AJB-3751/2021., available: https://www.ajbh.hu/documents/10180/3713052/Jelent%C3%A9s+a+fogyat%C3%A9kosok+otthon%C3%A1ban+t%C3%B6rt%C3%A9nt+l%C3%A1togat%C3%A1ssal+%C3%B6sszef%C3%BCgg%C3%A9sben+3751_2021/6979fa68-ab13-a05a-f7ac-c78f45e36c60?version=1.0.

²⁴⁸ Hungary, Commissioner for Fundamental Rights, Report in the case AJB-1572/2021., available: https://www.ajbh.hu/documents/10180/3713052/Jelent%C3%A9s+az+autista+%C3%A9s+%C3%A9rtelmi+fogyat%C3%A9kos+gyermek+int%C3%A9zm%C3%A9nyi+elhelyez%C3%A9s+%C3%A9vel+%C3%A9s+az+ell%C3%A1t%C3%B3rendszer+hi%C3%A1nyoss%C3%A1gaival+%C3%B6sszef%C3%BCgg%C3%A9sben+1572_2021/640e10a9-7d7e-b1bc-a7a7-6b49dce882b3?version=1.0.

Annex 1 – Promising Practices

Thematic area	<p style="text-align: center;">EQUALITY AND NON-DISCRIMINATION</p> <p style="text-align: center;">Please provide one example of a practice to tackle nationality-based discrimination, or discrimination against LGBTI people, such as awareness raising campaigns or training for relevant professionals. Where no such examples are available, please provide an example of an awareness raising campaign held in your country in 2021 relevant to equality and non-discrimination of EU citizens or LGBTI people, preferably one conducted by a national equality body.</p>
Title (original language)	Tudatosságnövelő képzések szakembereknek LMBTQI témában
Title (EN)	Awareness raising trainings for professionals on LGBTQI subjects
Organisation (original language)	Háttér Társaság
Organisation (EN)	Háttér Society
Government / Civil society	Civil society
Funding body	Rights, equality and citizenship (2014–2020) programme of the European Union
Reference (incl. URL, where available)	https://hatter.hu/hirek/tudatossagnovelo-kepzesek-szakembereknek-lmbtqi-temaban; https://en.hatter.hu/divchild

Indicate the start date of the promising practice and the finishing date if it has ceased to exist	25 February to 8 March 2021
Type of initiative	Awareness raising trainings
Main target group	Professionals working in media, family and child care, sport, health, education
Indicate level of implementation: Local/Regional/National	National
Brief description (max. 1000 chars)	Four-hour online training sessions for professionals in relation to the needs of LGBTQI and gender non-conforming children, focusing on basic concepts (LGBTQI people, discrimination, harassment) and steps to improve the safety of children in the target groups. The training sessions are offered for free, require registration and a free handbook on the topic is provided.
Highlight any element of the actions that is transferable (max. 500 chars)	The training can target various audiences with slight modifications.
Give reasons why you consider the practice as sustainable (as	While the training is provided in the context of a specific project, there are continuous efforts to make the training sessions a permanent service of the organisation, with permanent personnel as well as by attracting volunteers qualified to hold the training.

<p>opposed to 'one off activities')</p>	
<p>Give reasons why you consider the practice as having concrete measurable impact</p>	<p>While it is still early to make a full assessment of the impacts, based on the registration it is clear that people working in child protection and family supporting services recognise the need and are asking for more such training.</p>
<p>Give reasons why you consider the practice as transferable to other settings and/or Member States?</p>	<p>The nature of the training materials is such that the programme can be transferred, with little customisation, to different target groups.</p>
<p>Explain, if applicable, how the practice involves beneficiaries and stakeholders in the design, planning, evaluation, review assessment and</p>	<p>The activity was built, from the outset, on an assessment of existing needs, and the tools (incl. handbook, app, training material) were developed with the help of people from the group concerned, in addition to experts, through participation and evaluation.</p>

implementation of the practice.	
Explain, if applicable, how the practice provides for review and assessment.	Feedback was collected through questionnaires. Moving away from project-based work could lead to a more systemic assessment.

Thematic area	<p style="text-align: center;">RACISM, XENOPHOBIA AND RELATED INTOLERANCE</p> <p style="text-align: center;">Please provide one example of a promising practice to address racism and xenophobia. Please give preference to a promising practice about either: active cooperation with CSOs in addressing racism and hate crime; or combating racism and unequal treatment in the context of the COVID-19 pandemic. Where no such practice exists, please provide one example of a promising practice related more generally to combating racism, xenophobia, and related intolerances.</p>
Title (original language)	<u>No promising practice has been identified for this thematic area.</u>

Thematic area	ROMA EQUALITY AND INCLUSION Please provide one example of promising practice related to the two topics addressed in the chapter. Please make the link between the selected practice and the topics explicit.
Title (original language)	Oltass, hogy élhess!
Title (EN)	Vaccinate so that you can live!
Organisation (original language)	Országos Roma Önkormányzat, Rendszerszint, Civil Tanács Egyesület, Dikh Tv, RomNet, Roma Sajtóközpont, Civil Kollégium Alapítvány, 1 Magyarország Kezdeményezés
Organisation (EN)	National Roma Self-government, System-level, Civil Council Association, Dikh Tv, RomNet, Roma Press Centre, Civil College Foundation, 1 Hungary Initiative
Government / Civil society	Minority self-government and civil society
Funding body	Various sources, including fundraising as part of the campaign (https://tamogass.ahang.hu/oltass-hogy-elhess)
Reference (incl. URL, where available)	https://www.oronk.hu/2021/04/07/oltass-hogy-elhess/ ; https://www.oronk.hu/2021/04/13/3395/ ; https://www.cka.hu/oltass-hogy-elhess/ ; https://www.facebook.com/dikhtv/videos/5315010455240549/ ; http://www.romnet.hu/hirek/2021/04/06/8222oltass_hogy_elhess8221_8211_orzagos_civil_kamp_any_a_vakcina_regisztraciara ; https://eselyradar.hu/hirek/jol-felkeszult-aktivistak-sikeres-kampany/

Indicate the start date of the promising practice and the finishing date if it has ceased to exist	As a first wave, 15 days in April 2021
Type of initiative	Campaign
Main target group	People living in disadvantaged communities
Indicate level of implementation: Local/Regional/National	National campaign applied locally, involving 11 out of the 19 counties
Brief description (max. 1000 chars)	The campaign aimed at persuading and assisting people in registering for a COVID-19 vaccination. The focus was on Roma and non-Roma people living in the most disadvantaged locations. The campaign included a media campaign, the training of 78 local activists by 90-minute training sessions with max. 10 people, and local actions to get people registered.
Highlight any element of the actions that is transferable (max. 500 chars)	The wide coalition where all actors could bring their own expertise and network is a good practice that is probably unique among similar activities.

<p>Give reasons why you consider the practice as sustainable (as opposed to 'one off activities')</p>	<p>The activists trained, the networks established and the media and informational materials produced during the campaign continue to have effects on the targeted communities. Studies claim that an effective way to fight conspiracy theories is to use trusted figures as messengers, as was the case in the media campaign.</p>
<p>Give reasons why you consider the practice as having concrete measurable impact</p>	<p>After just 15 days of the campaign, 13,428 persons were registered.</p>
<p>Give reasons why you consider the practice as transferable to other settings and/or Member States?</p>	<p>Reaching people living in remote places and in disadvantaged communities is always a challenge. These difficulties can prove to be fatal in the case of COVID-19 vaccination. The campaign provides a good example for how broad civil coalitions can approach their own communities and reach out to local activists, with sensitivities to cultural, linguistic and religious diversity, and act effectively, building on earlier networks and trust. The practice seems especially relevant for other countries with sizable Roma communities.</p>

<p>Explain, if applicable, how the practice involves beneficiaries and stakeholders in the design, planning, evaluation, review assessment and implementation of the practice.</p>	<p>The wide coalition means that actors from various communities and backgrounds and with various expertise could participate in the organisation.</p>
<p>Explain, if applicable, how the practice provides for review and assessment.</p>	<p>Given the nature of the project, the results are easy to measure (number of persons registered for vaccination).</p>

Thematic area	<p style="text-align: center;">INFORMATION SOCIETY, PRIVACY AND DATA PROTECTION</p> <p style="text-align: center;">Please provide one example of a promising practice related to the topics addressed in the chapter, i.e. data protection, and/or artificial intelligence systems.</p>
Title (original language)	A GDPR egyszerűen kis- és középvállalkozások számára
Title (EN)	The GDPR made simple(r) for SMEs
Organisation (original language)	Nemzeti Adatvédelmi és Információszabadság Hatóság
Organisation (EN)	National Authority for Data Protection and Information Freedom
Government / Civil society	Government
Funding body	European Union
Reference (incl. URL, where available)	https://naih.hu/files/A-GDPR-egyszeruen-kis-es-kozepvallalkozasok-szamara.pdf

Indicate the start date of the promising practice and the finishing date if it has ceased to exist	21 January 2021 – no end date
Type of initiative	Guidance
Main target group	Small and medium sized enterprises
Indicate level of implementation: Local/Regional/National	National
Brief description (max. 1000 chars)	<p>The National Authority for Data Protection and Information Freedom (<i>Nemzeti Adatvédelmi és Információszabadság Hatóság</i>), under the framework of a project on supporting small and medium enterprises on the data protection reform, made the Hungarian translation of the handbook titled 'The GDPR made simple(r) for SMEs' that was originally published by Vubpress in 2020. The Authority made the translated handbook available free of charge through their website.</p> <p>The translated version of the original handbook provides for a detailed description on the provisions of the GDPR in a clear and comprehensive manner, focusing on the practical implementation of the GDPR for SMEs. Other than interpreting the provisions of the GDPR, the handbook contains tips and best practices for SMEs on how to establish GDPR conform practices in their everyday operations.</p>

<p>Highlight any element of the actions that is transferable (max. 500 chars)</p>	<p>The handbook is not just a translation of the original work as it contains information for SMEs that is specific to Hungary (e.g. links to guidelines, decisions and recommendations of the Hungarian data protection authority, Hungarian translations of guidelines of the WP29 work group). This approach makes the translation accessible and practical to SMEs domiciled in Hungary.</p>
<p>Give reasons why you consider the practice as sustainable (as opposed to 'one off activities')</p>	<p>The interpretation and the implementation of the provisions of the GDPR still raises concerns especially to smaller enterprises that are often in lack of proper legal counsel. The translated handbook that is available electronically free of charge through the website of the data protection authority serves as a starting point for consultation on the implementation of the GDPR. The authority communicated its intention to update the handbook on any new development related to the implementation of the GDPR, therefore, it can serve as a living source of information for SMEs for many years to come.</p>
<p>Give reasons why you consider the practice as having concrete measurable impact</p>	<p>The authority does not plan to monitor how many SMEs consult to the translated handbook or to check how SMEs use the information contained in the handbook, therefore, the activity has no concrete measurable impact.</p>
<p>Give reasons why you consider the practice as transferable to other settings and/or Member States?</p>	<p>Including the national guidelines and relevant decisions of the data protection authority in the Member State concerned could certainly improve the practical use of the handbook. It can also reduce the costs of legal counsel and of translation to SMEs that are typically short on these resources.</p>

<p>Explain, if applicable, how the practice involves beneficiaries and stakeholders in the design, planning, evaluation, review assessment and implementation of the practice.</p>	<p>N/A</p>
<p>Explain, if applicable, how the practice provides for review and assessment.</p>	<p>N/A</p>

Thematic area	<p style="text-align: center;">RIGHTS OF THE CHILD</p> <p style="text-align: center;">Please provide a promising practice related to the topics addressed in the chapter.</p>
Title (original language)	Legyél az Internet Ásza!
Title (EN)	Become the Ace of the Internet
Organisation (original language)	Nemzetközi Gyermekmentő Szolgálat
Organisation (EN)	International Children's Safety Service
Government / Civil society	Civil Society
Funding body	Google.org
Reference (incl. URL, where available)	https://www.saferinternet.hu/legyel-az-internet-asza

Indicate the start date of the promising practice and the finishing date if it has ceased to exist	28 September 2021 – 31 December 2022
Type of initiative	Creating a study material on internet safety that serves as a basis for future trainings and workshops to children, teachers and parents
Main target group	Children, school teachers, parents
Indicate level of implementation: Local/Regional/National	National
Brief description (max. 1000 chars)	The International Children’s Safety Service, under the framework of the Safer Internet Program created a study material and method on internet safety that serves as a basis for workshops and trainings to children, school teachers and parents across the country. The study material is available through the Safer Internet website. It embraces the following thematic areas: sharing content, unreal scenarios in the online world, data protection, cyberbullying, communicating concerns to and adult. The International Children’s Safety Service plans to conduct workshops and trainings based on the study material mainly in 2022 reaching 44,000 children, teachers and parents in the country.

<p>Highlight any element of the actions that is transferable (max. 500 chars)</p>	<p>The study material describes the dangers of the internet to children in a clear and comprehensive manner that is also playful and not intimidating. The study material does not want to educate on the law, instead, it mostly talks about real life situations and the potential solution or prevention techniques.</p>
<p>Give reasons why you consider the practice as sustainable (as opposed to 'one off activities')</p>	<p>The study material is just the starting point for a massive education project that aims to reach 44,000 children, teachers and parents in 2022.</p>
<p>Give reasons why you consider the practice as having concrete measurable impact</p>	<p>As the study material serves as a ground for trainings and workshops, the participants attending these occasions will actively learn about the thematic areas included in the material.</p>
<p>Give reasons why you consider the practice as transferable to other settings and/or Member States?</p>	<p>The study material was created using Hungarian experiences on internet safety and cyberbullying other than identifying global issues, therefore, other Member States may also tailor the study material to the national specialities and cases.</p>

<p>Explain, if applicable, how the practice involves beneficiaries and stakeholders in the design, planning, evaluation, review assessment and implementation of the practice.</p>	<p>Google is one of the most important player of the global IT sector. Google’s charity organisation, Google.org provided funds to the International Children’s Safety Service to create the study material on internet safety and to organise workshops and trainings. Google assisted the Service to identify the most relevant global issues related to internet safety. The International Children’s Safety Service involved psychologists, social workers and teachers in the design of the study book.</p>
<p>Explain, if applicable, how the practice provides for review and assessment.</p>	<p>N/A.</p>

Thematic area	ACCESS TO JUSTICE Please provide one example of a promising practice related to the topics addressed in the chapter.
Title (original language)	Szociális és gyermekvédelmi szakemberek, rendőrök, pedagógusok célzott képzése
Title (EN)	Targeted training of professionals working in the field of social services, child protection and education of of police officers
Organisation (original language)	Fehérgyűrű Alapítvány ²⁴⁹
Organisation (EN)	Hungarian White Ring Foundation
Government / Civil society	NGO
Funding body	The training programmes run locally, supported by local governments and the institutions themselves as well. No state funding from the central budget is available.
Reference (incl. URL, where available)	Related information was provided by the Hungarian White Ring Foundation ²⁵⁰

²⁴⁹ Hungarian White Ring Foundation (*Fehérgyűrű Alapítvány*) was established in 1989, “its main task is to provide direct and indirect support to victims and relatives of victims of crimes in any legal, financial and psychological way” and to defend the interests of victims. Homepage available at: <http://fehergyuru.eu/en/home/>.

²⁵⁰ The main information was provided via email and telephone interviews e.g. on 17-18 November 2021.

Indicate the start date of the promising practice and the finishing date if it has ceased to exist	November 2021 – presumable end of February 2022.
Type of initiative	Awareness raising, professional training
Main target group	Professionals working in the field of social services /social workers, or in the field of child protection
Indicate level of implementation: Local/Regional/National	The project is run by local governments

<p>Brief description (max. 1000 chars)</p>	<p>The training responds to the growing need of social workers, pedagogues and child protection employees, who deal with victims of abuse, and especially, children, without having proper background knowledge of how to communicate with them, how to handle these cases properly, what kind of legal and institutional opportunities they have if they intend to provide them with effective assistance. The trainers are experienced social workers and psychologists working with victims of abuse. The main training sessions took place at the following locations:</p> <ul style="list-style-type: none"> - Complex training, 9th district of Budapest, 20 training sessions for employees of the social department of the local government. The training comprises of communication techniques and supervision with the involvement of an expert psychologist. - Pannonia dormitory, 13th district of Budapest: communication training empowering pedagogues to communicate and work with child victims of abuse, to provide them adequate assistance: detecting problems, problem-solving techniques, cooperation with the social sector. - 14th district Sylvester Gymnasium: a five-session communication training and case-handling training in relation to a concrete case. - Communication and legal training for police officers in Adyliget with the participation of an expert psychologist. - Training of child protection professionals in the childcare home of the 3rd district of Budapest, communications' training and supervision.
<p>Highlight any element of the actions that is transferable (max. 500 chars)</p>	<ul style="list-style-type: none"> - Cooperation between the civil and social sector, educational institutions, local governments and police - Various elements of the training which focus on communication, supervision, networking, etc. - Case studies, assistance in the handling of concrete cases, the transfer of up-to-date, directly applicable knowledge and information

<p>Give reasons why you consider the practice as sustainable (as opposed to 'one off activities')</p>	<p>The Hungarian White Ring Foundation had already established a well-functioning cooperation with the related police headquarters, institutions and local governments, which intend to continue this training in the future. These training sessions are not expensive to fund for the stake-holders either (e.g. a 20 session training is held for around 1600-1700 Euro).</p>
<p>Give reasons why you consider the practice as having concrete measurable impact</p>	<p>The training focuses on those professionals who deal with victims, child victims of abuse on a daily basis without proper background knowledge. The training focuses on the handling of these cases and provides these professionals with adequate communication tools, information on their opportunities to help. The training sessions are held by experienced social workers or psychologists working in this field for a long time and capable of addressing related issues and questions during the training, providing the participants with effective tools to provide effective assistance and support to these victims. The training sessions also strengthen the inter-personal relationships between the professionals working in this field, facilitating in the long run the work of such NGOs engaged in victim support as the Hungarian White Ring Foundation too.</p>
<p>Give reasons why you consider the practice as transferable to other settings and/or Member States?</p>	<p>These low-cost training sessions may be easily transferred to other Member States where an adequate cooperation exists between the local administration, related institutions and the social sector.</p>

<p>Explain, if applicable, how the practice involves beneficiaries and stakeholders in the design, planning, evaluation, review assessment and implementation of the practice.</p>	<p>The training has been tailored to the exact needs of the stakeholders involved, if necessary, it also implies assistance given through case studies even to the handling of concrete, ongoing cases. The participants' input is invaluable, it makes it possible for the trainers to respond to existing needs and challenges.</p>
<p>Explain, if applicable, how the practice provides for review and assessment.</p>	<p>The training, experience gathered through the training and potential need for further training or the inclusion of further elements into the ongoing training are constantly monitored by the organisers.</p>

Thematic area	<p style="text-align: center;">Developments in the implementation of the Convention on the Rights of Persons with Disabilities (CRPD)</p> <p style="text-align: center;">Please provide one example of a promising practice related to projects or programmes implementing the CRPD or promoting the rights of persons with disabilities.</p>
Title (original language)	<p style="text-align: center;"><u><i>No promising practice has been identified for this thematic area.</i></u></p>

Annex 2 – Case Law

<p>Thematic area</p>	<p>EQUALITY AND NON-DISCRIMINATION</p> <p>Please provide one high court decision addressing discrimination against EU citizens based on nationality or against LGBTI people. Where relevant, always highlight any relevance or reference to multiple or intersectional discrimination in the case you report.</p>
<p>Decision date</p>	<p>7 April 2021</p>
<p>Reference details</p>	<p>11/2021. (IV. 7.) AB határozat</p> <p>[Resolution No. 11/2021. (IV. 7.) of the Constitutional Court of Hungary]</p>
<p>Key facts of the case</p> <p>(max. 500 chars)</p>	<p>The plaintiff initiated a change of sex in official documents, provided the necessary documents and also started the medical procedure. The government agency did not act within the statutory deadline. In the meantime, a law was adopted that banned the registration of sex changes, with retroactive effect. The ban was challenged in court, and the judge turned to the Constitutional Court alleging that the retroactive application of the ban is unconstitutional.</p>
<p>Main reasoning/argumentation</p> <p>(max. 500 chars)</p>	<p>The plaintiff initiated the procedure in good faith, trusting the legal environment applicable at the time, a legitimate expectation protected under the principles of the rule of law and legal certainty (Art. B-1 of the Fundamental Law). A retroactive application of the ban on registering sex changes amounts to a violation of these principles. The clause that declared the retroactive effect (Art. 101/A-2) was worded in a way that only its full abolition was possible.</p>

<p>Key issues (concepts, interpretations) clarified by the case (max. 500 chars)</p>	<p>The prohibition of retroactive law-making was confirmed in a straightforward case law of the Constitutional Court. Six judges out of the 14 still disagreed with the decision.</p>
<p>Results (sanctions) and key consequences or implications of the case (max. 500 chars)</p>	<p>The government agency is obliged to continue the procedure and register the change of sex under the earlier rules. The abolition of the clause ordering retroactive application means that procedures started before the 2020 law entered into force should follow the earlier regulation.</p>
<p>Key quotation in original language and translated into English with reference details (max. 500 chars)</p>	<p>“Az alapügy felperese 2020. február 5-én a fennálló jogszabályi környezetben bízva közigazgatási eljárást kezdeményezett. Ezen eljárás jogkövetkezményének az eljárás kezdeményezésekor irányadó jogszabályi rendelkezések alapján a felperes nemének és nevének anyakönyvben történő megváltozásának kellett volna lennie, ahogyan azt az indítványozó bíróság az előtte benyújtott szakorvosi dokumentációk alapján bizonyítottan látta. [...] az időközben elfogadott jogszabály-változtatás eljárási akadályát képezte annak, hogy a felperes érvényesíteni tudja azon jogát, amelyre az eljárás megindításakor a jogszabályi lehetőség adott volt.”</p> <p>“The plaintiff in the original case initiated an administrative procedure on 5 February 2020, trusting the legal framework at the time. According to the law at the time, the result of this procedure should have been the change of the plaintiff’s sex and name in the official registry, in line with the findings of the petitioning court based on the medical expert documentations presented to it. [...] the amendment adopted in the meantime blocked the exercise of the plaintiff’s right that was still legally recognised at the time of starting the procedure.”</p>

<p>Thematic area</p>	<p>RACISM, XENOPHOBIA AND RELATED INTOLERANCE</p> <p>Please provide the most relevant <u>high court</u> decision concerning the application of <u>either</u> the Racial Equality Directive or the Framework Decision on racism and xenophobia, addressing racism, xenophobia, and other forms of intolerance more generally.</p>
<p>Decision date</p>	<p>May 4 2021 and 22 September 2021</p>
<p>Reference details</p>	<p>Hungary, Debrecen Tribunal (<i>Debreceni Törvényszék</i>), Decision no. III.Kb.5/2021/11-II, confirmed by the Metropolitan Regional Court (<i>Fővárosi ítéltábla</i>), Decision no. 6.Kbf.18/2021/6.</p>
<p>Key facts of the case (max. 500 chars)</p>	<p>Three policemen were found guilty of violence against a member of a community. They had put a handcuffed suspect in the police car, shoved, pressed down his head, causing pain in the wrists, hit the forehead, etc. Meanwhile, the other policeman was recording on camera the process of the abuse, and shouted "scream, you Gypsy dog".</p>
<p>Main reasoning/argumentation (max. 500 chars)</p>	<p>It is a very simple case legally, there is no more reasoning than stating the obvious (causing unnecessary pain intentionally to a person unable to defend himself in any way amounts to violence). The importance of the case lies in the fact that policemen were caught and their violence and anti-Roma bias could be proven.</p>
<p>Key issues (concepts, interpretations) clarified by the case (max. 500 chars)</p>	<p>N/A</p>

<p>Results (sanctions) and key consequences or implications of the case (max. 500 chars)</p>	<p>Prison sentences ranging from 1 year 10 months to 2 years, suspended for a period ranging from 3 to 4 years.</p> <p>A hopeful implication is that courts will be more aware of the systematic nature of police violence against Roma.</p>
<p>Key quotation in original language and translated into English with reference details (max. 500 chars)</p>	<p>[21] "A bíróság a büntetés kiszabása során terhelt1 I. rendű és terhelt2 II. rendű vádlottak tekintetében súlyosító körülményként értékelte a hasonló jellegű bűncselekmények elszaporodottságát, azt a tényt, hogy a sértett kezeinek hátrabilincselése révén védekezésre képtelen állapotban volt, a vádlottak cselekménye megsértette szolgálati esküjüket, mellyel egyebekben aláásták a rendőrség tekintélyét is. Súlyosító körülményként vette figyelembe továbbá a bíróság azt is, hogy a vádlottak a terhükre megállapított bűncselekményt társas elkövetési formában valósították meg." (para 21 of the judgment of the first instance court)</p> <p>In imposing the sentence, the court considered as aggravating circumstances the proliferation of similar crimes; the fact that the victim was unable to defend himself as his hands were restrained; that the action of the accused violated their oath of office, and in addition undermined the authority of the police. Furthermore, it is to be taken as an aggravating circumstance that the accused have committed the crime in a group.</p>

Thematic area	ROMA EQUALITY AND INCLUSION Please provide the most relevant high court decision addressing violations of fundamental rights of Roma and Travellers.
Decision date	25 May 2021
Reference details	Kúria mint felülvizsgálati bíróság Pfv.III.20.512/2020/14. sz. ítélete [Judgment No. Pfv.III.20.512/2020/14 of the Kúria as appellate court]
Key facts of the case (max. 500 chars)	Roma children were removed from their families and placed in child care institutions, and mothers were sent home from hospitals while their newborns were kept back, which also meant a denial of breastfeeding. Authorities cited as a reason the deprivation observed in the respective family homes. The court of first instance rejected the complaint, filed by the Hungarian Civil Liberties Union. The court of appeal found violations and ordered the payment of non-material compensation. The Kúria affirmed the judgment of the court of appeal.
Main reasoning/argumentation (max. 500 chars)	The Kúria confirmed the earlier judgment that found that the plaintiffs' right to family life was violated on five accounts, including the removal of the children from the family and other administrative omissions like the failure to provide services and present a family and child care plan; and it found a violation of human dignity in one instance. The judgment did not find enough evidence that the violations were also discriminatory on grounds of belonging to a national minority, nor that the principle of equal treatment was infringed.

<p>Key issues (concepts, interpretations) clarified by the case (max. 500 chars)</p>	<p>The judgment confirms that the removal of children for reasons related to deprivation is unlawful. The court did not accept the reasoning that discrimination can be established based on the prejudiced comments made by the officials who acted in these cases and on the disproportionate actions that related to Roma families as opposed to non-Roma people.</p>
<p>Results (sanctions) and key consequences or implications of the case (max. 500 chars)</p>	<p>The judgment declared that the violations occurred as documented therein, prohibited further violations by the defendants, and ordered the payment of costs and damages. The judgment could not be used to easily establish cases of discrimination and harassment, which was an important goal of litigants. In the concrete case, this also meant that the plaintiffs' request to oblige defendants to hold training was dismissed.</p>
<p>Key quotation in original language and translated into English with reference details (max. 500 chars)</p>	<p>“A másodfokú bíróság részletesen megjelölte és értékelte azokat a bizonyítékokat, amelyek alapján megállapította, hogy az első szoptatást követően az I. rendű felperes nem szoptathatta az ötödik gyermekét, valamint részletesen indokolta, hogy milyen okból nem találta bizonyítottnak a hátrány és a védett tulajdonság közötti okozati összefüggést. [...] A jogerős ítélet kiemelten értékelte, hogy sem az I. rendű, sem a III. rendű felperes egyik korábbi szülése esetén sem számolt be arról, hogy nemzetiséghez tartozásuk miatt gyámhatósági határozat nélkül eltiltották volna őket a szoptatástól, ezt a hátrányt az I. rendű felperesnek a negyedik gyermeke szülésekor sem kellett elszenvednie.”</p> <p>“The court of second instance indicated and evaluated, in detail, the evidence that the first plaintiff could not breastfeed her fifth child and gave detailed reasoning why it did not find enough evidence to prove the causal connection between the disadvantage and the protected attribute. [...] The judgment in force gave special weight to the fact that neither the first nor the third plaintiff reported to have been denied breastfeeding due to their belonging to a national minority without the decision of the Child Welfare Authority; this injury was not present in the case of the first plaintiff giving birth to her fourth child either.”</p>

Thematic area	ASYLUM, VISAS, MIGRATION, BORDERS AND INTEGRATION Please provide the most relevant high court decision – or any court ruling – relating to the implementation of the <u>right to an effective remedy</u> in the context of storing data in national large-scale databases and in EU IT systems (Eurodac, VIS, SIS) delivered in 2021.
Decision date	<i><u>No case law has been identified for this thematic area.</u></i>

Thematic area	INFORMATION SOCIETY, PRIVACY AND DATA PROTECTION Please provide the most relevant high court decision related to the topics addressed in the chapter, i.e. data protection, and/or artificial intelligence systems.
Decision date	13 May 2021
Reference details	Constitutional Court of Hungary (Alkotmánybíróság) no. 15/2021 on the constitutional requirements related to Article 1(3)-(5) of Governmental Decree no. 521/2020 on the derogation of certain data request provisions in the period of state of danger (15/2021. (V. 13.) AB határozat a veszélyhelyzet idején az egyes adatigénylési rendelkezésektől való eltérésről szóló 521/2020. (XI. 25.) Korm. rendelet 1. § (3)-(5) bekezdéseire vonatkozó alkotmányos követelmény megállapításáról), 13 May 2021, available at: https://net.jogtar.hu/jogszabaly?docid=A21H0015.AB .
Key facts of the case (max. 500 chars)	An independent member of the Hungarian Parliament turned to the Constitutional Court to ask for a constitutional review of the temporary rules Governmental Decree no. 521/2020 ²⁵¹ introduced with respect to the Coronavirus outbreak in Hungary. Article 1(3)-(5) of the Governmental Decree stipulates the public body may respond to the request for data of public interest in 45 days instead of the otherwise applicable 15 days if the performance of the data request would jeopardise its public duties.

²⁵¹ Hungary, Governmental Decree no. 521/2020 on the derogation of certain data request provisions in the period of state of danger (521/2020. XI. 25. a veszélyhelyzet idején az egyes adatigénylési rendelkezésektől való eltérésről), 26 November 2020, available at: <https://njt.hu/jogszabaly/2020-521-20-22>.

<p style="text-align: center;">Main reasoning/argumentation (max. 500 chars)</p>	<p>The claimant argued the provision in question is too vague and provides for a broad discretionary power to the public bodies when deciding when applying the prolonged 45 day deadline to respond to the information request. Such a vague definition undermines the constitutional value of predictability and certainty. The claimant asked the Constitutional Court to declare the provision in question null and void based on its non-conformity to the Fundamental Law of Hungary.</p>
<p style="text-align: center;">Key issues (concepts, interpretations) clarified by the case (max. 500 chars)</p>	<p>The Constitutional Court had to examine whether the prolonged deadline for public bodies to respond to inquiries related to data of public interest constitutes a limitation on the right to information of the citizens that is unnecessary and disproportionate. As the general idea behind the legislative provision in question was to allow public bodies to focus on the containment of Coronavirus, the Constitutional Court had to decide on the proportionality of the limitation on the right to information.</p>
<p style="text-align: center;">Results (sanctions) and key consequences or implications of the case (max. 500 chars)</p>	<p>The Constitutional Court interpreted the circumstances for the public body to extend the deadline to respond to the request for data of public interest. The Constitutional Court ruled the prolonged deadline was not in violation of the Fundamental Law of Hungary; however, the public body must set the underlying reasons that justify the prolonged deadline to respond to the data request. This concretisation of the underlying reasons must be real and must prove the public duties of the body may be endangered if the data request was responded in the regular 15 days deadline.</p>

<p>Key quotation in original language and translated into English with reference details (max. 500 chars)</p>	<p>Point 39 of the reasoning of the decision:</p> <p>'Generally, the containment of the Coronavirus pandemic and the efforts to minimise the negative health, social and economy effects of the virus, the mitigation of damages are such goals that automatically justify the limitation of certain fundamental rights like the right to get access to data with public interest.'</p> <p>'Általánosságban kijelenthető: a koronavírus-járvány leküzdése, ezen belül az egészségügyi, társadalmi és gazdasági hatásainak a csökkentése, a károk enyhítése olyan célok, amelyek alkotmányosan igazolják az alapjogok korlátozását, így a közérdekű adatok megismeréséhez való jognak a korlátozását is.'</p>
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Thematic area	ACCESS TO JUSTICE Please provide the most relevant high court decision related to the topics addressed in the chapter.
Decision date	23 March 2021
Reference details	Court of Appeal, Szeged (<i>Szegedi Ítéltábla</i>), Bf.III.438/2020/12. order upholding the judgment of Szeged Tribunal (<i>Szegedi Törvényszék</i>) of 23 June 2020, 9.B.1966/2019/16. (<i>acquittal of the accused</i>)
Key facts of the case (max. 500 chars)	The accused and her husband lived in a violent partnership due to the victim’s drinking habits and aggressive behaviour. The victim was moderately intoxicated on the day of the crime, attacked his wife, tossed her onto the floor and began to choke her. The accused managed to escape his grip, grabbed the key of their car and rushed out of the house. Still in a mentally narrowed state of mind, she sat in the car, started the engine and set off. She attempted to bypass her still aggressively pursuing husband, but he stepped in front of the turning car. She hit the victim and also rolled over him. When she could stop the car, she called the ambulance immediately after leaving the car. The victim died.
Main reasoning/argumentation (max. 500 chars)	The case revolved around the question of whether the accused acted in legitimate self-defence, and whether the narrowed mental state she was in due to the violent assault suffered acquits her from the charge of voluntary manslaughter. The prosecutor’s office claimed that her actions surpassed the framework and time-lapse of legitimate self-defence. However, the courts upheld that the state of legitimate self-defence lasted till she left the car and realised the dire situation of the accused. Due to the persistently aggressive stance of the victim, this was the moment when she realised that the objective state of emergency on account of the danger the accused constituted, ceased to exist.

<p>Key issues (concepts, interpretations) clarified by the case (max. 500 chars)</p>	<p>The scope of legitimate self-defence: the acceptable time lapse and extent of legitimate actions taken in self-defence by the accused; the actual impact of prolonged partnership violence, a direct attack on the accused on her state of mind and on her capacity to judge the situation; the allegedly vengeful motive of the accused who suffered prolonged partnership violence.</p>
<p>Results (sanctions) and key consequences or implications of the case (max. 500 chars)</p>	<p>Acquittal of the accused, the judgment of the Szeged Court and the following order of the Szeged Court of Appeal may set a useful precedent in the assessment of the situation of women, who are victims of domestic violence and who, in self-defence against their abusive partners, are pushed into / forced to take involuntary/voluntary violent actions or actions resulting in significant harm, even the loss of life. The case and the judgment was reported by various news portals, raising awareness to the related issues.²⁵²</p>

²⁵² See e.g. Imola Kiss (2021), 'Jogerősen felmentették a bántalmazó férjét elgázoló nőt' (The woman hitting her abusive husband has been acquitted at final instance), 444.hu, available at: <https://444.hu/2021/03/23/jogerosen-felmentettek-a-bantalmazo-ferjet-elgazolo-not>.

Key quotation in original language and translated into English with reference details (max. 500 chars)

"This objective situation of self defence ceased to exist when the victim... fell in front of the car and the accused rolled over him (...) par. 36.

"[However], this altered state of affairs did not result automatically and immediately in the expiry of the accused's legitimate state of self-defence. In this respect, the mental state of mind of the person in a situation of legitimate state of self-defence shall be examined, when ... did she became aware of the fact that (...) she does not need to fear the continuation of the unlawful attack."

"... the reaction time of the accused was plainly more than [0.8 sec.] since ... her mental state of mind, due to the abuse, menace inflicted upon her and the fear, narrowed, she tried – driven by vital instinct – to escape [which] affected her capacity to drive, perceive and react..." (par.38)

"Ez a jogos védelmet megalapozó ténybeli szituáció akkor szűnt meg, amikor a sértett ... az autó elé esett, majd a vádlott a gépkocsival a sértettre ráhaladt... (par. 36.)

"[E]zen megváltozott tényhelyzet még nem eredményezte automatikusan és rögtönösen a vádlott jogos védelmi helyzetének megszűnését. E körben ugyanis vizsgálni kell a jogos védelmi helyzetben lévő személy tudattartamát is, ... mikor tudatosult benne (...) a jogtalan támadás folytatásától már nem kell tartania." (Par. 37.)

" (...) a (...) reakcióidő kb. 0,8 másodperc, amely azonban a vádlott esetében nyilvánvalóan jelentősen több volt, hiszen (...) a vádlott tudata az őt ért bántalmazás, fenyegetés, illetőleg a félelem hatására beszűkült, az életösztön hatására menekülni próbált, továbbá gépjármű vezetését, észlelési és reakció készségét e tudatállapota jelentős mértékben befolyásolta ..." par. 38.

Thematic area	DEVELOPMENTS IN THE IMPLEMENTATION OF THE CONVENTION ON THE RIGHTS OF PERSONS WITH DISABILITIES (CRPD) Please provide the most relevant court judgment, which quoted the CRPD or prominently referred to the CRPD in the reasoning.
Decision date	<u><i>No case law has been identified for this thematic area.</i></u>