

Legal environment and space of civil society organisations in supporting fundamental rights and the rule of law

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1 Civic space developments in 2021

1.1 Stigmatisation of the LGBTQI Communities	
Area	Safe space & protection / Freedom of expression and information
Topic	Intimidation / negative narrative / smear campaigns / disinformation campaigns Censorship
Impact	Major

In 2021, amendments were introduced into various legal acts by Act LXXIX of 2021 on stricter state measures against paedophile perpetrators¹. NGOs claim that the amendments restrict freedom of expression, the right to receive information and the right to education as they, e.g. prohibit providing information on LGBTQI rights in schools or on media platforms. NGOs promoting LGBTQI rights – as well as the whole LGBTQI community – feel subject to intimidation, negative narrative, and disinformation campaigns.² The major amendments comprise:

1) the prohibition of making any content available to persons under the age of eighteen that “propagates or portrays divergence from self-identity corresponding to sex at birth, sex change or homosexuality”³.

2) various new obligations imposed on media actors and the Media Council, such as:

- the classification as “not appropriate for children” of programmes which may exert negative influence on the physical, mental or moral development of minors, by portraying “as their central element violence, propagation or portrayal of divergence from self-identity corresponding to sex at birth, sex change or homosexuality”;

¹ Act LXXIX of 2021 on stricter state measures against paedophile perpetrators and on the amendment of certain acts in view of the protection of children ([2021. évi LXXIX. törvény a pedofil bűnelkövetőkkel szembeni szigorúbb fellépésről, valamint a gyermekek védelme érdekében egyes törvények módosításáról](#)).

² See e.g. Háttér Társaság (2021), The homophobic and transphobic propaganda law tramples on everyone's rights - NGOs call for an investigation by the Commissioner for Fundamental Rights’ ([Mindenki jogain átgázol a homofób és transzfób propagandatörvény – az alapvető jogok biztosának vizsgálatát kéri civil szervezetek](#)).

³ Article 6/A, Act XXXI of 1997 on the protection of children and the guardianship authority ([1997. évi XXXI. törvény a gyermekek védelméről és a gyámügyi igazgatásról](#)); Article 8(1a) Act XLVIII of 2008 on the basic conditions and restrictions of economic advertisement activities ([2008. évi XLVIII. törvény a gazdasági reklámtevékenység alapvető feltételeiről és egyes korlátairól](#)); Article 5/A of Act CCVI of 2011 on the protection of families ([2011. évi CCXI. törvény a családok védelméről](#)), as amended by Article 1 (2), Article 3 and Article 10 (3) of Act LXXIX of 2021 on stricter state measures against paedophile perpetrators.

- the obligation of the Media Council to file a request with Member States to take effective measures against media service providers who breach the above-mentioned obligations under their jurisdiction⁴.

3) the restriction of the possibilities of public schools to host programmes/lectures on sex education, drug prevention, internet usage, etc. by prescribing that these may only be held by organisations/persons registered with a “state agency”⁵ allegedly to “exclude organisations of questionable professional credibility” that were “set up to represent a specific sexual orientation.”⁶ Besides, “such activities” cannot propagate “divergence” from a self-identity corresponding to sex at birth, sex change or homosexuality.” Failure to comply with these requirements may lead to infringement proceedings against the head of the school and the unregistered persons or NGOs.⁷ These provisions may practically exclude NGOs promoting LGBTQI rights from holding trainings or lectures in public schools. Allegedly, they are to guarantee that schools give “special attention” to “the conduct of activities” concerning sexual education, “sexual orientation and sexual development” in line with the requirements of the Fundamental Law on children’s rights. The Fundamental Law (as of 2020) also ensures children’s right to “a self-identity corresponding to their sex at birth” and obliges the state to ensure children’s upbringing in line with “the values based on the constitutional identity and Christian culture” of Hungary.⁸ The above-mentioned amendments may imply that no content or public utility advertisement containing information on homosexuality or transgender people may be published if it is accessible to children. More than 160 NGOs and companies protested against the amendments⁹, including the Háttér Society (*Háttér Társaság*)¹⁰ and the Hungarian Helsinki Committee (*Magyar Helsinki Bizottság*, hereinafter: HHC).¹¹ The amendments

⁴ Article 9(6), Article 9(1), Article 179(2), Act CLXXXV of 2010 on media services and telecommunication ([2010. évi CLXXXV. törvény a médiaszolgáltatásokról és a tömegkommunikációról](#)), as amended by Article 9 (2)-(3), (5) of Act LXXIX of 2021 on stricter state measures against paedophile perpetrators.

⁵ Article 9 (12), Article 9/A of Act XCX of 2011 on public education.

⁶ Council of Europe, Venice Commission, CDL-AD(2021)050-e Hungary - [Opinion on the compatibility with international human rights standards of Act LXXIX amending certain Acts for the protection of children](#), 10-11 December 2021.

⁷ Article 9 (12), Article 9/A of Act XCX of 2011 on public education.

⁸ Article XVI (1) of the Fundamental Law of Hungary (*Magyarország alaptörvénye*) as amended by the Article 3 of the Ninth Amendment to the Fundamental Law ([Magyarország Alaptörvényének kilencedik módosítása](#)), entry into force 23 December 2020.

⁹ Hungarian Helsinki Committee (2021), [Even though it has no public support, Hungarian Parliament passed the Putin Propaganda Law](#), 18 January 2021; Article 19 (2021), [Hungary: End the attacks on the LGBTQI community and the rule of law in the EU](#), 22 June 2021; Háttér Society (Háttér Társaság) (2021), #YOURENOTALONE – list of organisations protesting against the propaganda law ([#NEMVAGYEGYEDÜL - A propagandatörvény ellen tiltakozó szervezetek](#)), 17 June 2021.

¹⁰ The Háttér Society was founded in 1995, and is the largest and oldest lesbian, gay, bisexual, transgender, queer and intersex (LGBTQI) NGO in Hungary. Háttér Society, ‘About us’, available at: <https://en.hatter.hu/about-us>.

¹¹ The Hungarian Helsinki Committee is a „watchdog” NGO that protects human dignity and the rule of law through legal and public advocacy methods”. Available at: <http://www.helsinki.hu/en/>.

were also criticised by the Venice Commission in 2021 for discriminating LGBTQI people and restricting the freedom of speech of NGOs promoting LGBTQI rights. The Venice Commission also remarked that to date no criteria or procedure for the registration process has been set, so NGOs may not hold sex education classes in public schools. The repeal of these provisions or the adequate regulation of the related procedural aspects, e.g. matters to avoid arbitrariness during the registration process, was also recommended.¹²

The European Commission (EC) initiated an infringement procedure against Hungary in July 2021, which entered into its second phase on 2 December 2021. The EC, with regard to the prohibition of LGBTQI contents, called upon Hungary to respect EU norms and maintained that the Hungarian legal provisions, within the scope of application of EU law violate human dignity, freedom of expression and information, the right to private life and the prohibition of discrimination.¹³

1.2 Criminalisation of humanitarian or human rights' work of NGOs working in the field of migration	
Area	Safe space & protection
Topic	Criminalisation of humanitarian or human rights' work Intimidation / negative narrative / smear campaigns / disinformation campaign
Impact	Medium

NGOs, like the HHC, have been working under increasing pressure and in a hostile environment since 2018, when Article 353/A was inserted into Act C of 2012 on the Criminal Code,¹⁴ threatening e.g. those who assist or provide legal aid to asylum-seekers, commission information leaflets for them, or conduct human rights' border monitoring, with a sanction of one-year imprisonment. The amendments also allowed for the imposition of criminal sanctions on entire organisations.¹⁵

In an infringement procedure launched by the EU Commission, the Court of Justice of the European Union (CJEU) in 2021 (Case C-821/19) quashed the provisions concerned. The CJEU stated that the criminalisation of those who assist asylum-

¹² Council of Europe, Venice Commission, CDL-AD(2021)050-e Hungary - [Opinion on the compatibility with international human rights standards of Act LXXIX amending certain Acts for the protection of children](#), 10-11 December 2021, p. 19-24.

¹³ European Commission, [December infringements package: key decisions](#), 2 December 2021.

¹⁴ Act C of 2012 on the Criminal Code ([2012. évi C. törvény a Büntető Törvénykönyvről](#)).

¹⁵ The amendments were adopted by Act VI of 2018 on the modification of certain acts in relation to measures taken against illegal migration ([2018. évi VI. Törvény egyes törvényeknek a jogellenes bevándorlás elleni intézkedésekkel kapcsolatos módosításáról](#)).

seekers to claim asylum is contrary to EU law under which asylum-seekers shall be able to contact and receive information and legal advice from NGOs. The amendments were also found inapplicable because of their unclarity (e.g. they may also cover those lawyers and NGOs who are entitled to provide legal aid in accordance with EU law).¹⁶The amendments were formerly harshly criticised by HHC, the only NGO in Hungary providing free legal aid to asylum seekers.¹⁷ The Venice Commission also called for their revocation in 2018.¹⁸ The related Constitutional Court (*Alkotmánybíróság*; hereinafter: CC) decision in 2019 rejected the concept of threatening those who selflessly assist asylum-seekers with criminal sanctions, but it failed to quash the amendments and left many issues unclarified.¹⁹

1.3 New legislative act on the transparency of civil organisations	
Area	Safe space & protection
Topic	Administrative harassment Surveillance
Impact	Major

In July 2021, the Parliament adopted Act XLIX of 2021 on the transparency of civil organisations capable of influencing public life (hereinafter: Act XLIX of 2021)²⁰ in response to the CJEU’s judgment rendered in Case C-78/18, which established that Act LXXVI of 2017 on the transparency of organisations which receive support from abroad (hereinafter: Act LXXVI of 2017), was not in compliance with EU law. Act XLIX of 2021 makes it the duty of the State Audit Office of Hungary (*Állami Számvevőszék*) to monitor those civil organisations whose balance sheet total reaches 20,000,000 HUF (cc. 55,000 EUR) in the year in question. According to the Hungarian Civil Liberties Union (*Társaság a Szabadságjogokért*, hereinafter:

¹⁶ Court of Justice of the European Union, C-821/19, *Commission v Hungary*, 16 November 2021. See e.g. paras. 73-133; paras.151-164.

¹⁷ Hungarian Helsinki Committee (2021): [EU Court: criminalising helping asylum-seekers breaches EU law](#), 16 November 2021.

¹⁸ OSCE/ODIHR Venice Commission, [Hungary - Joint Opinion on the Provisions of the so-called “Stop Soros” draft Legislative Package which directly affect NGOs \(in particular Draft Article 353A of the Criminal Code on Facilitating Illegal Migration\)](#), 22-23 June 2018, CDL-AD(2018)013-e.

¹⁹ Constitutional Court decision, IV/01565/2018, 25 February 2019.

²⁰ Act XLIX of 2021 on the transparency of civil organisations capable of influencing public life ([2021. évi XLIX. törvény a közélet befolyásolására alkalmas tevékenységet végző civil szervezetek átláthatóságáról](#)).

HCLU)²¹ this new “anti-civil” act is capable of influencing the operational space of NGOs and stigmatising them.²²

²¹ The HCLU is an NGO whose main aim is to promote fundamental rights. Homepage available at: <https://tasz.hu/>.

²² Hungarian Civil Liberties Union (2021), Statement on the transparency of NGOs capable of influencing public life and on the legislative act modifying certain related legislative acts ([Álláspont a közélet befolyásolására alkalmas tevékenységet végző civil szervezetek átláthatóságáról és az ezzel összefüggő egyes törvények módosításáról szóló törvényről](#)).

2 Examples of civil society contributions to the rule of law

2.1 NGOs' contribution to ensure free access to public data

Topic	Other: promotion of freedom of information and free access to public data during the COVID-19 pandemic
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Since May 2020, with reference to the officially declared state of danger due to the COVID-19 pandemic,²³ a specific legal regime governs public data requests. Under these rules, public data requests may not be submitted orally and, instead of 15 days, the authority handling or possessing the required data has 45 days to respond, which may be prolonged once for another 45 days if the request would “endanger the fulfilment of public tasks related to the state of danger”.²⁴ NGOs, such as the HHC and the HCLU, maintained that these provisions served as a pretext for the authorities, like the National Health Centre (*Nemzeti Népegészségügyi Központ*),²⁵ to not respond to public data requests in a timely, consistent and sufficient manner and this hindered the public’s adequate access to information or the obtainment of public information. This they found problematic, especially in view of the COVID-19 pandemic, when timely information on the way the pandemic progressed would have been extremely important. In the NGOs’ view, this contributed to the further deterioration of the operation of the already hindered free press.²⁶ After the NGOs filed a constitutional

²³ Government Decree 40/2020 (III. 11) on the announcement of the state of danger ([40/2020. \(III. 11.\) Korm. rendelet veszélyhelyzet kihirdetéséről](#)), not in force anymore, replaced by: Government Decree 478/2020. (XI. 3.) on the announcement of the state of danger ([478/2020. \(XI. 3.\) Korm. rendelet a veszélyhelyzet kihirdetéséről](#)). See also Act I of 2021 on the defensive measures taken in relation to the COVID-19 Pandemic ([2021. évi I. törvény a koronavírus-világjárvány elleni védekezésről](#)), in force at least until: May 2022, on the lengthening of the legal effect of government decrees adopted formerly during the state of danger.

²⁴ Article 2 of Government Decree 179/2020. (V. 4.) on the deviation from certain public data request regulations during the state of danger ([179/2020. \(V. 4.\) Korm. rendelet a veszélyhelyzet idején az egyes adatvédelmi és adatigénylési rendelkezésektől való eltérésről](#)), not in force anymore. At present, the relevant regulations in force are contained by Article 1 of Government Decree 521/2020 (XI. 25) on the deviation from certain public data request regulations during the state of danger ([521/2020. \(XI. 25.\) Korm. rendelete a veszélyhelyzet idején az egyes adatigénylési rendelkezésektől való eltérésről](#)), hereinafter: Government Decree 521/2020 (XI. 25)

²⁵ National Health Centre (*Nemzeti Népegészségügyi Központ*), available at: <https://www.nnk.gov.hu/>.

²⁶ Telephone interview with the Hungarian Civil Liberties Union, 13 January 2021; Hungarian Civil Liberties Union (2020), Extensive and serious – this is how the operation of free press is hindered in Hungary’ ([„Kiterjedt és súlyos” – így akadályozzák a független sajtót Magyarországon](#)), 26 February 2020.

court complaint in 2020, the CC’s second, related decision in 2021²⁷ maintained that the mere reference to the relevant legal provisions would not suffice, the authorities shall specify in what way would the fulfilment of the public data request endanger the execution of their tasks.²⁸

Within the framework of its “Rule of Law” programme, the HHC submitted a public data request with the Ministry of Human Resources (*Emberi Erőforrások Minisztériuma*, hereinafter: MHR) to have access to the documents ordering the so called “hospital-emptying” decision of the MHR in April 2020. This order obliged hospitals to free more than 60 % of their available places to make place for COVID-19 patients, resulting in the early release of many in need of hospital treatment. The abrupt “emptying” of the hospitals – in view of the HHC – infringed the patients’ dignity, restricted their right to life and adequate health care, causing immense hardship for them and their families.²⁹ As the Ministry rejected the request for public data in May 2020, the HHC initiated court procedures to obtain the relevant data. On 16 December 2021 the Curia, at final instance, ordered the MHR to make the related documents available for the public.³⁰

2.2 Promotion of human rights through free legal aid during the COVID-19 Pandemic

Topic	Assisting victims in accessing judicial and non-judicial mechanisms of justice
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Within the framework of their activities in promoting rule of law and access to justice, the HHC and the HCLU provided legal representation or counselling to clients in 2020-2021, who were involved in cases e.g. related to the restrictions on freedom of assembly, freedom of expression or right to adequate health care (e.g. in relation to the “emptying” of the hospitals).³¹

²⁷ Constitutional Court [Decision IV/955/2020](#), 10 November 2020, available at: Hungarian Civil Liberties Union (2020), ‘The Constitutional Court keeps silent when it would be of utmost importance to make a stand by transparency’ (*Mélyen hallgat az Alkotmánybíróság, amikor a legnagyobb szükség lenne az átláthatóság melletti kiállásra*), 26 November 2020. Telephone interview with the HCLU, 13 January 2021.

²⁸ Constitutional Court [Decision IV/00100/2021](#), 13 April 2021. See also: Hungarian Civil Liberties Union (2021), ‘The Pandemic cannot be a pretext for stonewalling even according to the Constitutional Court’ (*A járvány nem lehet ürügy az időhúzásra az Alkotmánybíróság szerint sem*), 28 April 2021.

²⁹ Hungarian Helsinki Committee (2021), ‘The decision on the emptying of hospitals shall be made public – the ministry’s argumentation lacked any concrete elements’ (*Ki kell adni a kórházkiürítési döntést – „minden konkrétumot mellőzött” a minisztérium hivatkozása*), 16 December 2021.

³⁰ Hungarian Helsinki Committee (2021), ‘The decision on the emptying of hospitals shall be made public – the ministry’s argumentation lacked any concrete elements’ (*Ki kell adni a kórházkiürítési döntést – „minden konkrétumot mellőzött” a minisztérium hivatkozása*), 16 December 2021.

³¹ See e.g. Hungarian Civil Liberties Union, [Coronavirus – Questions and answers](#).

According to NGOs, the special legal regime maintained by the government in 2021³² in view of the Covid-19 pandemic gave an opportunity to unduly restrict fundamental rights.³³ For instance, holding any assembly or the participation therein was prohibited until July 2021 (with the exception of family gatherings, funerals, small marriages). Accordingly, the police prohibited assemblies initiated by NGOs and imposed severe sanctions [fines that may amount to 500,000 - 1,000,000 HUF (cc. 1,390 EUR – 2,780 EUR)] on the participants and organisers.³⁴

The HHC and the HCLU found the overall ban excessive and disproportionate, but despite their repeated pleas, in 2021, the Office of the Commissioner for Fundamental Rights (*Alapvető jogok Biztosának Hivatala*),³⁵ rejected to launch an investigation for the alleged 'lack of competence'.³⁶ In the meantime, the HHC took to the Curia the case of the prohibition of a car-demonstration organised by the Budapest Pride organisation (*Szivárvány Misszió Foundation*) on 10th of December 2020. The event intended to protest against the adoption of the 9th Amendment of the Fundamental Law and other legal acts,³⁷ which, in their view, further stigmatised the LGBTQI community and practically made adoption impossible for LGBTQI people.³⁸ The appeal, however, was rejected.³⁹ (In fact, the Curia rejected all appeals in 2020-2021 in all related cases.)⁴⁰ The subsequent constitutional complaint was also rejected by the CC in July 2021, so the HHC turned to the European Court of Human Rights.⁴¹

³² Article 5 (1), [Government Decree 484/2020. \(XI. 10.\) on the second phase of protective measures applicable during the period of state of danger](#) (484/2020. (XI. 10.) Korm. rendelet a veszélyhelyzet idején alkalmazandó védelmi intézkedések második üteméről) (hereinafter: GD 484/2020. (XI. 10.).

³³ See e.g. Eötvös Károly Institute (2020), 'Preserved concentration of power: the final account of the Coronavirus' ([Átmentett hatalomkoncentráció: koronavírus-leltár](#)), June 2020. Telephone interview with the Hungarian Helsinki Committee, 4 January 2020; Telephone interview with the Hungarian Civil Liberties Union, 13 January 2020.

³⁴ Article 5(1), GD 484/2020. (XI. 10.).

³⁵ Hungarian Helsinki Committee (2020), 'The government made a wrong decision, the police violated the right of association – the rights defenders turn to the ombudsman' ([Rossz döntést hozott a kormány, gyülekezési jogot sértett a rendőrség – ombudsmanhoz fordulnak a jogvédők](#)), 9 October 2020; Hungarian Civil Liberties Union (2021), No right to assembly, no party ([No gyülekezési jog, no party](#)).

³⁶ Office of the Commissioner for Fundamental Rights, Case AJB-2193/2021, [Response of the Commissioner to the HHC and HCLU, 9 July 2021](#).

³⁷ 9th Amendment of the Fundamental Law ([Magyarország Alaptörvényének kilencedik módosítása](#)).

³⁸ Hungarian Helsinki Committee (2020), 'Prohibition of tooting demonstration for LGBTQ rights is taken to the Curia' ([A Kúria elé vitték az LMBTQ jogokért szervezett dudálás tüntetés betiltását](#)), 14 December 2020.

³⁹ Curia Decision, K.II.40.446/2020/2.

⁴⁰ Curia, Appeal cases concerning the right to assembly ([Gyülekezési jogorvoslati ügyek](#)).

⁴¹ Constitutional Court decision 3/2021. (VII. 13.) on the rejection of a constitutional complaint aiming at the establishment of the unconstitutionality and the annulment of certain provisions of Government Decree 484/2020. (XI. 10.) on the second phase of defence measures applied during

The HCLU runs a “Coronavirus” homepage providing up-to-date thematic information on the restrictive measures, and also offers free legal assistance service in related cases. They have already responded to around 5000 legal aid requests since the introduction of the special legal regime.⁴² The HHC runs a specific collection of documentation on related cases or information leaflets (e.g. on travel restrictions or the vaccination certificates) in relation to the COVID-19 pandemic and the special legal regime.⁴³

2.3 The constitutional and rule of law programmes of the Eötvös Károly Institute (Eötvös Károly Intézet, EKINT)

Topic	Fostering a rule of law culture (including through advocacy towards public authorities, awareness-raising activities and civic education)
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The EKINT pursues three major activities within the ambit of promoting the rule of law, constitutionality, and democracy in Hungary.⁴⁴ These activities include: a) the regular issuance of positions and publications on the major constitutional and political developments, the hosting of conferences to “foster a higher level of legal awareness among the echelons of government and society at large” and to influence decision-makers; b) the compilation of drafts, proposals and background studies to promote constitutional and democratic values; and c) conducting long-term surveys and studies to investigate “the condition” of democratic institutions, “such as the courts, the municipalities, and the law enforcement agencies.”⁴⁵

The major statements and publications issued by EKINT in 2021 comprise, among others, public statements and information materials on the judicial independence

the situation of crisis ([3/2021. \(VII. 13.\) AB határozat a veszélyhelyzet idején alkalmazandó védelmi intézkedések második üteméről szóló 484/2020. \(XI. 10.\) Korm. rendelet egyes rendelkezési alaptörvény-ellenességének megállapítására és megsemmisítésére irányuló alkotmányjogi panasz elutasításáról és alkotmányos követelmény megállapításáról](#)). See also: Hungarian Helsinki Committee (2021), ‘The Curia sanctioned the prohibition of another car-demonstration’, ([Újabb autós tüntetés megtiltását hagyta jóvá a Kúria](#)). Information provided by HHC via email, 5 January 2022.

⁴² Hungarian Civil Liberties Union, [Coronavirus – Questions and answers](#).

⁴³ Hungarian Helsinki Committee, Helsinki Documentation: Documentation on the Covid-19 Pandemic and the situation of crisis ([Helsinki Akták, Akta: Koronavírus-járvány és veszélyhelyzet](#)). See also: Hungarian Helsinki Committee (2021): Information leaflet on the restrictions on entry ([Tájékoztató a beutazási korlátozásokról](#)); Hungarian Helsinki Committee (2021), Information leaflet of the Hungarian Helsinki Committee on the vaccine certificates ([A Magyar Helsinki Bizottság tájékoztatója a védettségi igazolványról](#)), 24 March 2021.

⁴⁴ Eötvös Károly Institute, Introduction: About us, available at: <http://www.ekint.org/en/about>.

⁴⁵ Eötvös Károly Institute, Introduction: About us, available at: <http://www.ekint.org/en/about>.

and the possibility of judicial resistance in Hungary,⁴⁶ on the “liquidation” of freedom of expression and of the press,⁴⁷ on the limited access to public data related to the COVID-19 pandemic and its consequences,⁴⁸ on the restrictions upheld in 2021 in relation to the freedom of assembly,⁴⁹ on the Pegasus-affair,⁵⁰ on the pre-election organised by the opposition⁵¹ or on the debate on the future constitutional framework of the country and on the possibilities to alter the existing constitutional regime, in view of the upcoming general elections in 2022.⁵² It also commented upon the negative decision of the CC rendered in October 2021⁵³ on the constitutional complaint submitted by the University of Theatre and Film Arts (*Színház és Filmművészeti Egyetem*) in 2020 to protect its academic freedom and its institutional autonomy against governmental intervention.⁵⁴

The EKINT also organised and hosted its traditional “Let there be Republic” Festival, which had a special focus on the situation of Roma in Hungary and on the relationship between the majority and the Roma minority.⁵⁵ Some legal experts also published their analysis of the major constitutional/legal developments in the country on the homepage of the Eötvös Károly Institute.⁵⁶

⁴⁶ Eötvös Károly Institute (2021), [Judicial Independence and the Possibility of Judicial Resistance in Hungary \(+infographic\)](#), 8 January 2021.

⁴⁷ Eötvös Károly Institute (2021), [Liquidation of freedom of expression and of the press as a key moment in the establishment of an authoritarian state \(+infographic\)](#), 15 January 2021.

⁴⁸ Eötvös Károly Institute (2021), Its own informational steel dome will collapse on the government due to its management of the pandemic ([A kormányra járványkezelése miatt omlik rá saját információs acélkupolája \(vélemény\)](#)), opinion, 12 March 2021.

⁴⁹ Eötvös Károly Institute (2021), The crisis situation „may never end” ([A veszélyhelyzet „soha nem érhet véget” \(álláspont\)](#)), public statement, 3 May 2021.

⁵⁰ Eötvös Károly Institute (2021), The Pegasus-affair, or the watermark of the dictatorship ([A Pegasus-ügy, avagy a diktatúra vízjele \(álláspont\)](#)), public statement.

⁵¹ Eötvös Károly Institute (2021), With the pre-election we started to shape the democratic constitution of Hungary ([Az előválasztással Magyarország demokratikus alkotmányát kezdtük el megalkotni \(álláspont\)](#)), public statement, 15 October 2021.

⁵² Eötvös Károly Institute (2021), The collaborating president of the Constitutional Court, which has been taken hostage, requests the protection of its hostage takers ([A túszul ejtett Alkotmánybíróság kollaboráns elnöke a túszejtők védelmét kéri \(álláspont\)](#)), public statement, 22 December 2021; Eötvös Károly Institute (2021) Voting tourism, or election cheats and the big fraud ([Voksturizmus, avagy a választási csalárdságok és a nagy csalás \(álláspont\)](#)), public statement, 22 November 2021.

⁵³ Constitutional Court [Decision, III/795/2021.](#), 5 October 2021.

⁵⁴ Eötvös Károly Institute (2021), Decision on a non-existent decree: the Constitutional Court admits its own cowardice in its fresh decision ([Döntés egy nemlétező rendeletről: az Alkotmánybíróság az SZFE ügyében hozott friss határozatában saját gyávaságát ismeri be](#)).

⁵⁵ Eötvös Károly Institute (2021), [“Let there be Republic” public life and cultural festival](#), 3 November 2021.

⁵⁶ See e.g. Petra Bárd (2021), Assessment of the 2020 Rule of Law Report of the Commission ([A Bizottság 2020. évi jogállamisági jelentésének értékelése](#)), 6 May 2021.

3 Other relevant developments

3.1 NGOs' contribution to the European Commission's 2021 Annual Rule of Law Report

Eight Hungarian civil society organisations compiled a report⁵⁷ in March 2021 in contribution to the European Commission's Rule of Law Report in the framework of the targeted stakeholder consultation launched by the EC.⁵⁸ These civil organisations comprise: Amnesty International Hungary⁵⁹, Eötvös Károly Institute, HCLU, HC, K-Monitor,⁶⁰ Mérték Media Monitor⁶¹, Political Capital⁶² and Transparency International Hungary.⁶³ The document follows the structure and applies the headings of the EC's stakeholder consultation survey and covers the following areas: justice system, anti-corruption framework, media pluralism, other institutional issues related to checks and balances (including civic space issues).

⁵⁷ Amnesty International Hungary, Eötvös Károly Institute, Hungarian Civil Liberties Union, Hungarian Helsinki Committee, K-Monitor, Mérték Media Monitor, Political Capital, Transparency International Hungary (2021), [Contributions of Hungarian NGOs to the European Commission's Rule of Law Report](#), March 2021.

⁵⁸ European Commission (2021), [2021 Rule of law report – Communication and country chapters](#).

⁵⁹ Amnesty International Hungary's main mission is to promote the protection of Human rights by educational and research programmes, awareness raising and civil mobilisation. Homepage available at: <https://www.amnesty.hu/>.

⁶⁰ K-monitor was founded in 2007 with the aim of fighting corruption. They conduct related research, advocacy and awareness raising activities. Homepage available at: <https://www.k-monitor.hu/home>.

⁶¹ The "mission of Mérték Media Monitor is to strengthen media freedom by assessing and influencing media policies, improving journalists' sense of responsibility and professionalism and enhancing critical thinking in the general public." Homepage available at: <https://mertek.eu/en/about-us/objectives/>.

⁶² Political Capital is "an independent policy research, analysis and consulting institute founded in 2001". They are "committed to the guiding principles of parliamentary democracy, market economy, human rights" and intend to "promote critical political thinking and increase understanding for politics, raise awareness about political issues that have an impact on citizen's everyday life even if indirectly, and contribute to and develop a critical public discourse and policy making that is based on knowledge and evidence." Homepage available at: <https://www.politicalcapital.hu/introduction.php>.

⁶³ Transparency International intends to mitigate corruption, promote transparency and accountability in the public sphere of decision-making processes as well as allocation of public funds and to improve accessibility of public interest information. Homepage available at: <https://transparency.hu/en/rolunk/misszio/>.