



HUNGARIAN
HELSINKI
COMMITTEE

**Submission for the Thematic Report of the Special Rapporteur on
Freedom of Peaceful Assembly and of Association in Relation to the
Impact of Digital and AI-Assisted Surveillance on Assembly and
Association Rights, Including Chilling Effects**

Budapest, 7 November 2025

This submission has been prepared by Háttér Society, the Hungarian Civil Liberties Union, and the Hungarian Helsinki Committee, in response to the call for input by the Special Rapporteur, to inform her thematic report on "Impact of digital and AI-assisted surveillance on assembly and association rights, including chilling effects", to be presented to the 62nd session of the United Nations Human Rights Council in June 2026.

Háttér Society¹ is the largest and oldest, currently active LGBTQI organisation in Hungary. It works for a society in which no one is discriminated against because of their sexual orientation or gender identity, where all members of the LGBTQI community can live freely according to their identity, and receive appropriate support to solve the problems they might face. Háttér Society promotes the equality and well-being of LGBTQI people by

- (a) offering support services to LGBTQI people;
- (b) raising the awareness and promoting the self-organisation of LGBTQI people; and
- (c) advocating for a legal system, public services and social attitudes in line with the needs of LGBTQI people.

The **Hungarian Civil Liberties Union**² (HCLU) is a human rights organisation, which has been working since its foundation in 1994, for everybody being informed about their fundamental human rights and empowered to enforce it against the undue interference by those in positions of public power. The HCLU monitors legislation, pursues strategic litigation, provides free legal aid assistance, provides training and launches awareness raising media campaigns in order to mobilise the public.

Founded in 1989, the **Hungarian Helsinki Committee**³ (HHC) is Hungary's oldest and largest non-governmental public benefit human rights organisation, whose primary aim is to protect human dignity through legal and public activities. The HHC supports individuals whose rights have been violated by the state, in particular refugees, detainees, and victims of discrimination. The HHC contributes to monitoring Hungary's compliance with relevant UN, EU, Council of Europe, and OSCE human rights standards, and cooperates with international human rights mechanisms and fora. Consisting of over 40 professionals, the HHC's main areas of focus are:

- (a) Protection of the rule of law;
- (b) Protection of the rights of refugees;
- (c) Monitoring of law enforcement practices; and
- (d) Protection of the rights of detainees and fairness in the criminal justice system.

Recent legal amendments to the regulation of assemblies, petty offences, and the use of digital and AI-assisted surveillance in Hungary have **significantly restricted** the conditions under which individuals may exercise their rights to freedom of assembly and association. Adopted in 2025 and building on the 2021 anti-LGBTQI "Propaganda Law", these amendments allow authorities to **ban assemblies** alleged to "promote" homosexuality or gender variance, classify participation in such gatherings as a petty offence, and enforce fines as taxes without effective access to remedy. Crucially, **the amendments extend the use of facial recognition technology to all petty-offence proceedings**. In practice, events deemed to be **LGBTQI-related have been banned** and **organisers of some of these events are now subjected to criminal investigations**, demonstrating how the justice system is being **instrumentalised to deter public participation and suppress dissenting voices**.

The **expanded use of facial recognition at peaceful assemblies** enables the **large-scale capture, analysis and retention of biometric data**, even in the absence of any unlawful conduct. Authorities

¹ <https://en.hatter.hu>.

² <https://tasz.hu/en/>.

³ <https://helsinki.hu/en/>.

may identify participants near-real-time and retrospectively, and link attendance with personal or political characteristics, including sexual orientation or gender identity. **Without rigorous legal safeguards and independent oversight, these systems can be readily deployed to serve the interests of those in power**, enabling selective targeting, reinforcing social control, and generating a credible fear of reprisals. The resulting **chilling effect** discourages participation in public life, constrains democratic discourse, and erodes pluralism. Although currently applied predominantly against LGBTQI communities, **the same measures can be directed against any group or movement**, posing a **broader threat** to the exercise of freedom of expression, association, and peaceful assembly.

Recent restrictions on the right to peaceful assembly (Q1, Q2, Q7)

A legislative package⁴ commonly referred to as the "anti-Pride law" was adopted earlier in 2025, following the speech of the Prime Minister warning Pride organisers "not to bother preparing for this year's parade."⁵ This formed part of a long-standing pattern of political rhetoric and regulatory measures targeting the LGBTQI community, notably intensified by the 2021 anti-LGBTQI "Propaganda Law",⁶ which, among other provisions, restricted minors' access to content that "depicts or propagates divergence from self-identity corresponding to sex at birth, sex change, or homosexuality."

The 2025 amendments, building on this pre-existing framework, were introduced with no prior public consultation. Some elements were rushed through Parliament in a single day, affecting several core legal instruments:

- Assembly Act:⁷ Assemblies deemed to contravene the prohibitions introduced by the 2021 Propaganda Law are now explicitly prohibited, enabling authorities to ban or disperse assemblies alleged to "depict or promote homosexuality, sex change, or any deviation from self-identity corresponding to sex at birth";
- Fundamental Law:⁸ The "child's right to protection and moral development" is now a superior fundamental right, allowing the state to restrict all other rights – except the right to life – whenever they are construed as conflicting with that provision, without any balancing, individual assessment, or a necessity-proportionality test;⁹

⁴ Amnesty International Hungary, Háttér Society, Hungarian Civil Liberties Union, and Hungarian Helsinki Committee, *Legislating Fear: Banning Pride is the Latest Assault on Fundamental Rights in Hungary*, Joint Analysis, 21 March 2025.

⁵ See the Prime Minister's State of the Nation Speech, 22 February 2025. Available in English at: <https://miniszterelnok.hu/en/prime-minister-viktor-orbans-state-of-the-nation-address-2025-02-22/>.

⁶ Act LXXIX of 2021 on stricter actions against paedophile offenders. For further information, see the related reports and analyses of Háttér Society: <https://en.hatter.hu/publications/childprotectionlaw-report-2024>.

⁷ Act LV of 2018 on the right of assembly.

⁸ Fundamental Law of Hungary (Constitution).

⁹ Kúria, judgment no. Kgyk.VI.39.069/2025/6. (27 June 2025), § 26, available at: <https://kuria-birosag.hu/hu/gyu/lat/kgykvi3906920256-szamu-hatarozat>; also explained and summarised in the overview of the litigation related to the 2025 amendments, see footnote 11 below, and at <https://hatter.hu/sites/default/files/dokumentum/kiadvany/lgbtqi-themed-assemblies-in-hu-bans.pdf>, para. 18.

- Petty Offence Act:¹⁰ Participation in a prohibited assembly constitutes a petty offence punishable with fines of up to EUR 500, and facial recognition has now been extended to all petty-offence proceedings, enabling mass biometric surveillance of peaceful participants;
- Enforcement Measures:¹¹ Fines linked to banned assemblies are now recoverable as taxes after 30 days, without suspensive effect pending appeal, undermining access to effective remedy and revealing the punitive intent behind the reform. Further, these fines cannot be converted into community service or incarceration depriving citizens from ways to express their civil disobedience.

Collectively, these measures instrumentalise legal and procedural frameworks to shrink civic space and suppress dissent. The integration of AI-assisted facial recognition into petty-offence enforcement significantly increases state capacity to monitor, identify, and sanction peaceful protesters. The amendments to the Assembly Act seek to eliminate public assemblies that touch upon topics related to sexual and gender minorities. In a coordinated effort to reverse these restrictions, human rights organisations supported the organisers of the Pride marches in Budapest and Pécs and pursued extensive legal actions beyond the Pride marches.¹² Emerging jurisprudence demonstrates that the 2025 restrictions apply not only to the themes of assemblies but also to individuals themselves, meaning that assemblies featuring a speaker who is known to belong to the LGBTQI community may be banned.¹³

Budapest Pride could proceed as a municipal cultural event, attracting several hundred thousand peaceful participants.¹⁴ The police have launched an investigation into the Mayor of Budapest in connection with the event, although on legally questionable grounds. At the same time, the authorities announced that no petty offence procedures would be initiated against participants. Outside the capital, however, the consequences have been harsher. Pécs Pride – the only annual LGBTQI-themed assembly outside Budapest – was banned by the police, a decision later upheld by the Kúria. The organiser proceeded with the march as an assembly regardless, as a result of which he was interrogated as a criminal suspect under the 2025 amendments.¹⁵ Based on news reports, he also learned that the investigation was concluded by the police; they forwarded the case file to the prosecution service with the recommendation to press charges.¹⁶

These developments form part of a broader strategy of deterrence, signalling that public participation carries legal and personal risk. The expanded use of facial recognition in the context of peaceful assemblies enables large-scale biometric data collection without adequate procedural or oversight

¹⁰ Act II of 2012 on petty offences, petty offence procedure and the petty offence registry system.

¹¹ Section 143/A of the Petty Offence Act.

¹² An English summary of these legal disputes involving the Police and Hungary's supreme court, the Kúria, is available here: <https://hatter.hu/sites/default/files/dokumentum/kiadvany/lgbtqi-themed-assemblies-in-hungary.pdf>.

¹³ See Kúria, judgment no. Kgyk.IV.39.065/2025/6, 20 June 2025, available in Hungarian at: <https://kuria-birosag.hu/hu/gyulhat/kgykiv3906520256-szamu-hatarozat>; and Kúria, judgment no. Kgyk.VII.39.073/2025/6, 10 July 2025, available in Hungarian at: <https://kuria-birosag.hu/hu/gyulhat/kgykvii3907320256-szamu-hatarozat>.

¹⁴ See, for example: <https://www.euronews.com/2025/0629/budapest-pride-unprecedented-crowd-defies-hungarian-government-at-illegal-march>.

¹⁵ See more on Pécs Pride and the criminal investigation at: https://helsinki.hu/en/wp-content/uploads/sites/2/2025/10/CriminalisingPecsPride_AIHU_HATTER_HCLU_HHC_28102025.pdf.

¹⁶ See (in Hungarian): <https://444.hu/2025/11/06/vadat-emelhetnek-a-pecs-pride-szervezoje-ellen>.

safeguards. In the absence of robust limits, these systems can be readily used to serve the interests of those in power, enabling selective targeting, reinforcing social control, and generating a chilling effect on civic engagement. The risks thus extend far beyond LGBTQI communities, and threaten the rights to freedom of expression, association, and peaceful assembly across society.

Facial recognition and surveillance in the context of peaceful assemblies (Q1-Q7)

Beyond the Assembly Act, the Petty Offences Act and the Criminal Code also include provisions that regulate actions related to assemblies.¹⁷ The Police Act defines the assembly-related powers of the police, including the power to make video and audio recordings of police actions.¹⁸ In practice, however, continuous police recording takes place at almost all assemblies, particularly where counter-demonstrations occur or where the gathering involves significant crowds. At mass demonstrations, in addition to handheld cameras, the police often install cameras at the site or route, deploy camera-equipped vehicles, drones, and may also obtain CCTV footage to document the entire event.

Proceedings related to the exercise of the right of assembly are mainly initiated for petty offence proceedings. For example, it constitutes a petty offence if someone organises a demonstration at a place and time other than that specified in the notification.¹⁹ When the expressive actions of the participants exceed the place or time of the notified assembly, these actions may also be classified as petty offences: according to the authorities, these subsequent actions or events are not protected as assembly, and participants may be held liable – for instance – for traffic violations.²⁰

Facial recognition for the purpose of criminal investigations has been permitted by the FRT Act since 2015.²¹ The law allows the use of facial recognition in petty offence procedures since 2024, but its use was limited to identify the alleged perpetrator, and only in case of petty offences punishable with imprisonment.²² Petty offences related to the exercise of the right of assembly do not fall into this category. The 2025 amendments to the Petty Offence Act extended the use of facial recognition to all petty offences, including those punishable only with a fine, such as those that may be imposed on protesters.

Thus, participants in smaller and larger demonstrations are now not only continuously recorded by the police, but the images taken of them are also legally used to identify them for investigative purposes, even if their behaviour – or the entire protest – remained peaceful, as was the case with, for example, Budapest Pride and Pécs Pride.

According to the Criminal Code, the organiser of a banned assembly faces criminal proceedings and, if convicted, may be sentenced to up to one year of imprisonment. Covering one's face during an assembly to prevent facial recognition (regardless of whether the assembly was officially

¹⁷ Sections 217-217/C of Act C of 2012 on the criminal code (hereinafter: Criminal Code); Section 189 of the Petty Offence Act.

¹⁸ Sections 42-42/A of Act XXXIV of 1994 on the police.

¹⁹ Section 189(1)c) of the Petty Offence Act.

²⁰ Section 224 of the Petty Offence Act.

²¹ Act CLXXXVIII of 2015 on the facial image analysis register and the facial image analysis system (hereinafter: FRT Act).

²² Sections 117-126/B and 166-179 of the Petty Offence Act.

acknowledged) is also subject to criminal proceedings. These stem from a blanket criminal provision²³ that applies to protest acts that are contrary to the general requirements of peaceful assembly detailed in the Assembly Act, and all these actions are punishable with imprisonment for up to one year. Among the common prohibitions, the Assembly Act stipulates face-covering as a violation of the peaceful character of the assembly.²⁴ Consequently, anyone who covers their face during a protest is criminally liable, regardless of the purpose of covering their face and whether they cooperated with the authorities during identification.

Legal framework governing "automatic comparison" (Q1, Q2, Q4, Q5)

Facial recognition in Hungary is governed by the FRT Act.²⁵ Facial recognition may only be requested once formal police proceedings have been initiated – for instance, in the context of a criminal investigation or petty offence procedure.

The Act provides for two types of facial analysis procedures:

- Analyst-assisted comparison²⁶ – in which trained experts manually compare biometric templates against the national facial image register; and
- Automatic comparison²⁷ – an automated matching process used during petty offence procedures and police identity checks.

In the automatic comparison procedure, police transmit facial images – which may be extracted from CCTV, police recordings of public demonstrations, or any other source – directly to the FRT system, operated by the Ministry of Energy. The system converts these images into biometric templates and compares them with those stored in the Facial Image Analysis Register. It then returns the five closest matches, identified by technical connection codes, from which police may select a suspect.

Although the law requires initiation of a petty offence procedure to trigger facial recognition, it does not specify on how such procedures should commence or limit the number of individuals who may fall within a single procedure. In practice, this enables police to open petty offence proceedings on the spot during assemblies, without prior judicial authorisation and potentially against an undefined number of persons. As a result, the system effectively functions as a near-real-time remote biometric identification (RBI) mechanism under the EU Artificial Intelligence Act.²⁸

Because police footage may be retained for the duration of the procedure, facial recognition can also be applied retrospectively, facilitating the identification of large numbers of participants in peaceful assemblies.

²³ Section 217/B of the Criminal Code.

²⁴ Section 9(2)b) of the Assembly Act.

²⁵ Act CLXXXVIII of 2015 on the facial image analysis register and the facial image analysis system.

²⁶ Section 12 of the FRT Act.

²⁷ Section 12/A of the FRT Act.

²⁸ Regulation (EU) 2024/1689 of the European Parliament and of the Council of 13 June 2024 laying down harmonised rules on artificial intelligence and amending Regulations (EC) No 300/2008, (EU) No 167/2013, (EU) No 168/2013, (EU) 2018/858, (EU) 2018/1139 and (EU) 2019/2144 and Directives 2014/90/EU, (EU) 2016/797 and (EU) 2020/1828 (Artificial Intelligence Act).

The use of AI, combined with live and retrospective facial recognition and digital data analysis policing technologies, enables the swift processing of vast quantities of data gathered from multiple sources. This allows authorities to promptly identify, locate, target, and detain activists and protesters. These tools also allow the identification and pre-emptive arrest of individuals to prevent them from exercising their rights. The uncertainty surrounding how such technology is deployed, combined with often opaque and extensive data collection through mass surveillance, creates an atmosphere of intimidation and fear that suppresses civic activism both online and offline.

Lack of transparency and procedural ambiguity in the operation of facial recognition technology (Q1, Q5, Q8)

Between March and July 2025, the HCLU submitted FOI requests to all major authorities involved in the operation or oversight of FRT, including the Hungarian Institute for Forensic Sciences (HIFS), the National Police Headquarters, district police departments, the Ministry of Energy (which operates the system), the Ministry of Interior, and the National Authority for Data Protection and Freedom of Information (DPA) – to find out more about the system's technical capabilities, and how its use in petty offence procedures would work in practice.

Several bodies declined to provide information or claimed they were not data controllers, despite clear indications to the contrary. Requests for basic technical documentation – such as the software's brand and type, accuracy rate, processing speed, and capacity – were refused. Such information is essential for public oversight and assessing compliance with the EU AI Act. When asked about statistics on wrongful identifications, police bodies stated that no such data are collected, even though ministerial regulations require statistical monitoring of all petty offence procedures.

The HCLU also sought clarification on how the police would manage proceedings if thousands of demonstrators were simultaneously identified via FRT. Responses merely cited the Petty Offence Act, which vaguely states that related cases "may be merged" for efficiency. It also remains unclear which police unit would conduct the proceedings when demonstrations cross multiple jurisdictions.

In July 2025, the HCLU submitted a formal complaint to the DPA, arguing that the systematic refusal to disclose information about FRT violates the constitutional right of access to public information and the right to informational self-determination.

Chilling effects (Q3-Q7)

The 2025 amendments do more than merely restrict the exercise of the right of freedom of assembly: they normalise uncertainty, surveillance and institutionalise criminal risk for the organisers and the risk of petty offence for the participants.

As explained above, the new provision of the Assembly Act²⁹ expanded the application of the Child Protection Act (CPA)³⁰ – as amended by the Propaganda Law³¹ – to the exercise of freedom of assembly. The Propaganda Law, passed in June 2021, has been widely criticised by human rights actors

²⁹ Section 13/A.

³⁰ See Section 6/A of Act XXXI of 1997 on the protection of children and guardianship administration.

³¹ Section 1(2) of Act CLXXXVIII of 2021 on stricter action against paedophile offenders and on amending certain laws to protect children amending Section 6/A of the CPA.

and fora,³² and it is currently subject to an infringement procedure pending before the Court of Justice of the European Union (CJEU). The Advocate General of the CJEU published her opinion³³ on the case in June 2025, concluding that the provisions introduced to the CPA by the Propaganda Law – in addition to sectoral EU law – violated Articles 1, 7, 11 and 21 of the EU Charter of Fundamental Rights, as well as Article 2 of the Treaty on the European Union.

Section 13/A of the Assembly Act prohibits holding an assembly that *"violates the prohibition set forth in Section 6/A of Act no. XXXI of 1997 on the protection of children and guardianship administration (hereinafter: Child Protection Act) or that displays a substantial element of the content prohibited under Section 6/A of the Child Protection Act."* Section 6/A of the CPA restricts access of minors to *"content that is pornographic or that depicts sexuality as having a purpose in itself or that depicts or propagates divergence from self-identity corresponding to the sex at birth, sex change or homosexuality"*.

Terms such as *"depicts"* and *"propagates"*, as well as *"substantial element"*, are not defined in statutory law, nor are they interpreted in lower-level legislation or in court decisions. They are vague and thus offer no indication to individuals of the circumstances and conditions under which the authorities are entitled to ban an assembly. In its opinion³⁴ on the anti-LGBTQI propaganda law – that fills Section 13/A with content – the Venice Commission recalled that these *"overly broad and potentially ambiguous terms or concepts lack precision, which is essential for legal texts, and that they may lead to different and potentially diverging interpretations."* The vague and ambiguous formulation of Section 13/A of the Assembly Act – according to the settled case law of the European Court of Human Rights – undermines the requirement of foreseeability, may lead to unfettered discretion in its application, and provides insufficient protection against arbitrary use of power.

The arbitrary application of Section 13/A is well evidenced in the decisions rendered by the police in May and June 2025, when civil society organisations notified several demonstrations, all but one of which concerned the equality and rights of the LGBTQI community. While the first four demonstrations were acknowledged by the police after the notification (one small rainbow march³⁵ was held jointly by the human rights organisations on 17 May 2025), the bigger event with the same agenda was banned³⁶ less than two weeks later. Although the Kúria (Hungary's supreme court with the sole jurisdiction in such assembly matters) overturned the ban, due to lack of time, the organisers could not responsibly make the event happen and modified the date. The modification was treated as a new notification by the police, and a new ban was issued, which was – after several repeat procedures ordered on judicial review – upheld by the Kúria. The overview³⁷ of the decisions and judgments unequivocally confirm

³² See, for example, the condemnation by the UN Independent Expert on protection against violence and discrimination based on sexual orientation and gender identity: <https://www.reuters.com/world/europe/un-rights-expert-decries-hungarys-new-anti-lgbt-law-2021-06-25/>.

³³ Opinion of Advocate General Ćapeta, Case C-769/22, *European Commission v. Hungary*, 5 June 2025. Available at: <https://curia.europa.eu/juris/document/document.jsf?text=&docid=300973&pageIndex=0&doclang=EN&mode=req&dir=&occ=first&cid=11543675>.

³⁴ Venice Commission, Opinion No. 1059/2021 on the compatibility with international human rights standards of Act LXXIX of 2021, 13 December 2021, para. 48. Available at: [https://www.venice.coe.int/webforms/documents/default.aspx?pdffile=CDL-AD\(2021\)050-e](https://www.venice.coe.int/webforms/documents/default.aspx?pdffile=CDL-AD(2021)050-e).

³⁵ See (in Hungarian): <https://hatter.hu/hirek/hiaba-a-lex-pride-az-andrassy-uton-ma-lobogott-a-szivarvanyos-zaszlo>.

³⁶ See: <https://en.hatter.hu/news/hungary-banning-lgbti-march-for-resembling-budapest-pride-a-deeply-disturbing-development>.

³⁷ Háttér Society, [*The application of the Pride-ban beyond the Pride march*](#), September 2025.

that Section 13/A of the Assembly Act can be utilised to ban any assembly that is connected to sexual and gender minorities, either through the purpose of or the speakers appearing on the assembly.

The lack of legal certainty stemming from the formulation of the law, which is undefined and open to widely divergent interpretations, creates an immense chilling effect for the organisers and participants of assemblies. Organisers face criminal prosecution and up to one year in prison, participants in banned assemblies risk heavy fines of up to EUR 500, which raises the personal stakes and deters public support and mobilisation. The explicit prohibition on converting fines into community service or custodial sentences removes an important avenue for principled civil disobedience and increases the economic coercion on participants who cannot pay heavy fines.

The impact of the possible criminal and petty offence sanctions is further exacerbated by the blanket expansion of using facial recognition in petty offence cases: it created a credible fear that simply attending an assembly will result in mass identification and retention of sensitive biometric and political data. The risk of surveillance is particularly chilling as attendance can reveal political opinions and personal identities, such as sexual orientation or gender identity.

In practice, organisers of LGBTQI assemblies need to explore alternative ways of holding their events, such as seeking protection by reclassifying the assembly as a municipality event (occasionally with attendant compromises), or cancelling them altogether. This considerably reduces civic space for minority voices, and makes the organisers dependent on finding a political ally that is capable of shielding their assembly. Content potentially triggering the application of the ban will be avoided, which prevents any meaningful public and societal discussion on LGBTQI topics. The unpredictable and arbitrary application of the law completely eliminates sexual and gender minorities from public space and denies visibility to them and their causes.

Recommendations

In light of the concerns outlined above, we respectfully call on the Special Rapporteur to:

- **Urgently issue a formal communication** to the Hungarian Government concerning the 2025 amendments with regard to the blanket authorisation for the use of facial recognition technology;
- **Call for the establishment of a UN-wide guidance note** on the human rights risks of AI-assisted surveillance, with special attention to contexts in which such practices may be instrumentalised to silence dissent, restrict civic freedoms, and suppress public participation;
- **Promote and support State approaches that prioritise functional rather than formal safeguards**, ensuring that AI-assisted surveillance, facial recognition technology, and automated decision-making in non-criminal justice contexts are subject to the same or comparable level of human-rights tests (including necessity, proportionality, access to effective judicial remedies, and functionally independent oversight) equivalent to those required in criminal procedures;
- **Urge public authorities to disclose** at minimum the deployed software's brand and type, documented accuracy rates, processing capacity and speed, and regularly updated data on instances of misidentification.