



HUNGARIAN
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COMMITTEE

**Suggestions for questions
to be included in the List of Issues Prior to Reporting on
Hungary
for consideration by
the Human Rights Committee
at its 145th session in March 2026**

When compiling the List of Issues Prior to Reporting on Hungary, the Hungarian Helsinki Committee respectfully suggests that the Human Rights Committee consider posing the questions included in this submission to the Government of Hungary.

The structure of the submission follows the articles of the International Covenant on Civil and Political Rights and includes references to the Human Rights Committee's "*Concluding observations on the sixth periodic report of Hungary*" (9 May 2018, CCPR/C/HUN/CO/6).

The Hungarian Helsinki Committee (HHC) is an independent human rights watchdog based in Hungary. The HHC focuses on defending and promoting democratic values, the rule of law and a strong civil society; the right to asylum and international protection; and the right to be free from torture or inhuman treatment and fairness in the criminal justice system.

www.helsinki.hu, helsinki@helsinki.hu

Since the adoption of the previous Concluding Observations on Hungary, the Hungarian government and governing majority have continued to dismantle checks and balances, undermine the rule of law, and violate a wide range of fundamental rights. Measures aimed at eroding the independence of key institutions have significantly weakened the system of human rights protection, resulting in a situation in which various vulnerable groups face rights violations without independent bodies being able or willing to provide effective protection.

These developments take place in a broader context characterised by the capture of the media landscape, increasing restrictions on remaining independent media and civil society, and the erosion of academic freedom. Legal certainty is lacking, while the Government's excessive regulatory powers further weaken democratic oversight. The law-making process is marked by systemic shortcomings.

Taken together, these factors negatively affect the legal and institutional framework for the promotion and protection of human rights. Hungary's recent track record demonstrates a growing disregard for international human rights standards, and judgments of international courts concerning human rights are increasingly ignored.

Article 2 of the Covenant

Deteriorating constitutional framework

Frequent amendments to the Fundamental Law and the effect of this on the level of protection afforded to fundamental rights as raised by the Concluding Observations¹ remain a serious source of concern. The Fundamental Law has been amended 15 times since its adoption in 2011 – nine times since the last Concluding Observations.² The frequency and content of these amendments show that the governing majority takes an instrumental attitude towards the Fundamental Law, treating it as a political tool of the Government. Moreover, the amendments regularly went against international human rights and rule of law standards. For example:

- The 9th Amendment (2020), criticised by the Venice Commission, further institutionalised the discrimination of LGBTQI+ persons; restricted the notion of public funds, undermining the freedom of information; ensured that public funds channelled into public interest asset management foundations are untouchable for future governments; and concentrated power in the hands of the executive in special legal order regimes.³

¹ CCPR/C/HUN/CO/6, §5.

² The Fundamental Law is available here in English: <https://njt.hu/jogszabaly/en/2011-4301-02-00>.

³ For details, see: Hungarian Helsinki Committee, *Flash report: What happened in the last 48 hours in Hungary and how it affects the rule of law and human rights*, 12 November 2020, https://helsinki.hu/wp-content/uploads/HHC_RoL_flash_report_Hungary_12112020.pdf; Gábor Mészáros: *Exceptional Governmental Measures without Constitutional Restraints*, https://helsinki.hu/en/wp-content/uploads/sites/2/2023/01/Meszaros_special_legal_order_02112022.pdf.

Cf. European Commission for Democracy Through Law (Venice Commission), *Hungary – Opinion on the constitutional amendments adopted by the Hungarian parliament in December 2020*, 2 July 2021, CDL-AD(2021)029, [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).

- The 10th Amendment (2022) expanded the “state of danger” regime in a way that made it possible for the Government to use the war in Ukraine as a pretext to keep its excessive emergency regulatory powers gained under the COVID-19 pandemic.⁴
- The 12th Amendment (2023) established the constitutional basis for the creation of the Sovereignty Protection Office, designed to stigmatise and intimidate civil society and independent media (see below).
- The 15th Amendment (2025), criticised by the Venice Commission, constituted another attack on the rights of LGBTQI+ persons; provided a basis for banning LGBTQI-themed demonstrations in violation of the freedom of assembly; allowed for the arbitrary “suspension” of Hungarian citizenship; and created the constitutional basis for an exclusionary “local identity law” allowing municipalities to adopt decrees indirectly discriminating the Roma community in housing.⁵

The problems regarding the composition and powers of the Constitutional Court (CC) as raised by the previous Concluding Observations⁶ continue to exist. As a result of the steps referred to in the Concluding Observations, the governing majority can fill vacancies in the CC on its own, without support from the opposition parties, and was able to pack the CC with loyal justices. The CC has been transformed into a body that is supportive of the Government’s agenda, repeatedly ruling in favour of the incumbent parties in politically sensitive cases.⁷ In 2024, the eligibility criteria for CC justices were amended.⁸

Suggested questions to the State party:

1. When will amendments to the Fundamental Law be reviewed to address the concerns raised by the Venice Commission?
2. What safeguards remain in place to ensure the independence of the CC when the governing majority can fill vacancies unilaterally, without opposition support?
3. When will Hungary comply with this Committee’s recommendations to “review the legislative framework governing the powers of the [CC] with a view to reinstating its formal competencies”⁹ and to “ensure that the constitutional review process is effective and provides,

⁴ For details, see: Hungarian Helsinki Committee, *The 10th Amendment to the Fundamental Law: the Hungarian Government is using the war in Ukraine as a pretext to keep its excessive regulatory powers*, 5 May 2022, https://helsinki.hu/en/wp-content/uploads/sites/2/2022/05/HHC_HU_10th_const_amendment_05052022.pdf.

⁵ For details, see: Hungarian Helsinki Committee, *Exclusion and threatening dissenters on a constitutional level – Information note on the 15th Amendment to Hungary’s Fundamental Law and accompanying laws*, 19 March 2025, https://helsinki.hu/en/wp-content/uploads/sites/2/2025/03/HHC_info_note_15th_Amendment_19032025.pdf; Amnesty International Hungary – Hungarian Helsinki Committee – K-Monitor – Transparency International Hungary, *Assessment of Hungary’s compliance with conditions to access European Union funds*, November 2025, https://helsinki.hu/en/wp-content/uploads/sites/2/2025/12/HU_EU_funds_assessment_2025.pdf, pp. 68–69. Cf. European Commission for Democracy Through Law (Venice Commission), *Hungary – Opinion on the compatibility with international human rights standards of the Fifteenth Amendment to the Fundamental Law of Hungary*, 13 October 2025, CDL-AD(2025)043, [https://www.venice.coe.int/webforms/documents/default.aspx?pdffile=CDL-AD\(2025\)043-e](https://www.venice.coe.int/webforms/documents/default.aspx?pdffile=CDL-AD(2025)043-e).

⁶ CCP/C/HUN/CO/6, §§5–6. and 11–12.

⁷ See e.g.: *Contributions of Hungarian CSOs to the European Commission’s Rule of Law Report*, January 2025, https://helsinki.hu/en/wp-content/uploads/sites/2/2025/01/HUN_CSO_contribution_EC_RoL_Report_2025.pdf, pp. 77–79.

⁸ Cf. European Commission for Democracy Through Law (Venice Commission), *Hungary – Opinion on the constitutional and legislative amendments concerning the requirements to be appointed Prosecutor General and Constitutional Court Judge of Hungary, as well as the appointment and retirement of judges*, 16 June 2025, CDL-AD(2025)028, [https://www.venice.coe.int/webforms/documents/default.aspx?pdffile=CDL-AD\(2025\)028-e](https://www.venice.coe.int/webforms/documents/default.aspx?pdffile=CDL-AD(2025)028-e).

⁹ CCP/C/HUN/CO/6, §12.

in law and in practice, adequate legal safeguards to ensure full protection for Covenant rights”?¹⁰

Deficient law-making process

The concerns raised in the previous Concluding Observations regarding the legislative process¹¹ persist and have further escalated. Hungary’s law-making process is increasingly closed, unpredictable, dominated by the executive, and is characterised by systemic deficiencies that undermine transparency, inclusiveness, and democratic legitimacy.¹²

Public consultation on draft laws remains largely ineffective despite recent legislative amendments, as broad exemptions, short deadlines, and the lack of consequences for non-compliance allow the Government to bypass meaningful engagement. The circumvention of consultation obligations using governing party MPs or parliamentary committees for tabling Bills serving the Government agenda (even in case of amendments to the Fundamental Law) further erodes opportunities for public input. This leaves citizens, civil society, and professional stakeholders with little real influence over laws that affect them.

Inside Parliament, procedural tools are routinely used to push through controversial bills without meaningful debate. Fast-track procedures, last-minute committee amendments, and agenda control by the governing majority prevent scrutiny and sideline opposition voices. Sanctions against dissenting MPs are applied in a manner that chills political expression.

Hungary has been under a “state of danger” since March 2020, first with reference to the COVID-19 pandemic and later to the war in Ukraine. This regime grants the Government sweeping decree-making powers to override Acts of Parliament and restrict fundamental rights with minimal oversight. Over a thousand emergency decrees have been passed so far, which often address matters unrelated to the stated cause of the state of danger and, in some cases, are then entrenched into ordinary legislation. The concentration of powers across all special legal orders and the proliferation of statutory “states of crisis” further weaken checks and balances and predictability.

The combined effect of these practices is the hollowing out of democratic law-making. Frequent, rapid, and poorly reasoned legal changes weaken legal certainty. Relevant international standards, including those set by the Venice Commission, OSCE/ODIHR, and the EU are systematically disregarded.

Suggested questions to the State party:

1. When and how will Hungary comply with this Committee’s recommendation to “strengthen its legislative process [...] by ensuring that mechanisms are in place to guarantee a transparent, inclusive and participatory process that involves opposition politicians, civil society, other relevant stakeholders and the general public, and provides adequate opportunity and time for the meaningful review and proper debate of legislative proposals and amendments”?¹³

¹⁰ CCPR/C/HUN/CO/6, §6.

¹¹ CCPR/C/HUN/CO/6, §§7–8.

¹² For an overview, see: Hungarian Helsinki Committee, *Deficiencies of the Law-Making Process in Hungary*, 2025, https://helsinki.hu/en/wp-content/uploads/sites/2/2025/08/HHC_law-making_process_mapping_paper_2025.pdf.

¹³ CCPR/C/HUN/CO/6, §8.

2. What steps will be taken to align the constitutional and statutory framework of special legal order regimes with requirements set out by the Venice Commission, to limit the excessive use of the Government's emergency powers under the state of danger, and to restore legal certainty that has been undermined by their extensive and prolonged use?

Undermining judicial independence

To comply with conditions set by the EU for Hungary to access EU funds, aimed at restoring the independence of the judiciary, the Parliament adopted a judicial reform in 2023. However, over the past two years, legislative changes and administrative practices have undermined any positive results of the reform and caused regression. Thus, new and old systemic deficiencies continue to weaken judicial independence and the effective protection of human rights.¹⁴

One persistent concern relates to case allocation at the Kúria, Hungary's apex court. Although transparency has improved, the composition of judicial benches hearing the cases is based on vague, overbroad criteria. Shortcomings persist regarding case allocation at lower courts, despite repeated recommendations by the European Commission to improve transparency. Unresolved issues remain regarding the mandate of the Kúria President, with provisions making it possible to keep them in position for an indefinite term.

The National Judicial Council (NJC), the judiciary's self-governing body, continues to face obstacles in carrying out its constitutional task. The Government has systematically disregarded the NJC's consultation rights by circumventing statutory consultation obligations or imposing unrealistically short deadlines for commenting on complex legislative proposals affecting the judiciary, rendering meaningful participation and thereby safeguarding judicial independence illusory.

A distorted point system for the assessment of applications to judicial posts remains in effect. Non-transparent procedures and the absence of objective criteria allow secondments to be used arbitrarily, potentially as rewards or means of pressure.

Judicial independence has also been undermined through financial pressure. Judicial salaries remained stagnant between 2022 and 2024 despite high inflation, widening disparities between judges and other public sector employees. Although salary increases were eventually introduced, they were partial and disproportionately favoured Kúria judges over those at lower courts, generating internal tensions. Governmental attempts to condition salary increase on acceptance of unspecified institutional reforms further raised concerns about executive influence over the judiciary and triggered protest by judges and judicial staff. Persisting structural deficiencies in the legal framework mean that judicial salaries remain entirely dependent on the discretion of the executive and legislative branches.

Additional risks stem from the introduction of an automatic compensation mechanism to be paid by courts to the parties for procedural delays, which imposes financial burdens on courts regardless of objective constraints, such as staff shortages. This regime risks exerting indirect pressure on judges to prioritise speed over quality of adjudication and repeated delays may lead to administrative or disciplinary consequences.

¹⁴ For details, see: Amnesty International Hungary – Hungarian Helsinki Committee – K-Monitor – Transparency International Hungary, *Assessment of Hungary's compliance with conditions to access European Union funds*, November 2025, https://helsinki.hu/en/wp-content/uploads/sites/2/2025/12/HU_EU_funds_assessment_2025.pdf, pp. 45–57.

Judges continue to face undue pressure regarding their freedom of expression, amounting to non-compliance with a European Court of Human Rights (ECtHR) judgment.¹⁵ Survey data reveal a pervasive chilling effect, with most judges refraining from public engagement on issues affecting the judiciary due to fear of retaliation. Judges who have spoken out have faced smear campaigns in pro-government media and disciplinary threats. Institutional leaders have failed to provide adequate protection, and existing safeguards lack binding force.

The operation of the uniformity complaint system¹⁶ enables the Kúria to maintain its binding interpretation of domestic law even if that conflicts with the ruling of the Court of Justice of the European Union (CJEU), obstructing the direct effect and primacy of EU law.

Suggested questions to the State party:

1. What steps will the Government take to ensure transparency of case allocation at lower courts, and further enhance the transparency of the case allocation system at the Kúria?
2. How does the Government intend to guarantee the effective implementation of the prerogatives of the NJC that were introduced by the judicial reform in 2023?
3. What guarantees will the Government provide to ensure the continued increase and real value of judicial salaries, and how will it ensure that establishing judicial salaries is not dependent on the discretion of the executive and legislative branches, but instead meets the criteria of objectivity, foreseeability, stability and transparency?
4. What steps has the Government taken to comply with this Committee's recommendation to ensure "that judges operate without pressure and interference from the executive branch or other outside influences"?¹⁷
5. How does the Government intend to guarantee judges' freedom of expression and comply with the ECtHR's judgment in the *Baka v. Hungary* case?
6. How does the Government intend to fulfil its obligation to guarantee the direct effect of EU law as interpreted by the CJEU in the face of the uniformity complaint system?

A dysfunctional NHRI

As part of undermining the system of checks and balances, the governing majority has weakened the independence of institutions vested with the task of protecting human rights, such as the Commissioner for Fundamental Rights (CFR), who also fulfils the role of Hungary's national human rights institution (NHRI). This resulted in the Global Alliance of National Human Rights Institutions (GANHRI) concluding that the CFR failed to "fulfil [...] its mandate to effectively promote and protect all human rights", and the way it acted showed a lack of independence and compromised its compliance with the Paris Principles. As a result, the CFR was downgraded as an NHRI to "B" status in 2022.¹⁸

¹⁵ *Baka v. Hungary* (Application no. 20261/12, Judgment of 23 June 2016). Cf. the decision of the Committee of Ministers of the Council of Europe of March 2025: [CM/Del/Dec\(2025\)1521/H46-15](#).

¹⁶ See e.g.: https://helsinki.hu/en/wp-content/uploads/sites/2/2025/12/HU_EU_funds_assessment_2025.pdf, pp. 56–57.

¹⁷ CCPR/C/HUN/CO/6, §12.

¹⁸ Global Alliance of National Human Rights Institutions (GANHRI), *Report and Recommendations of the Virtual Session of the Sub-Committee on Accreditation (SCA)*, 14–25 March 2022, https://www.ohchr.org/sites/default/files/2022-04/SCA-Report-March-2022_E.pdf, pp. 43–47.

The deficiencies identified by GANHRI regarding the merits of the CFR's work continue to exist, which contributes to a severely diminished level of human rights protection in Hungary.¹⁹ The CFR has demonstrated continued inactivity in areas where its pre-2022 performance was deemed inadequate by GANHRI, including violations affecting LGBTQI+ persons, refugees and migrants, human rights defenders, shrinking civic space, media pluralism, and judicial independence. Civil society organisations (CSOs) have experienced repeated lack of response from the CFR to requests or complaints submitted on behalf of their clients concerning politically sensitive human rights violations. In addition, the problematic abolishing of independent, specialised human rights mechanisms and merging them into the CFR's Office (the Independent Law Enforcement Complaints Board in 2020 and the Equal Treatment Authority in 2021) have led to weakened protection against discrimination and police abuse. The CFR was designated as Hungary's national preventive mechanism (NPM) under the OPCAT as of 2015, but its monitoring of places of detention is deficient: the NPM's capacities remain insufficient; the CFR often fails to respond to related CSO complaints in time or at all; and even though the NPM carried out a significant number of visits, their methodology and the reports about them suffer from deficiencies.²⁰

The selection and appointment system of the CFR remains inadequate, and despite a request from civil society to have a broad, transparent and merit-based selection process,²¹ the appointment of the new CFR in 2025 was carried out again in breach of the Paris Principles.

Suggested questions to the State party:

1. Why was the appointment of the new CFR carried out in a procedure that again failed to meet the Paris Principles, despite recommendations from GANHRI and calls from civil society for a transparent and participatory process?
2. How does the Government intend to restore the independence and credibility of the NHRI, and how does it intend to address the concerns regarding the weakened level of human rights protection in the areas brought under its mandate, previously covered by specialised human rights protection institutions?

Non-implementation of international court judgments

Hungary's record of implementing ECtHR judgments is poor. As of 1 January 2025, Hungary had 47 leading ECtHR judgments pending implementation, and the rate of leading judgments from the past 10 years that remain pending was at 74%, the highest within the EU.²² Pending leading cases concern crucial human rights issues, including unchecked secret surveillance, freedom of expression of judges, excessive length of judicial proceedings, life imprisonment without parole, police ill-treatment, and discrimination of Roma children in education. There is no separate national structure to bring together

¹⁹ For details, see this paper by Hungarian CSOs: *Persisting Failure to Step Up for Human Rights – Background Paper on Hungary's National Human Rights Institution*, 17 June 2025, https://helsinki.hu/en/wp-content/uploads/sites/2/2025/06/HU_NHRI_assessment_June2025.pdf.

²⁰ For details, see: Háttér Society – Hungarian Helsinki Committee, *The last piece of the puzzle? – Assessing the performance of Hungary's national human rights institution*, 2024, https://helsinki.hu/en/wp-content/uploads/sites/2/2024/12/HHC_Assessment_of_Hungarian_NHRI_2024.pdf, https://helsinki.hu/en/wp-content/uploads/sites/2/2025/01/HHC_Assessment_of_Hungarian_NHRI_summary_2024.pdf.

²¹ <https://helsinki.hu/en/hungarys-new-commissioner-for-fundamental-rights-should-be-selected-in-a-transparent-and-merit-based-procedure/>

²² See: <https://www.einetwork.org/countries-overview>.

various actors to coordinate the implementation of ECtHR judgments; meaningful parliamentary oversight is also lacking.²³

Severe problems have emerged regarding the execution of the rulings of the CJEU as well. According to a recent study, out of the 20 rule-of-law related rulings issued between 1 January 2019 and 1 January 2025 examined, Hungary has not complied with 3 rulings and has complied with 10 rulings only partly as of 1 May 2025. 11 of the not-yet-complied-with rulings have been pending for over two years.²⁴

(Throughout the submission, we are providing concrete examples for non-compliance.)

Suggested questions to the State party:

1. When and how will the State party fully execute all judgments of the CJEU regarding Hungary?
2. What steps have the Government taken to increase the level of implementation of ECtHR judgments?

Articles 2, 6, 7, 13 and 24 of the Covenant

Systemic violation of the rights of refugees and asylum-seekers

The effective enjoyment of Covenant rights by refugees and asylum-seekers in Hungary remains seriously undermined by the systematic denial of access to asylum procedures and the absence of effective remedies, despite the Committee's previous Concluding Observations expressing concern about Hungary's migration-related legislative framework.²⁵ Taken together, the denial of access to asylum, the restrictive and legally precarious nature of temporary protection, and the absence of effective remedies as detailed below amount to a systemic failure to comply with Articles 2(1) and 2(3) of the Covenant, in conjunction with Articles 6, 7, 13 and 24. This situation persists despite the Committee's previous recommendations, and demonstrates a failure to ensure the practical and effective protection required under the Covenant.

Denial of access to asylum and the absence of remedies

The Committee has previously expressed concern about the lack of effective safeguards for asylum-seekers and the practical obstacles to accessing protection in Hungary. These concerns remain unaddressed, in fact, changes since the adoption of the previous Concluding Observations led to further deterioration in this regard.

In May 2020, Hungary introduced a protection framework in which access to the asylum procedure is, in practice, almost entirely blocked. The new system was officially introduced as temporary, with reference to the pandemic. However, it continues to remain in force five years later. Under the so-called "embassy procedure", individuals (except unaccompanied minors, those in detention or under a compulsory place of stay decision and entered Hungary lawfully) must submit a declaration of intent

²³ For details, see: Hungarian Helsinki Committee, *Non-Execution of Domestic and International Court Judgments in Hungary*, December 2021, https://helsinki.hu/en/wp-content/uploads/sites/2/2021/12/HHC_Non-Execution_of_Court_Judgments_2021.pdf, pp. 50–54.

²⁴ Democracy Reporting International – European Implementation Network, *Justice Delayed and Justice Denied. Non-Implementation of European Courts Judgments and the Rule of Law*, 2025, <https://www.einetwork.org/justice-delayed-justice-denied>

²⁵ CCPR/C/HUN/CO/6, §§45–48., 55–56. and 60.

at a Hungarian embassy outside the territory in order to be authorised to lodge an asylum application in Hungary. This system does not provide guarantees of accessibility, does not involve an examination of protection needs, and does not result in a reasoned decision subject to judicial review.²⁶

Refusals under the embassy procedure are not accompanied by a formal decision amenable to an effective remedy, depriving applicants to effectively challenge the denial of access to asylum.

Collective expulsions of foreigners continue

The legalisation of collective expulsions and their often violent nature was already a primary concern of the Committee, as reflected in the previous Concluding Observations.²⁷ The Government has not taken any steps to address the recommendations of the Committee and collective expulsions continue.²⁸ Since the previous Concluding Observations, both the CJEU and the ECtHR has found collective expulsions from Hungary in breach of EU law²⁹ and the Convention.³⁰ These judgments reinforce the Committee's conclusion that Hungary's legal framework allowing for collective expulsion of aliens lacks the individualised assessment and procedural safeguards required under Articles 2, 6, 7 and 13.

Temporary protection as part of a closed protection system

The shortcomings described above are particularly severe in relation to those fleeing Ukraine. In Hungary, temporary protection does not operate alongside access to asylum, but rather within a closed protection system, in which access to refugee status or subsidiary protection is practically unavailable.

Hungary's implementation of temporary protection applies a narrow personal scope, excluding, *inter alia*, certain non-Ukrainian nationals fleeing Ukraine who did not hold permanent residence status prior to displacement.³¹ Individuals falling outside this scope have no realistic access to asylum due to the embassy procedure and therefore remain without any form of effective international protection.

Moreover, Hungarian law does not provide beneficiaries of temporary protection with a possibility to apply for refugee status or subsidiary protection in order to obtain a more secure legal status. As a result, individuals with potentially long-term or heightened protection needs are confined to a precarious, time-limited status without individualised assessment.

²⁶ For an overview of the procedure, see: Hungarian Helsinki Committee, *Hungary de facto removes itself from the Common European Asylum System*, 12 August 2020, <https://helsinki.hu/wp-content/uploads/new-Hungarian-asylum-system-HHC-Aug-2020.pdf>; for an overview of the practical implementation of the embassy procedure, see: Hungarian Helsinki Committee, *No access to asylum – Hungary's dysfunctional embassy system in theory and practice*, December 2021, <https://helsinki.hu/en/wp-content/uploads/sites/2/2021/12/No-access-to-asylum-1.11.2021.pdf>; for the latest statistical data, see: European Council on Refugees and Exiles – Hungarian Helsinki Committee, *Asylum Information Database, Hungary, May 2025 update*, https://asylumineurope.org/wp-content/uploads/2025/05/AIDA-HU_2024-Update.pdf, particularly pp. 9., 16., 19–22.

²⁷ CCPR/C/HUN/CO6, §§47–48.

²⁸ For a comprehensive overview, see HHC's submission to the UN Special Rapporteur on the Human Rights of Migrants: https://helsinki.hu/wp-content/uploads/HHC_UNSR-migration_pushbacks.pdf, and HHC's submission to the CPT: https://helsinki.hu/en/wp-content/uploads/sites/2/2023/05/HHC_Refugee-Program_CPT2023.pdf, especially pp. 12–25.

²⁹ Case C-808/18

³⁰ For cases at the ECtHR and their implementation, see the *Shahzad v. Hungary (no 1)* group of cases: <https://hudoc.exec.coe.int/?i=004-58700>.

³¹ For details, see: European Council on Refugees and Exiles – Hungarian Helsinki Committee, *Temporary Protection in Hungary*, https://asylumineurope.org/wp-content/uploads/2025/05/AIDA-HU_Temporary-Protection_2024.pdf, especially pp. 5–6. on the personal scope.

This situation is exceptional in comparison with other EU Member States and significantly exacerbates vulnerability, as temporary protection becomes the sole protection framework rather than one option among several.

In this context, and taking into account that the overwhelming majority of beneficiaries of temporary protection are women or children (as military aged males were prohibited to leave Ukraine until recently, when exemptions from the prohibition were introduced), severe restrictions introduced in 2023 and 2024 on eligibility to free-of-charge mass shelter accommodation is particularly troubling.³² Against arbitrary restrictions of access to housing, no effective remedy is available, as shown by the fact that related lawsuits are pending at the first instance for over 17 months.³³

Suggested questions to the State party:

1. Please explain how individuals seeking international protection can effectively challenge the denial of access to the asylum procedure under the embassy system, including whether such refusals are accompanied by reasoned decisions subject to judicial review.
2. Please indicate what pathways are available to legalise their stay in practice to persons excluded from the personal scope of temporary protection, in light of the lack of access to asylum procedures in Hungary.
3. Please clarify whether beneficiaries of temporary protection may apply for refugee status or subsidiary protection, and if not, how their individual protection needs are assessed in compliance with Articles 2(1) and 2(3) of the Covenant.
4. In light of this Committee's previous Concluding Observations, please provide information on measures taken to end practices in breach of the Covenant, and at a minimum, to ensure effective remedies in cases of alleged ill-treatment, pushbacks, and withdrawal of accommodation or assistance affecting refugees, beneficiaries of temporary protection, and asylum-seekers.

Articles 2, 7, 10, 24 and 26 of the Covenant

Prison overcrowding and inhumane detention conditions

Hungary's penal system faces significant challenges, with prison overcrowding leading to substandard detention conditions for around 40,000 detainees annually. In its previous Concluding Observations,³⁴ the Committee expressed concern about persistent overcrowding, inadequate detention conditions

³² For details, see: Hungarian Helsinki Committee, *Destitution and homelessness: the situation of vulnerable Ukrainian beneficiaries of temporary protection*, 3 September 2024, <https://helsinki.hu/en/destitution-and-homelessness/>; European Council on Refugees and Exiles – Hungarian Helsinki Committee, *Temporary Protection in Hungary*, https://asylumineurope.org/wp-content/uploads/2025/05/AIDA-HU_Temporary-Protection_2024.pdf, especially pp. 37–41. on the housing situation.

³³ See the details of these lawsuits in European Council on Refugees and Exiles – Hungarian Helsinki Committee, *Temporary Protection in Hungary*, https://asylumineurope.org/wp-content/uploads/2025/05/AIDA-HU_Temporary-Protection_2024.pdf, pp. 40–41. At the time of this submission, the lawsuits are still pending.

³⁴ CCPR/C/HUN/CO/6, §§41–42.

and the limited use of non-custodial alternatives, yet these problems remain systemic and continue to give rise to serious concerns under Articles 7 and 10 of the Covenant.³⁵

As of 31 May 2025, there were 19,341 prisoners for 17,524 places, indicating an occupancy rate of 110%.³⁶ Furthermore, 4,482 prisoners were being held for pre-trial detention, accounting for 23.2% of the incarcerated population and significantly contributing to prison overpopulation.³⁷

Inadequate material conditions, including unsanitary environments, insufficient temperature control and ventilation, lack of proper yards and limited access to showers and natural light, impede humane detention. Additionally, no tangible progress has been made in addressing the deficiencies in the compensatory remedy system identified by the Committee of Ministers of the Council of Europe.

Overcrowding is exacerbated by the inadequate use of non-custodial alternatives for petty and low-level offences. In 2023, approximately 20% of prisoners were admitted for petty offence confinement,³⁸ mostly for failing to pay fines. This practice particularly violates the rights of persons with disabilities, who, despite legal protections, are still at times detained for such offences or for unpaid fines converted into confinement.

Suggested questions to the State party:

1. What concrete steps is Hungary taking to address structural prison overcrowding, tackle the root causes of prison population growth and expand the use of non-custodial alternatives to ensure that detention remains a measure of last resort, in line with Articles 9 and 10 of the Covenant and this Committee's previous recommendations? What measures are in place to prevent the imprisonment of persons for petty offences or unpaid fines, particularly persons with disabilities, who are exempt from such detention?
2. What specific measures have been adopted to improve material conditions of detention, including addressing sanitary conditions, temperature control, ventilation, access to natural light and outdoor space?
3. What steps has Hungary taken to ensure that the compensatory and preventive remedies for inadequate detention conditions are accessible, effective, and comply with the standards identified by the Committee of Ministers of the Council of Europe supported by transparent statistical and case-law data demonstrating their impact?

III-treatment

Humane detention is undermined by ongoing deficiencies in the prevention, investigation and sanctioning of ill-treatment.³⁹ In its previous Concluding Observations,⁴⁰ the Committee expressed

³⁵ See also the Interim Resolution of the Committee of Ministers of the Council of Europe, [CM/ResDH\(2025\)32](#), 6 March 2025.

³⁶ Response no. 30500/2878/2025 of the National Prison Administration (NPA) to the HHC's FOI request on 8 July 2025.

³⁷ Ibid.

³⁸ Response no. 30500/3951/2024 of the NPA to the HHC's FOI request on 9 August 2024.

³⁹ See the HHC's latest Rule 9.2 communication in the *Gubacs v. Hungary* group of cases: [DH-DD\(2024\)1177](#), 16 October 2024; Addendum: [DH-DD\(2024\)1245](#), 21 October 2024. See also: *Report to the Hungarian Government on the visit to Hungary carried out by the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT) from 16 to 26 May 2023* (hereinafter: 2023 CPT Report), CPT/Inf (2024) 36,

<https://rm.coe.int/1680b29ebd>.

⁴⁰ CCPR/C/HUN/CO/6, §§35–36.

concern about allegations of excessive use of force and ill-treatment by law enforcement officials, the very low number of prosecutions and convictions and the continued presence of law enforcement personnel during medical examinations of detainees.

Between 2019 and 2023, indictments were filed in only 3.6–6.4% of alleged cases of ill-treatment in official proceedings and in 2.8–9.2% of alleged cases of coercive interrogation,⁴¹ leaving most violations without consequence.

Detainees alleging ill-treatment often lack access to independent and adequate medical examinations, and police officers and prison staff are generally present during these examinations. Their presence has reportedly deterred detainees who have been ill-treated from voicing their complaints, as they fear retaliation and see no hope of achieving accountability.

Doctors employed by the police are still the ones who examine detainees prior to their placement in police detention facilities and record potential injuries. However, they do not receive any training in the Istanbul Protocol and do not automatically photograph injuries, despite the crucial role such evidence would play.

Moreover, experience and several ECtHR cases⁴² indicate that prosecution offices often fail to investigate ill-treatment cases in a fair manner, neglecting to gather all relevant evidence, conducting superficial inquiries and drawing flawed conclusions.

Suggested questions to the State party:

1. What measures have been taken to ensure that all allegations of torture and ill-treatment are promptly, impartially and effectively investigated, and to remedy the persistently low rate of prosecution and conviction?
2. What steps have been taken to ensure that all medical examinations of detainees are conducted by independent medical professionals trained in the Istanbul Protocol, that injuries are systematically documented, including through photographic evidence, and that prosecutors are required to investigate all allegations of ill-treatment thoroughly, impartially and on the basis of such evidence?
3. Describe the measures adopted to ensure that police officers and prison staff are not present during medical examinations of detainees, except in duly justified circumstances, in line with Articles 7 and 10 of the Covenant and this Committee's previous recommendations.
4. Provide information on measures adopted to establish effective victim support mechanisms for persons alleging torture or ill-treatment, including confidential complaint procedures, access to medical and psychological care, legal aid and protection against retaliation.
5. What measures have been taken to address judicial leniency towards law enforcement officials and to ensure that officers convicted of torture or ill-treatment are not allowed to continue or return to service?

⁴¹ Based on data provided by the Chief Prosecutor's Office in response to HHC's FOI requests (2020–2024). The ratio is calculated based on cases in which the prosecution reached a decision each year, not based on the number of criminal proceedings initiated that year. Notably, the rate of alleged "coercive interrogation" cases was 0% in three of the five years concerned.

⁴² See the *Gubacsi v. Hungary* group of cases: <https://hudoc.exec.coe.int/eng?i=004-10515>.

III-treatment in child and juvenile institutions

Reports from 2011–2025 reveal recurrent findings of physical, psychological, and sexual abuse across children’s homes, special institutions and juvenile correctional facilities.⁴³ These reports consistently document unlawful physical restraint, corporal punishment, degrading disciplinary practices, peer violence and sexual exploitation, with identical violations recurring years after earlier findings.

Persistent staff shortages, lack of specialised training, high turnover and inadequate supervision continue to contribute to these systemic abuses. Follow-up inquiries found that corrective measures were largely formalistic, failing to address the root causes of ill-treatment.

Institutional safeguards remain inadequate. Many facilities lack confidential complaint mechanisms, and children are often unable to communicate privately with child-protection guardians or children’s rights representatives. In some specialised institutions, ombudsperson reports indicate that up to 40% of residents were involved in prostitution, while mandatory reporting obligations were repeatedly not met.

In May 2025, the arrest of the former director of the Budapest Szőlő Street Reformatory shed light on widespread deficiencies. In December 2025, responsibility for juvenile correctional institutions was transferred to law enforcement oversight, raising concerns about the adequacy of child-specific safeguards and compliance with the State party’s obligations to ensure humane treatment and protection for all children in institutional settings.

Suggested questions to the State party:

1. What measures have been taken to ensure that all allegations of physical, psychological and sexual abuse in children’s homes are promptly, impartially and effectively investigated? Provide disaggregated data on criminal investigations, prosecutions, and convictions of staff members during the reporting period.
2. Indicate what steps have been taken to ensure mandatory reporting obligations concerning sexual exploitation are systematically enforced, what sanctions have been applied to staff and institutions that failed to report, and what specific measures address child prostitution and exploitation documented in facilities where 25–40% of children had involvement in prostitution.
3. Describe measures adopted to ensure that all children’s homes have functioning confidential complaint mechanisms, adequate staffing levels, specialised training and effective oversight that goes beyond procedural reforms.
4. Explain what measures have been taken to investigate allegations of ill-treatment in juvenile correctional institutions, provide the status of investigations into human trafficking and forced labour at the Szőlő Street Reformatory, and provide disaggregated data on criminal investigations, prosecutions and convictions during the reporting period.
5. Explain the rationale for transferring juvenile correctional institutions to police oversight, what child-specific safeguards have been established under this arrangement, and how this ensures compliance with Articles 7, 10, and 24 of the Covenant.

⁴³ Hungarian Helsinki Committee, *Synthesis of ombudsman reports and institutional findings (2011-2025): Analytical overview of systemic abuse in closed institutions*, Annex I. Available in Hungarian at: <https://helsinki.hu/intezeti-bantalmazasok-ajbh/>.

III-treatment of refugees and asylum-seekers

Refugees and asylum-seekers in Hungary continue to face serious risks of ill-treatment, including through violent pushbacks, exposure to degrading conditions, and the absence of effective safeguards against refoulement, as already identified by the Committee.⁴⁴

As explained above, individuals subjected to pushbacks are denied access to asylum procedures and expelled without individual assessment, contrary to Article 7. These measures are often characterised by excessive use of force and violence by law enforcement officers. The absence of effective, prompt, and independent investigations into allegations of ill-treatment persists, as reflected both in the Committee's previous observations and in the jurisprudence of the ECtHR.⁴⁵ This systemic impunity further entrenches the risk of ill-treatment. The lack of effective investigation into ill-treatment committed by law enforcement agents has already been established by the Committee as well on several occasions,⁴⁶ and as explained above, remains a structural problem regardless of the legal status, gender, age, nationality of the victim. In the context of pushbacks, this failure is aggravated by the immediate removal of victims from the territory, which further diminishes the prospects of any effective remedy.

Suggested question to the State party:

1. What measures have been taken to effectively investigate allegations of violence and ill-treatment during pushbacks, in line with Article 7 and this Committee's previous recommendations?

Life sentences

Hungarian law continues to permit life imprisonment without the possibility of parole (whole life sentences), with a mandatory clemency procedure only after 40 years of imprisonment, which lacks procedural safeguards. The ECtHR has found Hungary in violation of the prohibition of torture and inhuman or degrading treatment or punishment in several cases concerning both whole life sentences and life sentences with parole.

Despite these judgments, the Government has shown no political will to abolish whole life sentences or implement the ECtHR's rulings, disregarding an interim resolution of the Committee of Ministers of the Council of Europe⁴⁷ and recommendations by the CPT⁴⁸ and the Committee.⁴⁹ The absence of a legal reform, combined with the practice of Hungary's apex court, continues to obstruct individual measures required to remedy these violations, leaving affected detainees without a realistic prospect of release or redress.⁵⁰

⁴⁴ CCPR/C/HUN/CO6, §§46–48., 60.

⁴⁵ See the *Shahzad v. Hungary* (no. 2.) group of cases: <https://hudoc.exec.coe.int/?i=004-64770> and *Alhowais v. Hungary*: <https://hudoc.exec.coe.int/?i=004-63257>.

⁴⁶ CCPR/C/HUN/CO/5, §14.; CCPR/C/HUN/CO6, §§35–36. and 47–48.

⁴⁷ [CM/ResDH\(2024\)202](#), 19 September 2024

⁴⁸ 2023 CPT Report, §93.

⁴⁹ CCPR/C/HUN/CO/6, §§39–40.

⁵⁰ For details, see the HHC's latest Rule 9.2 communication in the *László Magyar v. Hungary* group of cases: [DH-DD\(2025\)506](#), 22 April 2025.

Suggested questions to the State party:

1. When and how will the Government ensure that the clemency procedure for life sentences without parole provides a meaningful, timely and non-arbitrary opportunity for release, in line with this Committee's recommendations?⁵¹
2. When and how will the Government implement the ECtHR judgments in the *László Magyar v. Hungary* group of cases?
3. What steps are being taken to reduce the minimum term for parole eligibility in life sentence cases to meet ECtHR standards and to guarantee a realistic prospect of release based on rehabilitation and individual circumstances rather than the mere passage of time?

Vulnerable detainees

Despite limited progress, detainees with disabilities in Hungary continue to face systemic barriers to equal treatment and humane conditions in detention. Legislative and practical shortcomings persist in ensuring access to barrier-free facilities, therapeutic and psycho-social units, and adequately trained staff.⁵² In practice, prisoners with disabilities are frequently placed in standard cells that do not meet their needs and are compelled to rely on fellow inmates for assistance with daily activities, undermining their dignity and equal treatment.

The persistence of these shortcomings, coupled with the absence of accessible and effective remedies, constitutes degrading treatment and discrimination, inconsistent with Hungary's obligations under Articles 2(3), 7, 10 and 26 of the Covenant, and contrary to the standards set by the Convention on the Rights of Persons with Disabilities (CRPD).

Under current legislation and practice, detainees are placed based on the sex recorded in their official documents (i.e., their sex at birth), irrespective of their gender identity or any gender-affirming treatment they may have undergone. Body searches of transgender individuals are conducted by staff members of the same sex as the detainee's sex at birth. The same rule applies when a detainee is escorted to the shower or to the doctor. Moreover, experience shows that LGBTQI+ detainees are frequently placed in psychosocial units due to the security risks arising from their vulnerabilities, which entails additional restrictions and isolation.

Suggested questions to the State party:

1. Provide information on the measures adopted to ensure reasonable accommodation and adequate treatment for detainees with disabilities, including access to barrier-free facilities, specialised health and psychosocial services and trained personnel, in accordance with Articles 7, 10 and 26 of the Covenant and the CRPD.
2. Describe the steps taken to guarantee the rights, safety and dignity of LGBTQI+ detainees, including transgender and non-binary persons, in accordance with Articles 2, 7, 10 and 26 of the Covenant, particularly regarding placement decisions, body searches, and protection against isolation or discrimination in detention.

⁵¹ Cf. CCPR/C/HUN/CO/6, §40.

⁵² For details, see the HHC's latest Rule 9.2 communication in the *István Gábor Kovács and Varga and Others v. Hungary* group of cases: [DH-DD\(2025\)114](#), 29 January 2025.

Means of restraint and searches

The excessive use of means of restraint, including the practice of transporting and holding prisoners at court hearings and healthcare facilities in handcuffs and other restraints without an individual assessment, directly undermines detainees' rights and contravenes both EU law and international human rights standards. The HHC has had numerous cases indicating that this practice is applied uniformly, even in the case of seriously ill detainees and those with disabilities.

Strip searches are frequently conducted as part of the daily custodial routine, yet without proper risk assessments and adherence to strict criteria, this practice violates the human dignity of detainees. The CPT has expressly criticised the high frequency and extensive use of strip searches, deeming them completely disproportionate.⁵³

Suggested questions to the State party:

1. How does the State party ensure that any decision to apply handcuffs and other means of restraint to detainees is based on a genuine individual risk assessment, in line with Articles 7, 9 and 10 of the Covenant and Articles 2 and 16 of the Convention against Torture? What safeguards ensure that individual assessments are grounded in objective criteria and that such measures are not applied automatically but only when necessary and proportionate?
2. What measures have been taken to implement the recommendations of the CPT and the Commissioner for Fundamental Rights on the excessive and intrusive use of strip searches, and to ensure that such searches are conducted only when strictly necessary and proportionate to a legitimate security aim?
3. What training and operational guidance are provided to the police and prison staff on the lawful, dignified and non-discriminatory use of restraints and conduct of searches?
4. Provide disaggregated data for the reporting period on the use of means of restraint and strip searches, indicating the proportion conducted following an individual assessment versus those performed as a routine measure.

Article 9 of the Covenant

Pre-trial detention

In its previous Concluding Observations,⁵⁴ the Committee expressed concern about the excessive use and length of pre-trial detention, including for juveniles, and recommended that the State party reduce the length of pre-trial detention and make greater use of non-custodial alternatives. Despite these recommendations, pre-trial detention continues to be applied excessively and for prolonged periods, while non-custodial alternatives remain underused.

Between 31 December 2019 and 31 December 2022, the proportion of pre-trial detainees in the total prison population increased from 16.6% to 24.6%. As of 31 May 2025, pre-trial detainees accounted for 23.2% of the total prison population.

⁵³ 2023 CPT Report, §141.

⁵⁴ CCPR/C/HUN/CO/6, §§37–38.

Suggested questions to the State party:

1. Provide detailed information on the concrete measures taken to reduce the number and proportion of persons held in pre-trial detention and to ensure that such detention is applied strictly as a measure of last resort, particularly in the case of juveniles.
2. Provide detailed information on the measures adopted to address the systemic problem of the excessive length of pre-trial detention and related judicial review and explain how these measures ensure compliance with Article 9(3) and (4) of the Covenant and the Committee's recommendations to guarantee the right to trial within a reasonable time.

Detention of asylum-seekers and migrants

Despite 15 ECtHR judgments⁵⁵ finding a breach of the right to liberty and security, the shortcomings relating to the lawfulness of asylum-seekers' and migrants' detention and the ineffective judicial review still persist: detention orders and detention prolongations do not properly explain why a particular ground for detention is cited; detention orders are generic in nature and fail to properly consider alternatives to detention or take into account individual special circumstances and vulnerable persons are not detained only in exceptional cases; judicial review of immigration detention remains ineffective, and the courts systematically fail to carry out an individualised assessment as to the necessity and proportionality of detention; access to legal aid for those detained in immigration detention in Hungary is severely limited.

Suggested questions to the State party:

1. How does Hungary ensure effective legal assistance to migrants and asylum-seekers in immigration detention?
2. What measures are being taken by Hungary to avoid unlawful detention of asylum-seekers and migrants and to ensure an effective judicial review of detention orders?

Articles 2, 9, 10 and 12 of the Covenant

Freedom of movement for persons on conditional release

Individuals serving the remainder of their sentences under conditional release in Hungary are automatically prohibited from travelling or residing abroad, including within the EU. This blanket restriction applies without any individualised assessment, judicial review, or consideration of necessity and proportionality, despite the jurisprudence of the CJEU,⁵⁶ which allows such limitations only in cases of a concrete and serious threat to public order, established through an individual assessment and accompanied by procedural safeguards.

The restriction constitutes a disproportionate interference with the right to liberty of movement and residence under Article 45 of the EU Charter of Fundamental Rights, and engages Hungary's obligations under Articles 9, 10 and 12 of the Covenant. Additionally, those affected have no effective judicial or

⁵⁵ See the *Lokpo and Touré v. Hungary* group of cases: <https://hudoc.exec.coe.int/?i=004-10637> and the *M.H. and S.B.* case: <https://hudoc.exec.coe.int/?i=004-66221>.

⁵⁶ See e.g.: *C-249/11 Byankov* and *C-33/07 Jipa*.

administrative remedy to challenge the restriction, resulting in a continuing violation of Article 2(3) of the Covenant.

Suggested questions to the State party:

1. Clarify how Hungary justifies the automatic and blanket prohibition on travel and residence abroad imposed on all persons under conditional release, considering Articles 9, 10 and 12 of the Covenant, Article 45 of the Charter, and the jurisprudence of the CJEU and the ECtHR.
2. Indicate what judicial or administrative remedies are available to persons on conditional release to challenge travel or residence restrictions, and provide data on the number and outcomes of such challenges.

Article 14 of the Covenant

Deficiencies in the ex officio defence counsel system

Since the Committee's previous Concluding Observations, in which it expressed concerns about the system of appointments of state-funded lawyers,⁵⁷ the legislative framework has changed significantly. As of July 2018, the power to appoint ex officio defence counsels (including legal aid lawyers) in criminal proceedings was, as a general rule, transferred from the proceeding authorities (in the case of investigations, primarily the police) to regional bar associations. However, if a lawyer is not assigned within one hour of notification or cannot be reached for an urgent procedural action (most commonly the suspect's first interrogation), the police may appoint a "substitute" ex officio defence counsel.⁵⁸

Lawyers surveyed in 2025 reported that these exceptions are frequently exploited by investigating authorities to ensure the presence of defence counsels of their choosing at key procedural moments. These practices effectively reinstate the pre-2018 system and undermine defendants' right to an effective defence. The police do not collect data on the proportion or grounds of "substitute" appointments.⁵⁹ Moreover, thresholds for qualifying for legal aid remain unrealistically low.⁶⁰ In 2025, the European Commission opened an infringement procedure against Hungary for failing to correctly transpose Directive (EU) 2016/1919 on legal aid in criminal proceedings.⁶¹

Suggested questions to the State party:

1. Provide information on how the Government aims to ensure that exceptions to the bar association assigning ex officio appointed defence counsels are not abused by investigating authorities.
2. Provide information on the steps taken to fully transpose Directive (EU) 2016/1919.

⁵⁷ CCPR/C/HUN/CO/6, §31.

⁵⁸ Act XC of 2017 on the Code of Criminal Procedure, Sections 46–49.

⁵⁹ For more details on the practice and the lack of data, see the HHC's Rule 9.2. communication to the Committee of Ministers of the Council of Europe: https://helsinki.hu/en/wp-content/uploads/sites/2/2025/09/HHC_Rule_9_MHB_v_Hungary_31082025.pdf.

⁶⁰ Act LXXX of 2003 on Legal Aid, Sections 5, 7–9 and 19.

⁶¹ INFR(2025)2163, https://ec.europa.eu/commission/presscorner/detail/en/inf_25_2481.

Foreigners' lack of access to grounds of decisions

Apart from the issues raised above under collective expulsions, the lack of access to even the essence of the grounds when decisions are made with recourse to allegations that the person poses a risk to national security (detention, status revocation, status determination, decisions related to residency) systematically undermines the Covenant.⁶² Despite the CJEU finding this in breach of EU law, including the right to an effective remedy and fair trial enshrined in Article 47 of the Charter of Fundamental Rights,⁶³ to this day neither affected individuals, nor their legal representative are ensured access to at least the essence of the grounds on which the national security risk was established, making any potential legal remedy illusory. This practice is incompatible with the guarantees of equality of arms and effective defence under Article 14.

Suggested question to the State party:

1. How does Hungary ensure compliance with Article 14 in cases where contested decisions are based on national security grounds with classified reasons?

Article 24 of the Covenant

Inadequate age assessment

The issues raised by the Committee in its previous Concluding Observations regarding the inadequacy of age assessment of unaccompanied and separated children (UASC) remain.⁶⁴ The applicable law still does not provide for an identification mechanism for UASC and no protocol is published, let alone used in practice in age determination procedures. The relevant authorities do not conduct psychosocial assessment, age determination is based on visual and physical examination (including the primary and secondary sexual characteristics), often in violation of human dignity.⁶⁵

Suggested question to the State party:

1. When does Hungary plan to introduce a protocol on age assessment that follows appropriate methods?

⁶² For details, see: Hungarian Helsinki Committee, *National Security Grounds for Exclusion from International Protection as a Carte Blanche: Hungarian asylum provisions not compliant with EU law*, December 2021, https://helsinki.hu/en/wp-content/uploads/sites/2/2022/01/Info-Note_national-security_exclusion_FINAL.docx.pdf; European Council on Refugees and Exiles – Hungarian Helsinki Committee, *Asylum Information Database, Hungary, May 2025 update*, https://asylumineurope.org/wp-content/uploads/2025/05/AIDA-HU_2024-Update.pdf, pp. 112. and 128–129.

⁶³ Judgment in Joined Cases C-420/22 and C-528/22 (NW-PQ), <https://eur-lex.europa.eu/legal-content/EN/TXT/HTML/?uri=CELEX:62022CJ0420>.

⁶⁴ CCPR/C/HUN/CO6, §§49–50.

⁶⁵ For further details, see *M.H. and S.B. v. Hungary*: <https://hudoc.exec.coe.int/?i=004-66221>.

Articles 2, 17, 19, 21, 22 and 25 of the Covenant

Peaceful assembly and AI-assisted surveillance

Recent 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 peaceful assembly and association.⁶⁶ 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, vastly expanding the state’s surveillance powers. In practice, events deemed to be LGBTQI-related have been banned, and organisers of some of these events have been subjected to criminal investigations – demonstrating how the justice system is being instrumentalised to deter public participation and suppress dissenting voices.

Suggested questions to the State party:

1. Explain how Hungary ensures that the limitations on peaceful assembly introduced by the 2025 amendments comply with the principles of legality, necessity and proportionality under Article 21 of the Covenant, and that they are not applied in a discriminatory or arbitrary manner against certain groups, including sexual and gender minorities, in line with Articles 2 and 26.
2. Clarify how the use of facial recognition surveillance technologies in the context of assemblies complies with Articles 17, 19, 21 and 22 of the Covenant, including what safeguards, oversight, and remedies exist to prevent the mass or discriminatory identification and retention of biometric data of peaceful participants.

Shrinking civic space

The challenges independent CSOs are facing have increased since the last Concluding Observations.⁶⁷ These include new legislative steps with a restrictive and stigmatising impact on civil society environment; administrative measures designed to hamper the operation of CSOs; the constant shrinking of avenues of cooperation and dialogue with domestic authorities; an unfavourable environment in terms of funding and financial viability; as well as smear campaigns and stigmatising rhetoric used by government and governing party representatives that question the legitimacy of CSO work, resulting in a chilling effect. These governmental steps severely hinder CSOs in carrying out their work in line with their mandate.⁶⁸

Although Act LXXVI of 2017 on the Transparency of Organisations Supported from Abroad (about which the Committee also expressed concerns) was abolished in 2021, after the CJEU had found that it violated EU law, it was instantly replaced by Act XLIX of 2021 on the Transparency of Organisations

⁶⁶ For details, see e.g. this civil society submission to the Special Rapporteur on freedom of peaceful assembly and of association: https://helsinki.hu/en/wp-content/uploads/sites/2/2025/11/Submission_HS-HCLU-HHC_UN-SR-on-Freeom-of-Peaceful-Assembly_Impact-of-Digital-and-AI-Assisted-Surveillance_07112025.pdf.

⁶⁷ CCPR/C/HUN/CO/6, §§53–54.

⁶⁸ For details, see e.g.: *Contributions of Hungarian CSOs to the European Commission’s Rule of Law Report*, January 2025, https://helsinki.hu/en/wp-content/uploads/sites/2/2025/01/HUN_CSO_contribution_EC_RoL_Report_2025.pdf, pp. 87–91.

Carrying out Activities Capable of Influencing Public Life, which subjects certain CSOs to audits by the State Audit Office without adequate justification and legal safeguards.⁶⁹

Further restrictions were introduced in 2023 with the adoption of Act LXXXVIII of 2023 on the Protection of National Sovereignty, which established the Sovereignty Protection Office (SPO). The SPO is vested with extensive investigative powers over individuals and legal entities, based on broadly and vaguely defined grounds. Intelligence services are required to cooperate with the SPO. Investigations culminate in public reports, and the law provides no access to speedy and effective remedies.⁷⁰ Using these powers, the SPO launched investigations against leading watchdogs and media outlets and is regularly portraying independent CSOs as threats to national sovereignty. The Venice Commission found that the Act is “at odds with international standards” and “risks having a chilling effect on the free and democratic discussion”,⁷¹ and the European Commission referred Hungary to the CJEU over the Act.⁷²

Building on the 2023 law, in May 2025 an MP belonging to the governing majority tabled the Bill on the Transparency of Public Life, which would allow the Government to blacklist CSOs, independent media, and even for-profit companies deemed “sovereignty risks”; block or hinder to the extent of practical impossibility their funding from outside of Hungary while imposing administrative limitations on receiving domestic funding as well; monitor bank accounts, impose fines; and suspend or dissolve targeted entities. The SPO would be tasked to propose which entities would be blacklisted, without appropriate legal remedies.⁷³ While its adoption was postponed in June 2025, the bill remains pending.

A variation of the “Stop Soros” package the Committee recommended Hungary to reject in its last Concluding Observations⁷⁴ was adopted in June 2018 (but e.g. the licensing of CSOs “supporting migration” was abandoned).⁷⁵ In 2021, the CJEU found that its elements criminalising the providing of assistance to asylum-seekers (Section 353/A of the Criminal Code) were in breach of EU law.⁷⁶ As of 1 January 2023, the original content of the impugned criminal provision was replaced by a different one,⁷⁷ but the CJEU’s key concern of deterring the provision of legal assistance to asylum-seekers has not been adequately addressed by the new wording either. A 25% immigration tax on donors if they provide funds for activities “facilitating” immigration or on grantees performing such activities (largely undefined by the law) in case the donor organisation fails to pay the tax remains in effect but has not yet been applied.⁷⁸

⁶⁹ For details, see: Hungarian Helsinki Committee, *LexNGO 2021 – a look into Hungary’s second anti-NGO law on its first anniversary*, 12 May 2022, https://helsinki.hu/en/wp-content/uploads/sites/2/2022/05/HHC_LexNGO2021_info_note.pdf.

⁷⁰ For details, see: <https://helsinki.hu/en/sovereignty-protection-act-in-breach-of-eu-law/>.

⁷¹ European Commission for Democracy Through Law (Venice Commission), *Hungary – Opinion on Act LXXXVIII of 2023 on the Protection of National Sovereignty*, 18 March 2024, CDL-AD(2024)001, [https://www.venice.coe.int/webforms/documents/default.aspx?pdffile=CDL-AD\(2024\)001-e](https://www.venice.coe.int/webforms/documents/default.aspx?pdffile=CDL-AD(2024)001-e)

⁷² https://ec.europa.eu/commission/presscorner/detail/en/ip_24_4865

⁷³ For details, see: <https://helsinki.hu/en/operation-starve-and-strangle-20250522/>.

⁷⁴ CCPR/C/HUN/CO/6, §§55–56.

⁷⁵ Cf. European Commission for Democracy Through Law (Venice Commission) – OSCE/ODIHR, *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)*, 25 June 2018, CDL-AD(2018)013, [https://www.venice.coe.int/webforms/documents/default.aspx?pdffile=CDL-AD\(2018\)013-e](https://www.venice.coe.int/webforms/documents/default.aspx?pdffile=CDL-AD(2018)013-e).

⁷⁶ Judgment in Case C-821/19, <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=celex:62019CJ0821>

⁷⁷ See the HHC’s unofficial translation here: https://helsinki.hu/en/wp-content/uploads/sites/2/2022/12/criminalisation_2022.pdf.

⁷⁸ Cf. European Commission for Democracy Through Law (Venice Commission) – OSCE/ODIHR, *Hungary – Joint Opinion on Section 253 on the special immigration tax of Act XLI of 20 July 2018 amending certain tax laws and other related laws and*

Suggested questions to the State party:

1. When will the Government take steps to repeal Act LXXXVIII of 2023, in line with the Venice Commission's recommendation?
2. When will the Government repeal the 25% immigration tax, in line with this Committee's recommendation?
3. Please explain how Act XLIX of 2021, the "Stop Soros" package, Act LXXXVIII of 2023, and the Bill on the Transparency of Public Life are compatible with this Committee's recommendation that Hungary should "ensure that all legislation relating to NGOs is fully consistent with its international obligations under the Covenant, reflects the important role of NGOs in a democratic society and is designed to facilitate, not undermine, their operations".⁷⁹

Weakened trade unions

There have been instances in which the work of trade unions that spoke out on sensitive political issues in the interests of the employees they represented has been impeded. The Government undertook a campaign aimed at discrediting e.g. teachers' trade unions calling for solutions to the serious problems within the education system. An emergency government decree rendered effective strike action by teachers impossible by determining mandatory minimum service levels.⁸⁰ Additional legislation has constrained teachers' unions' ability to conclude collective agreements. As of January 2024, an amendment banned the union check-off system for public administration workers, ending the requirement for employers to deduct membership fees from salaries free of charge. This change weakens unions by increasing administrative costs and causing a loss of both fees and members. The ILO noted these restrictions in law and practice with concern.⁸¹ The Hungarian Medical Chamber was significantly weakened as a professional chamber through expedited legislation following its public criticism of government policy.

Suggested question to the State party:

1. What was the aim of abolishing the union check-off system for public administration workers, and have ILO's related conclusions been complied with?
2. When will Hungary restore the rights of teachers' trade unions?

Right to vote

Hungary will hold its next parliamentary elections in 2026, and there is a serious likelihood that they will be marred, yet again, by grave violations of international standards for democratic elections.⁸²

on the immigration tax, 18 December 2018, CDL-AD(2018)035,
[https://www.venice.coe.int/webforms/documents/default.aspx?pdffile=CDL-AD\(2018\)035-e](https://www.venice.coe.int/webforms/documents/default.aspx?pdffile=CDL-AD(2018)035-e).

⁷⁹ CCPR/C/HUN/CO/6, §56.

⁸⁰ For details, see: Hungarian Helsinki Committee, *Curtailing the rights of teachers in Hungary*, 23 March 2023, https://helsinki.hu/en/wp-content/uploads/sites/2/2023/03/HHC_Hungary_teachers_23032023.pdf.

⁸¹ ILC.113/CAN/PV.14/Hungary-C.87, <https://www.ilo.org/sites/default/files/2025-06/ILC113-CAN-PV14-Hungary-Patchwork-%5BNORMES-250527-026%5D-EFS.pdf>

⁸² For details, see: Hungarian Helsinki Committee, *Threat Assessment of the 2026 Hungarian Parliamentary Elections*, 14 December 2025, https://helsinki.hu/en/wp-content/uploads/sites/2/2025/12/2026_HU_Elections_Threat_Assessment_final_15122025.pdf.

Since the 2022 parliamentary elections, Hungary has introduced multiple legal and institutional changes affecting the electoral framework. While some reforms have addressed technical matters, others have weakened checks and balances, reduced transparency, and further entrenched advantages for the governing party. Key measures include the redrawing of single-member constituencies without consultation, the abolition of campaign spending limits, changes to the composition of the National Election Commission, and criminalising the “illegal influencing of the will of voters”.⁸³

Campaign practices increasingly blur the distinction between state and the governing party, with government-funded communications serving partisan purposes. Oversight remains weak, and asymmetries in campaign finance have deepened due to the abolition of spending limits and weak supervision of third-party actors. Media concentration, a strong bias in state media, and the absence of an independent media regulator continue to undermine pluralism. Online campaigning lacks transparency and the governing party increasingly relies on sponsored content and AI-generated disinformation. Institutional shortcomings persist across electoral bodies and oversight institutions, raising concerns about impartiality and access to remedies.

Participation gaps remain unaddressed, particularly for national minorities (ignoring an ECtHR judgment⁸⁴), Roma, women, LGBTQI+ persons, and persons with disabilities. At the local level, clientelism, misuse of municipal resources, and electoral fraud risks persist.

Suggested questions to the State party:

1. When and how will the Government implement the recommendations of OSCE/ODIHR and the Venice Commission regarding the electoral system and the right to vote?
2. What measures has the Government taken, and what further steps will it take, to replace the national minority electoral system found by the ECtHR to violate the European Convention on Human Rights with one that complies?
3. What guarantees that the separation of the state, the Government and the governing parties will be implemented more effectively during the 2026 elections than before?

⁸³ See e.g.: https://helsinki.hu/en/wp-content/uploads/sites/2/2025/02/Submission_HHC_UN-SR-on-Freedom-of-Association_Super-Election-Year_31012025.pdf, p. 7.

⁸⁴ *Bakirdzi and E.C. v. Hungary* (Applications nos. 49636/14 and 65678/14, Judgment of 10 November 2022). Cf. the decision of the Committee of Ministers of the Council of Europe of March 2025: [CM/Del/Dec\(2025\)1521/H46-16](https://cm.coe.int/cm/Del/Dec(2025)1521/H46-16).