



SUBMISSION BY
THE HUNGARIAN HELSINKI COMMITTEE
for the fourth cycle of the
UPR
of
HUNGARY
on civic space and the rule of law

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The Hungarian Helsinki Committee (HHC) is an independent human rights watchdog organisation founded in 1989 in Budapest, Hungary. As a leading Hungarian human rights organisation with a globally recognised reputation, the HHC works towards a world in which everyone's human rights are protected. The HHC focuses on defending the rule of law and a strong civil society in a shrinking democratic space; the right to seek asylum and access protection; the rights to be free from torture and inhuman treatment and the right to fairness in the criminal justice system. 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 fora and mechanisms.

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Introduction

1. Since the previous review, Hungary has undergone a continued and systemic deterioration of the rule of law, resulting in a weakening of the institutional and legal framework necessary for the effective protection of human rights. As highlighted in previous submissions, the erosion of checks and balances is not limited to isolated deficiencies but reflects a broader pattern whereby formal institutions remain in place while their capacity to ensure accountability and rights protection is progressively hollowed out.ⁱ
2. This has created an environment in which violations of fundamental rights occur in the absence of effective domestic remedies, and where oversight mechanisms – both institutional and procedural – fail to operate in practice.
3. To date, out of the 19 related recommendations Hungary supported, none were implemented. Three partially, and 16 were not implemented at all.ⁱⁱ

Shrinking civic space and restrictions on fundamental freedoms

4. The environment for civil society organisations (CSOs) has further deteriorated since the last review.ⁱⁱⁱ Legislative, administrative and discursive measures increasingly restrict civic space and undermine the ability of CSOs to operate freely and effectively.
5. The Government replaced the anti-NGO law of 2017^{iv} in May 2021. The law identifies foundations and associations that have an annual balance sheet of cca. EUR 52,000 as “organisations capable of influencing public life”, and authorises the State Audit Office (SAO) to audit such entities. These audits are not limited to the financial management of the organisations and/or the use of public funds but encompass all activities and operations. Under Hungarian law, SAO reports are not subject to judicial review. The HHC and five other affected organisations submitted a constitutional complaint to the Constitutional Court against the law in December 2021.^v The case has been pending ever since, and the law is being applied.^{vi}
6. Recent years have seen the adoption of laws that stigmatise and target organisations engaged in public affairs. The 2023 Act on the Protection of National Sovereignty established a body with broad investigative powers over civil society and independent media, without adequate safeguards or effective remedies.^{vii} Its activities, including investigations and public reporting, contribute to a climate of intimidation and have a chilling effect on civic engagement.^{viii} International stakeholders, including UN special mandate holders have condemned the law^{ix} and the European Commission took Hungary to the Court of Justice of the European Union.^x
7. A legislative proposal introduced in May 2025 by the governing majority would allow the Government to blacklist organisations deemed to pose “sovereignty risks”, restrict their access to funding, and subject them to intrusive monitoring and sanctions.^{xi} The final vote on the proposal was postponed and is currently pending.
8. In parallel, civil society actors face smear campaigns, stigmatising rhetoric and a shrinking space for dialogue with public authorities. These developments are compounded by broader restrictions on the freedom of assembly, including legislative changes enabling the banning of certain demonstrations and the use of surveillance technologies in connection with public gatherings.^{xii}
9. *Recommendation:*
 - Ensure an enabling environment for civil society, including by repealing legislation that unduly restricts or stigmatises CSOs, refraining from adopting further restrictive measures, and guaranteeing effective remedies against administrative and investigative actions targeting civil society actors.

Dysfunction of the national human rights institution

10. The weakening of civic space is accompanied by the failure of domestic human rights protection mechanisms. The Commissioner for Fundamental Rights, which also serves as Hungary's national human rights institution (NHRI), no longer fulfils its mandate effectively. Following an assessment by GANHRI, the NHRI was downgraded to "B" status due to concerns regarding its independence and performance.^{xiii} These concerns remain unaddressed.^{xiv}
11. The NHRI has demonstrated persistent inactivity in areas involving politically sensitive human rights violations, including those affecting migrants, LGBTQI persons, and human rights defenders. Institutional restructuring has further weakened protection. The integration of previously independent specialised bodies into the NHRI has resulted in reduced safeguards against discrimination and police abuse. In addition, deficiencies in the NHRI's work as the national preventive mechanism (NPM) under OPCAT raise concerns regarding the monitoring of places of detention.
12. The selection process for the NHRI continues to lack transparency and fails to meet the requirements of the Paris Principles, further undermining its credibility and independence, as was the case again in 2025.
13. *Recommendations:*
 - Restore the independence and effectiveness of the national human rights institution, including by reforming the appointment process in line with the Paris Principles, ensuring adequate resources, and re-establishing effective, specialised protection mechanisms.
 - Introduce the 'Ombudsman-plus' model, involving civil society in carrying out the function of the NPM.

Deficient law-making and concentration of executive power

14. The legislative process is characterised by systemic deficiencies that undermine transparency, inclusiveness and democratic legitimacy. Public consultation on draft legislation remains largely ineffective, due to short deadlines, broad exemptions and the absence of consequences for non-compliance. Legislative initiatives are frequently introduced through governing party MPs or parliamentary committees, bypassing consultation requirements entirely. Within Parliament, procedural tools are used to limit debate and scrutiny, including fast-track procedures and last-minute amendments. These practices prevent meaningful participation by opposition actors and stakeholders.
15. At the same time, the prolonged use of emergency powers under the "state of danger" has enabled the Government to govern almost uninterruptedly since March 2020, overriding Acts of Parliament and restricting fundamental rights with minimal oversight. More than a thousand emergency decrees have been adopted, often addressing issues unrelated to the stated justification of the emergency.^{xv}
16. These practices contribute to legal uncertainty and erode the rule of law by removing effective safeguards against arbitrary decision-making.^{xvi}
17. *Recommendations:*
 - Comply with existing legal requirements, and ensure transparency, inclusiveness and meaningful consultation in the law-making process, including by limiting the use of fast-track procedures, preventing last-minute amendments, and ensuring adequate time for public and parliamentary scrutiny.
 - Limit the use of emergency powers, ensure that any exceptional measures are strictly necessary, proportionate and time-bound, and restore full parliamentary and judicial oversight over executive action.

Non-implementation of international court judgments

18. The implementation of judgments of the European Court of Human Rights (ECtHR) remains particularly poor. A high proportion of leading judgments, including those addressing structural human rights violations, remain pending for extended periods. These include cases concerning unlawful surveillance, ill-treatment, discrimination and excessive length of proceedings.^{xvii}

19. Similarly, compliance with judgments of the Court of Justice of the European Union (CJEU) is partial or absent in a significant number of cases. Delays and incomplete implementation undermine the effectiveness of judicial protection and the principle of legal certainty.

20. *Recommendation:*

- Ensure full and timely implementation of ECtHR and CJEU judgments, including by establishing effective coordination mechanisms and strengthening parliamentary oversight.

Weakened constitutional oversight

21. Concerns about the independence of the Constitutional Court (CC) persist; the laws adopted after 2010 that undermined the independence of the CC and weakened constitutional oversight over legislation remain in place. The rules introduced instead of the long-established consensus-based nomination process allow the governing majority (having a two-thirds majority in the Parliament) to fill vacancies on the bench on their own, without support from the opposition parties.^{xviii} As a result, the governing parties were able to pack the CC with loyal justices (including their former MPs), and have transformed it into a body that is supportive of the Government's agenda, repeatedly ruling in favour of the incumbent parties in politically sensitive cases.^{xix} As of 2025, the governing majority amended the eligibility criteria for CC justices once again, broadening the pool of potential candidates and resulting in controversial new nominations. The CC's competences remain limited regarding the central budget and tax-related legislation; access to the CC is hindered by the lack of possibility to submit *actio popularis* petitions. The timely adjudication of constitutional complaints and of petitions related to emergency government decrees is not ensured.

22. *Recommendations:*

- The rules for nominating and electing CC justices should be changed to a primarily consensus-based process between governing and opposition parties. The parliamentary majority requirement for electing CC justices should be raised to a four-fifth supermajority from the current two-thirds majority requirement.
- The president of the CC should be elected by the justices themselves instead of the Parliament.
- In addition to existing conflict of interest rules, the law should prescribe a four-year cooling-off period also for former MPs before being eligible as CC justices.
- The efficiency of constitutional review should be restored by reinstating the CC's full competence, by reintroducing *actio popularis* petitions, and establishing adequate deadlines for deciding on constitutional complaints and petitions related to emergency government decrees.

Undermining judicial independence

23. 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 three 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.^{xx}

24. One persistent concern relates to case allocation at the Kúria, Hungary's apex court.^{xxi} 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 (regarding which no requirement of automatic allocation is in place), despite repeated recommendations by the European Commission to improve transparency.
25. Unresolved issues also remain regarding the mandate of the Kúria President, with provisions making it possible for a blocking minority in Parliament to keep them in position for an indefinite term.
26. The National Judicial Council (NJC), the judiciary's self-governing body, continues to face obstacles in carrying out its constitutional task.^{xxii} 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.^{xxiii}
27. 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.
28. 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.^{xxiv} Although salary increases were eventually introduced, they were partial and disproportionately favoured Kúria judges over those at lower courts, generating internal tensions.^{xxv} 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.^{xxvi} Persisting structural deficiencies in the legal framework mean that judicial salaries remain entirely dependent on the discretion of the executive and legislative branches.
29. Judges continue to face undue pressure regarding their freedom of expression, amounting to non-compliance with an ECtHR judgment.^{xxvii} Survey data^{xxviii} 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^{xxix} and disciplinary threats.^{xxx} High ranking politicians have repeatedly accused judges handing down decisions unfavourable for the Government of being politically biased, which severely undermines public trust in the justice system.^{xxxi} Institutional leaders have failed to provide adequate protection, and existing safeguards lack binding force.
30. The operation of the uniformity complaint system^{xxxii} enables the Kúria to maintain its binding interpretation of domestic law even if that conflicts with the ruling of the CJEU, obstructing the direct effect and primacy of EU law.
31. *Recommendations:*
 - Ensure full transparency of case allocation at lower courts and further strengthen the transparency and verifiability of the case allocation system at the Kúria.
 - Guarantee the effective implementation in practice of the prerogatives of the National Judicial Council introduced by the 2023 judicial reform, including by providing adequate safeguards, resources, and enforcement mechanisms.
 - Establish a judicial remuneration framework that ensures the continuous increase and preservation of the real value of judicial salaries, based on objective, foreseeable, stable, and transparent criteria, and insulated from discretionary influence by the executive and legislative branches.

- Take concrete and effective measures to ensure that judges operate free from pressure or interference from the executive branch or any other external actors, in line with international standards.
- Guarantee judges' freedom of expression in law and in practice and fully implement the judgment in the *Baka v. Hungary* case, including by preventing retaliatory measures against members of the judiciary.
- Ensure the primacy and direct effect of EU law, as interpreted by the CJEU, including by reviewing and, where necessary, amending the uniformity complaint system to eliminate any obstacles to its full application.

ⁱ See Amnesty International Hungary – Eötvös Károly Institute – Hungarian Helsinki Committee, *Submission to the 3rd UPR cycle on rule of law in Hungary*, https://helsinki.hu/wp-content/uploads/2021/03/AIHU_EKINT_HHC_UPR2021_Hungary_RoL_web.pdf; and Amnesty International Hungary – Hungarian Civil Liberties Union – Hungarian Helsinki Committee – Power of Humanity Foundation – Ökotárs Foundation, *Submission to the 3rd UPR cycle on civic space in Hungary*: https://helsinki.hu/en/wp-content/uploads/sites/2/2021/03/UPR_submission_3rdcycle_civilspace.pdf.

ⁱⁱ See Annex I.

ⁱⁱⁱ Amnesty International Hungary – Hungarian Civil Liberties Union – Hungarian Helsinki Committee – Power of Humanity Foundation – Ökotárs Foundation, *Submission to the 3rd UPR cycle on civic space in Hungary*, https://helsinki.hu/en/wp-content/uploads/sites/2/2021/03/UPR_submission_3rdcycle_civilspace.pdf

^{iv} See more on the original legal framework: <https://helsinki.hu/en/analysis-of-the-bill-on-foreign-funded-organisations-lexngo/>.

^v Case file on the Constitutional Court's website:

<https://alkotmanybirosag.hu/ugvadatlap/?id=3818DBAFB63B6056C1258AD60060365E>

^{vi} 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

^{vii} Translation of the Act, analysis and related documents available at: <https://helsinki.hu/en/what-is-the-sovereignty-protection-act/>

^{viii} For the results of a survey conducted in early 2024, see Civilizáció – Hungarian Helsinki Committee, *From Chilling Effect to Immediate Harm: Consequences of the Sovereignty Protection Act*, 27 June 2024, <https://helsinki.hu/wp-content/uploads/2024/06/Consequences-of-the-Sovereignty-Protection-Act.pdf>

^{ix} Joint communication of the UN Special Rapporteur on Freedom of Expression and the Special Rapporteur on Human Rights Defenders: <https://spcommreports.ohchr.org/TMResultsBase/DownloadPublicCommunicationFile?gld=28661>

^x Case C-829/24, see the Advocate General's opinion of 12 February 2026:

https://infocuria.curia.europa.eu/tabs/jurisprudence?sort=DOC_DATE-DESC&searchTerm=%22C-829%2F24%22&publishedId=C-829%2F24&lang=EN

^{xi} Translation of the Act, analysis and related documents available at: <https://helsinki.hu/en/operation-starve-and-strangle-20250522/>

^{xii} For a summary of these legal changes and related analysis, see Amnesty International Hungary – Hátér Society – Hungarian Civil Liberties Union – Hungarian Helsinki Committee, *Legislating Fear*, 21 March 2025, https://helsinki.hu/en/wp-content/uploads/sites/2/2025/03/AIHU_Hatter_HCLU_HHC_Pride_03202025.pdf.

^{xiii} See the detailed reasons for the downgrade: <https://helsinki.hu/en/peers-from-other-countries-recommend-that-the-ombudsperson-is-downgraded-as-a-national-human-rights-institution/>

^{xiv} See a December 2024 assessment of the Hungarian NHRI: https://helsinki.hu/en/wp-content/uploads/sites/2/2024/12/HHC_Assessment_of_Hungarian_NHRI_2024.pdf, and a background paper from June 2025: https://helsinki.hu/en/wp-content/uploads/sites/2/2025/06/HU_NHRI_assessment_June2025.pdf.

^{xv} See related HHC publications: <https://helsinki.hu/en/akta/covid-19-and-the-state-of-danger/>

^{xvi} For a detailed study, see Hungarian Helsinki Committee, *Deficiencies of the Law-Making Process in Hungary*, August 2025, https://helsinki.hu/en/wp-content/uploads/sites/2/2025/08/HHC_law-making_process_mapping_paper_2025.pdf.

^{xvii} For a summary, see the relevant site of the European Implementation Network, <https://www.einnetwork.org/countries-overview>.

^{xviii} See e.g.: Eötvös Károly Institute – Hungarian Civil Liberties Union – Hungarian Helsinki Committee – Transparency International Hungary, *Hungary Fact Sheet 1 – Undermining Constitutionality*, September 2014, https://helsinki.hu/wp-content/uploads/Hungary_fact_sheets_20140921.pdf, pp. 1–2.

^{xix} 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_CS0_contribution_EC_RoL_Report_2025.pdf, pp. 77–79.

^{xx} 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.

^{xxi} *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_CS0_contribution_EC_RoL_Report_2025.pdf, pp. 11–12

^{xxii} *Contributions of Hungarian CSOs to the European Commission’s Rule of Law Report*, January 2026, https://helsinki.hu/en/wp-content/uploads/sites/2/2026/01/HUN_CS0_contribution_EC_RoL_Report_2026.pdf, pp. 11–13; Minutes of the meeting of the NJC of 3 December 2025, including the proposal of the ad hoc committee entitled “Committee for Identifying Measures to Enhance the Effective Functioning of the NJC” on institutional measures and legislative amendments, available at: https://obt-jud.hu/sites/default/files/ulesek/Jegyzokonyv_2025.12.03.pdf.

^{xxiii} The effective scoring system was adopted by the Minister of Justice by Decree 14/2017. (X. 31.) IM without a meaningful consultation with the judiciary and judges’ associations. The current ministerial decree was adopted in 2017 without a meaningful consultation with the judiciary and has been widely criticised ever since, because it radically modified the points system in a way that favours experience gained in the public administration over experience gained within the judiciary. See the statement of Hungarian Association of Judges of 14 November 2017 at:

<https://www.mabie.hu/index.php/kozlemenyek/339-a-mabie-allasfoglalasa-a-biroiallaspalyazatok-elbiralasanak-reszletes-szabalyairol-es-a-palyazati-rangsor-kialakitasa-soran-adhatopontszamokrol-szolo-7-2011-iii-4-kim-rendelet-modositasarol>.

^{xxiv} Res Iudicata Association, *Összefoglaló a bírói bérekről [Summary on judicial remuneration]*, 14 January 2025,

https://resiudicata.hu/wp-content/uploads/2025/01/RI_illetmeny_20240114.pdf

^{xxv} Hungarian Association of Judges, *A MABIE közleménye a bírói fizetések arányosságának biztosításáról [MABIE’s statement on ensuring the proportionality of judges’ salaries]*, 20 December 2024, <https://www.mabie.hu/berjavaslat/a-mabie-kozlemenye-a-biroi-fizetesek-aranyossaganak-biztositasarol>

^{xxvi} See the information provided by the NJC on the “Agreement” at: <https://obt-jud.hu/hu/tajekoztatas>.

^{xxvii} *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](https://www.coe.int/t/Doc/CM/Del/Dec(2025)1521/H46-15).

^{xxviii} Hungarian Association of Judges, *Research report on certain issues concerning the freedom of expression of Hungarian judges*: <https://mabie.hu/hirek/kutatasi-jelentes-a-magyar-birak-velemenynyilvanitasi-szabadsagaval-kapcsolatos-egyves-kerdesekrol>. English translation available at: https://helsinki.hu/wp-content/uploads/2025/01/Kutatasi_jelentes_B_en-1.pdf.

^{xxix} See e.g.: <https://magyarnemzet.hu/belfold/2025/04/pressman-matusik-drog-biro>. The judge was attacked for refusing to order the pre-trial detention of a suspect. Although the prosecution appealed against his decision, it was upheld by the court of second instance and a pro-government TV channel was obliged by the court to rectify this claim after the organisers launched a lawsuit against it: See: Hungarian Association of Judges, *Jogerős döntés a sajtó-helyreigazítási perben [Final judgment in the press rectification case]*, 6 August 2025, <https://mabie.hu/hirek/jogeros-doentes-a-sajtohelyreigazitasi-perben>.

^{xxx} See: <https://helsinki.hu/elnoki-megtorlas-a-kurian-a-kritikus-velemenyekkel-szemben/>.

^{xxxi} *Contributions of Hungarian CSOs to the European Commission’s Rule of Law Report*, January 2026, https://helsinki.hu/en/wp-content/uploads/sites/2/2026/01/HUN_CS0_contribution_EC_RoL_Report_2026.pdf, pp. 19–21.

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