

15 April 2026, Budapest

**Council of Europe**  
**DGI – Directorate General of Human Rights and Rule of Law**  
**Department for the Execution of Judgments of the ECHR**

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**Subject: NGO communication with regard to the execution of the judgment of the European Court of Human Rights in the *Kenedi v. Hungary* case (Application no. 31475/05, Judgment of 26 May 2009)**

Dear Madams and Sirs,

The Hungarian Civil Liberties Union (HCLU), the Hungarian Helsinki Committee (HHC), K-Monitor and Transparency International Hungary (TI Hungary) hereby respectfully submit their observations under Rule 9(2) of the “Rules of the Committee of Ministers for the supervision of the execution of judgments and of the terms of friendly settlements” regarding the execution of the judgment of the European Court of Human Rights (hereafter: the Court) in the *Kenedi v. Hungary* case (Application no. 31475/05, Judgment of 26 May 2009).

The present observation follows the joint communication submitted regarding the execution of the judgment in the *Kenedi v. Hungary* case by the HCLU and the HHC in July 2022 (hereafter: 2022 NGO communication),<sup>1</sup> and the joint communication submitted by the above-mentioned four civil society organisations in May 2024 (hereafter: 2024 NGO communication).<sup>2</sup> For background information on the mandate and relevant expertise of the civil society organisations submitting the present communication, see the introduction of the 2024 NGO communication.

## EXECUTIVE SUMMARY

The *Kenedi v. Hungary* case originated in a freedom of information lawsuit brought by the applicant against a ministry because it refused to grant him access to documents concerning the Hungarian secret services for the purpose of historical research, and then failed to comply with the domestic court judgment authorising him to access the documents. In 2009, the Court ruled that the excessive length of the ensuing enforcement proceedings in respect of the judgment authorising the applicant’s access to documents had violated his rights under Article 6(1) of the European Convention on Human Rights; concluded that the applicant’s right to freedom of expression (Article 10 of the Convention) had been violated on account of the continued resistance of the authorities to grant the applicant access to the above documents; and that the lack of an effective remedy in this respect violated Article 13 in conjunction with Article 10 of the Convention.

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<sup>1</sup> DH-DD(2022)832, [https://hudoc.exec.coe.int/?i=DH-DD\(2022\)832E](https://hudoc.exec.coe.int/?i=DH-DD(2022)832E)

<sup>2</sup> DH-DD(2024)671, [https://hudoc.exec.coe.int/?i=DH-DD\(2024\)671E](https://hudoc.exec.coe.int/?i=DH-DD(2024)671E)

In December 2024, the Committee of Ministers transferred the case to the **enhanced supervision procedure** to avoid further delay in execution, and “called on the authorities to adopt additional targeted general measures (i) to address the reoccurring reluctance of state authorities to comply with the domestic courts’ orders granting access to documents, and (ii) to ensure that effective and genuinely coercive enforcement tools are available for the implementation of such orders”. However, to date, **the Hungarian government has failed to adopt any general measures to address systemic non-compliance with court judgments granting access to public interest information.** The Government has not introduced any legal or administrative changes, and non-compliance with court judgments by public authorities **remains widespread in practice.** The **Government’s latest action report** from 2026 **does not propose meaningful solutions and avoids acknowledging underlying problems.** Instead, the Government maintains, without evidence, that the *Kenedi v. Hungary* case represents an isolated incident – a claim that is contradicted by the Government’s own data.

The petitioners submit that the **systemic causes behind the non-compliance with freedom of information judgments continue to persist.** These include the lack of effective and genuinely coercive enforcement tools: compliance relies mainly on fines that are too low and rarely applied, lacking deterrent effect. Enforcement proceedings are overly formalistic, costly, and slow, often discouraging claimants and deficiencies reducing the efficiency and accessibility of the procedure. The excessive length of enforcement proceedings has not been addressed by the Government either. Criminal sanctions for non-compliance exist but are almost never used, with very few indictments or court decisions in recent years, and authorities can avoid consequences by disclosing data late, undermining accountability. Data on enforcement is not published proactively and is not available via freedom of information requests, while the data provided by the Government in its action report are incomplete, making it difficult to assess the scale of the problem.

Overall, persistent legal, institutional, and practical shortcomings continue to undermine effective enforcement of freedom of information judgments in Hungary. Accordingly, the NGOs submitting the present communication are of the view that **the Hungarian government has not taken the necessary general measures to prevent the occurrence of similar violations** in the future, and, therefore, the judgment in the *Kenedi v. Hungary* case cannot be considered implemented.

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## 1. CONTEXT: FREEDOM OF INFORMATION IN HUNGARY

Imposing undue restrictions on freedom of information constitutes a **part of the general rule of law backsliding** in Hungary. This is also demonstrated by the fact that improving transparency and access to public information was established as a precondition of Hungary accessing EU funds from the Recovery and Resilience Facility (RRF). However, the respective RRF milestones have only been complied with partially or not at all,<sup>3</sup> and despite legislative changes adopted in the past years with a view to the milestones, severe deficiencies regarding freedom of information requests (and access to public information in general) remain.<sup>4</sup>

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<sup>3</sup> See: Amnesty International Hungary – Hungarian Helsinki Committee – K-Monitor – Transparency International Hungary, *Assessment of Hungary’s Compliance with Conditions to Access European Union Funds – Summary table*, November 2025, [https://helsinki.hu/en/wp-content/uploads/sites/2/2025/12/HU\\_EU\\_funds\\_assessment\\_2025\\_table.pdf](https://helsinki.hu/en/wp-content/uploads/sites/2/2025/12/HU_EU_funds_assessment_2025_table.pdf), Milestones 229, 230, 231 and 232.

<sup>4</sup> See e.g.: *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](https://helsinki.hu/en/wp-content/uploads/sites/2/2026/01/HUN_CS0_contribution_EC_RoL_Report_2026.pdf), pp. 55–56. and 68–70.

It is a widespread practice of data holders that they do not comply with freedom of information requests, reject them with vague justifications, or make extensive use of statutory exceptions that require keeping information confidential (referring to business secrets or that the documents asked for are “preparatory materials” for certain decisions). In a recent decision, the Constitutional Court held that courts lack the power to review the grounds for refusal if a minister (as data holder) invokes the protection of foreign policy interests.<sup>5</sup> This results in remedies remaining merely formal in cases where the minister decides on restricting publicity, even though case law shows that ordinary courts retained the right to determine the absence of a foreign policy interest with respect to certain data.

In the past two years, the Parliament adopted legal changes that define new legal grounds to refuse freedom of information requests. As far as lawsuits launched to access information are concerned, new litigation rules in force since 2023 have indeed significantly speeded up access to information court cases, but the fast-track rules can in many cases be burdensome for the data requesters, who are usually private individuals or NGOs with no or limited resources, whereas their opponents, i.e., the data holders normally rely on vast financial resources and benefit from robust legal infrastructures.<sup>6</sup> In addition, the lack of equality of arms in these processes has not been addressed, and the rules disproportionately distribute the burden of proof (e.g., court precedents allow for the defendant, i.e. the data holder, to invoke new grounds to justify the denial of the public interest information request during the court process). Moreover, the case law of the Kúria (Hungary’s apex court) has become alarmingly controversial in freedom of information cases. Further examples for deficiencies include that the Parliament has failed to address to this day a constitutional omission identified by the Constitutional Court in 2020 regarding the lack of effective judicial remedy for data requesters in certain scenarios.<sup>7</sup>

Finally, it has to be stressed that the anomalies around the *implementation* of freedom of information judgments were not addressed by the RRF milestones or any of the legal changes of the past years.

## 2. LACK OF GENERAL MEASURES TO ADDRESS THE SYSTEMIC CAUSES OF NON-COMPLIANCE WITH FREEDOM OF INFORMATION JUDGMENTS

In its decision issued in December 2024,<sup>8</sup> in which it decided to transfer the *Kenedi v. Hungary* case to the enhanced supervision procedure to avoid any further delay in the execution, the Committee of Ministers

*“called on the authorities to adopt additional targeted general measures (i) to address the reoccurring reluctance of state authorities to comply with the domestic courts’ orders granting access to documents, and (ii) to ensure that effective and genuinely coercive enforcement tools are available for the implementation of such orders”.*

However, to this date, **the Hungarian government has failed to take any general measures** aimed at addressing the reoccurring reluctance of state authorities to comply with relevant court judgments or the systemic causes thereof, including the lack of effective and genuinely coercive enforcement tools to facilitate the implementation of these judgments. **The lack of any legal or administrative**

<sup>5</sup> Decision no. 3200/2025. (VI. 23.) of the Constitutional Court. Available at: <https://alkotmanybirosag.hu/ugyadatlap/?id=36637F787B44FD2BC12589200039F5F1>. For an English summary, see: <https://hunconcourt.hu/datasheet/?id=36637F787B44FD2BC12589200039F5F1>.

<sup>6</sup> See e.g.: [https://k.blog.hu/2024/01/16/k-monitor\\_s\\_report\\_on\\_the\\_hungarian\\_freedom\\_of\\_information\\_laws\\_adopted\\_in\\_the\\_conditionality\\_proced](https://k.blog.hu/2024/01/16/k-monitor_s_report_on_the_hungarian_freedom_of_information_laws_adopted_in_the_conditionality_proced).

<sup>7</sup> Decision 7/2020. (V. 13.) of the Constitutional Court, listed as not implemented on the Parliament’s website here: <https://www.parlament.hu/az-orszaggyules-donteseire-vonatkozó-alkotmanybirosagi-hatarozatok>.

<sup>8</sup> CM/Del/Dec(2024)1514/H46-41, <https://search.coe.int/cm?i=090001680b296a8>

**changes is coupled with a lack of change in the practice:** based on the experiences of NGOs and attorneys in the field, and based on relevant media reports, the problem that state authorities and public bodies do not comply with freedom of information judgments obliging them to provide access to data very much persists, along with the lack of effective enforcement of these judgments. (For individual examples, see Section 5. of this communication.)

The lack of progress in terms of general measures is clearly demonstrated by the fact that **the Revised Action Report** submitted by the Government on 1 April 2026 (hereafter: Revised Action Report of 2026) **does not foresee any kind of general measure**, and, in particular, does not foresee any kind of general measure that would be suitable to address the systemic issues underlying the state authorities' recurring non-compliance with freedom of information judgments. In fact, the Revised Action Report of 2026 does not acknowledge any of the factors contributing to the problem, and **features mostly irrelevant information** in the part titled "II. General measures":

- Sections 1., 2. and 3. cover the general legal framework concerning freedom of information and the procedure *preceding* a court judgment being delivered in a freedom of information case (including the procedure of the National Authority for Data Protection and Freedom of Information, NAIH);
- Sections 4. and 5. contain a mere general outline of the enforcement system, without acknowledging any of the relevant problems and systemic shortcomings;
- Section 6. refers to the ratification of the Council of Europe Convention on Access to Official Documents (the Tromsø Convention) by Hungary and the report of the Convention's monitoring mechanism, even though the Notes on the Agenda accompanying the Committee of Ministers' decision of December 2024 made it clear that the baseline evaluation referred to "did not examine or make findings on the implementation of the relevant legal provisions, including the enforcement of domestic court judgments granting access to information, the source of the violation found by the Court", and, therefore this reference is not relevant.<sup>9</sup>

Furthermore, it shall be pointed out that the Revised Action Report of 2026 is, save for one new sentence on the number of enforcement proceedings in Section 4., **word for word the same as the action report submitted by the Government in October 2024**,<sup>10</sup> underlining the fact that **the Government has taken no steps whatsoever to implement the Court's judgment in the *Kenedi v. Hungary* case since the case was transferred to the enhanced supervision procedure in December 2024.**

Crucially, the Government maintains that the *Kenedi v. Hungary* case "appears to constitute an isolated incident", and that "cases brought before the court generally end with the proper enforcement of the judgments" (see Sections 7. and 8. of the Revised Action Report of 2026). However, the Government fails to put forth any kind of evidence or data that would support these statements, and **fails to refute in any meaningful way the research results, experiences, and concrete examples by CSOs and attorneys** presented in the 2022 and 2024 NGO communications. The only argument the Government presents in this regard is that "[t]here have been no other cases communicated by the Court against Hungary in respect of this problem", which cannot be considered as evidence in itself proving that the problem widely experienced and reported by Hungarian NGOs and lawyers does not exist. Furthermore, in Section 4. of the Revised Action Report of 2026, **the Government itself acknowledges that between 2021 and 2025, 58 enforcement proceedings were ordered in freedom of information cases, which in itself refutes the claim that the *Kenedi v.***

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<sup>9</sup> CM/Notes/1514/H46-41, <https://hudoc.exec.coe.int/?i=CM/Notes/1514/H46-41E>

<sup>10</sup> DH-DD(2024)1203, [https://hudoc.exec.coe.int/?i=DH-DD\(2024\)1203E](https://hudoc.exec.coe.int/?i=DH-DD(2024)1203E)

**Hungary case is an “isolated incident”.** (For further context on these numbers, see Section 4. of the present communication.) This outright denial of the problem impedes any potential progress, and the Government’s approach in this regard seems to be closely linked to the generally restrictive approach of the current government and governing majority towards freedom of information, as summarised above.

Based on the above, the NGOs submitting the present communication are of the view that **the Government has failed to comply with the decision of the Committee of Ministers** delivered in December 2024.

### **3. PERSISTING SYSTEMIC CAUSES OF NON-COMPLIANCE WITH FREEDOM OF INFORMATION JUDGMENTS**

The general approach of the Government and the governing majority towards freedom of information as demonstrated by the summary in Section 1. of the present communication can naturally permeate state authorities’ approach to freedom of information requests and court judgments ordering them to grant access to documents. This is exacerbated by a series of systemic deficiencies heavily contributing to the non-execution of domestic court judgments ordering state authorities to disclose public data, which continue to prevail and have not been addressed by the Government in any way, defying the Committee of Ministers’ decision. Below, we reiterate and summarise these main deficiencies leading to non-compliance of freedom of information judgments, which we presented in detail in the 2022 and 2024 NGO communications.<sup>11</sup>

#### **3.1. Lack of effective enforcement tools to enforce compliance with judgments**

From an enforcement perspective, the first difficulty in freedom of information cases is the **lack of effective and genuinely coercive enforcement tools**, as also pointed out by the Committee of Ministers’ decision of December 2024. **Enforcement in freedom of information cases is in fact only possible through imposing a fine**, since without the active involvement and cooperation of the respondent, the data requester cannot access the data, so the possibilities for enforcement that exist in other types of cases (namely that the person initiating the enforcement procedure carries out the enforceable action themselves at the respondent’s cost) are not available. It is questionable, however, what deterrent effect a fine of up to HUF 500,000 (approx. 1,330 EUR) per instance that can be imposed in an enforcement procedure on the authority/body under the applicable rules<sup>12</sup> can actually have, especially if, as experience shows, the courts are reluctant to use the possibility of imposing fines to the fullest possible extent. Thus, the sanction system available is inadequate and the courts do not apply even these inadequate sanctions, and, as a result, **the sanction regime has no deterrent or dissuasive effect.**

#### **3.2. General deficiencies of the enforcement proceedings**

As presented in the 2022 NGO communication in detail, the enforcement proceeding, as regulated by Act LIII of 1994 on Judicial Enforcement, **suffers from deficiencies in general that hinder its effective functioning and may deter petitioners from launching an enforcement proceeding at all, leaving court decisions non-executed.** In particular, the enforcement proceeding remains over-formalized and hard to access. As reported by lawyers, the enforcement procedure is a “**costly and lengthy** legal

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<sup>11</sup> See also: *Non-Execution of Domestic and International Court Judgments in Hungary*, 2021, [https://helsinki.hu/en/wp-content/uploads/sites/2/2021/12/HHC\\_Non-Execution\\_of\\_Court\\_Judgments\\_2021.pdf](https://helsinki.hu/en/wp-content/uploads/sites/2/2021/12/HHC_Non-Execution_of_Court_Judgments_2021.pdf), Chapter 1.1.1.

<sup>12</sup> Act LIII of 1994 on Judicial Enforcement, Article 174(c)

process which does not promise certain success”.<sup>13</sup> A number of **practical problems limit the procedure’s accessibility**, which put financial and administrative burdens on the plaintiffs initiating the enforcement, such as that even in proceedings in which parties are exempt from advancing the costs or which are not subject to costs, the winning party is obliged to advance the enforcement costs or the statutory part of it. In sum, data requesters have to devote considerable resources to a matter of public interest (the publicity of public interest information) as if it were a matter of pure private interest, which is exacerbated by the deficiencies of the enforcement proceedings.

Coupled with the issue outlined above that the sanction regime has no deterrent or dissuasive effect and combined with the potentially excessive length of enforcement proceedings, the issues limiting the accessibility of the procedure can easily lead to a situation where the plaintiff and their lawyer decide that it is not worthwhile to launch an enforcement procedure. This was confirmed by a research conducted by the HHC in 2021,<sup>14</sup> in which many of the lawyers surveyed reported that they felt that enforcement proceedings were too complicated, cumbersome, ponderous and bureaucratic.

Another issue is that in the case of so-called irreversible obligations, i.e. obligations that are irreversible by nature if fulfilled, the Kúria will automatically suspend enforcement in the event it receives an application for the review of the final decision. Such irreversible obligations include the disclosure of data of public interest. Furthermore, the newly introduced uniformity complaint procedure before the Kúria<sup>15</sup> has been set between the final judgment and its enforcement, thereby prolonging the disclosure of data. A uniformity complaint procedure may be initiated against a final decision, during which the Kúria automatically suspends enforcement. No time-limit is prescribed by law for this procedure, allowing it to delay the disclosure of the requested data indefinitely – even before enforcement proceedings could commence.

As far as the **excessive length of enforcement proceedings** is concerned, which, according to the decision of the Committee of Ministers, is examined in the *Gazsó v. Hungary* group of cases, the petitioners refer to the fact that in its March 2026 decision<sup>16</sup> regarding the *Gazsó v. Hungary* group of cases, the Committee of Ministers “reiterated their grave concern about the continued lack of any development” as regards the outstanding issue of compensatory remedy in respect of non-contentious civil proceedings, among others, which also covers enforcement proceedings. Thus, the Hungarian government has not taken any adequate general measures in this regard either.

### 3.3. Lack of criminal charges brought for non-compliance with judgments

In Hungary, the misuse of data of public interest is a criminal offence: according to Article 220(1)(a) of Act C of 2012 on the Criminal Code, anyone who conceals data of public interest from the data requester in violation of the provisions of the law on the disclosure of data of public interest, or **fails to comply with the obligation to disclose data after a court has issued a final and binding decision**

<sup>13</sup> <https://444.hu/2021/11/17/egymas-utan-mondjak-ki-a-birosagok-hogy-amit-a-kormany-media-csinal-annak-nincs-sok-koze-az-uj-sagiras-hoz>

<sup>14</sup> *Non-Execution of Domestic and International Court Judgments in Hungary*, 2021, [https://helsinki.hu/en/wp-content/uploads/sites/2/2021/12/HHC\\_Non-Execution\\_of\\_Court\\_Judgments\\_2021.pdf](https://helsinki.hu/en/wp-content/uploads/sites/2/2021/12/HHC_Non-Execution_of_Court_Judgments_2021.pdf). See in particular Chapters 1.1.1. and 1.1.4.

<sup>15</sup> Constituting a fourth instance of review, the Kúria’s uniformity complaint chamber holds powers to review and overrule the final and binding decisions delivered by other chambers of the Kúria, provided that the other chamber of the Kúria diverged from a published decision of the court on a point of law, or failed to remedy such divergence of a lower court in its decision. For further details, see: *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](https://helsinki.hu/en/wp-content/uploads/sites/2/2026/01/HUN_CS0_contribution_EC_RoL_Report_2026.pdf), pp. 88–89 (Question IV.11.) and pp. 90–92 (Question IV.13.).

<sup>16</sup> CM/Del/Dec(2026)1553/H46-23, <https://search.coe.int/cm/fre?i=09125948802aca9b>

**to disclose data of public interest, is liable for a criminal offence** punishable by imprisonment of up to two years. However, as the official statistics we presented in the 2024 NGO communication show, **in practice, indictments are filed very rarely** on this basis: for example, between 2018 and 2022, an indictment was filed in only 3 cases, while the reports were rejected in altogether 36 cases, the investigation/procedure was terminated in 40 cases, and the procedure was suspended in 2 cases.<sup>17</sup> Accordingly, as also demonstrated by official statistics included in the 2024 NGO communication, only very few criminal cases launched on the basis of Article 220(1)(a) of the Criminal Code reach the courts: for example, in 2022 and 2023 no relevant court decisions were delivered.<sup>18</sup>

In the 2022 and 2024 NGO communications, the petitioners presented a series of examples illustrating how criminal procedures tank in these cases, e.g. are **discontinued solely on the basis that the alleged perpetrator eventually disclosed the data requested** after the criminal procedure had been launched – further examples are included in Section 5. of the present communication. The petitioners acknowledge that disclosing the data after the criminal procedure is launched may be taken into account as a mitigating circumstance, but maintain that it does not annul the fact that the criminal offence has already been committed through non-compliance. Moreover, this practice allows offenders to ensure that public interest data only become public after their relevance has been lost or has diminished. Furthermore, data requesters do not have a strong standing in the criminal procedure even if they are the ones making the criminal report: they are not considered “victims”, and, therefore, they have less rights in the procedure, e.g. cannot submit a complaint against a decision terminating the investigation.

It has to be added that the Criminal Code focuses on individual criminal responsibility, and does not provide for the disclosure of the data as a consequence even in the case of a conviction, thus, criminal procedures can only have an indirect effect regarding access to the information sought.

#### 4. LACK OF ADEQUATE DATA

It continues to be the case that **there are no proactively published, detailed official statistics available on the number of cases** (either in general, or in freedom of information cases) **when court decisions are not executed** (with a view in particular to those instances where enforcement proceedings are not initiated), nor, for example, on the number of cases where a state/public authority or body does not execute the decision of a Hungarian court – this lack of data is itself a problem that needs to be addressed.

In addition, the petitioners recall that their earlier attempt to access the data necessary to evaluate the practice via targeted freedom of information request was unsuccessful: as detailed in the 2024 NGO communication, in May 2024, the Budapest-Capital Regional Court (*Fővárosi Törvényszék*, the court having jurisdiction in most freedom of information cases) refused the HHC’s freedom of information request to provide data on the number and proportion of enforcement proceedings launched in freedom of information cases, arguing that the court does not collect and record the respective data in its system.<sup>19</sup>

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<sup>17</sup> Source for 2018–2020: response of the Chief Prosecutor’s Office of 26 July 2022 to the HHC’s freedom of information request (LFIIGA//419-3/2022); source for 2021–2022: response of the Chief Prosecutor’s Office of 6 May 2024 to the HHC’s freedom of information request (LFIIGA//298-5/2024).

<sup>18</sup> Sources: responses of the National Office for the Judiciary of 27 July 2022 (2022.OBH.XII.B.42/5.) and of 2 May 2024 (2024.OBH.XII.B.24/4.) to the HHC’s freedom of information requests.

<sup>19</sup> Response no. 2024.El.IV.H.34/5. of 8 May 2024 of the Budapest-Capital Regional Court. The HHC asked for statistical data for the years 2019–2023 on the freedom of information lawsuits launched, the judgments delivered, and the enforcement proceedings launched in such cases, with a view to identify the exact proportion of freedom information

Nevertheless, in the Revised Action Report of 2026, the Government submitted the following:

*"In relation to litigation concerning access to data of public interest, enforcement proceedings were ordered in 42 cases at the district court level and in 16 cases at the tribunal (regional court) level **between 2021 and 2025**, amounting to a **total of 58 cases nationwide**."*

Although the petitioners welcome that the Government provided this data in the Revised Action Report of 2026, we maintain that publishing this data in an action report does not substitute the accessible and transparent publishing of this data on a government or court website. Furthermore, **the data is incomplete** in the sense that it does not provide a clear picture of the situation: in particular, **it does not provide information on the *proportion* of court cases in which the data requesters initiated enforcement proceedings, and, crucially, whether the enforcement proceedings have been successful and to what extent.**

As far as the proportions are concerned, the data request by the HHC referred to above may be instructive. In this request, the HHC asked for data covering the years 2019–2023 to which the Budapest-Capital Regional Court responded that providing the data would require the court to review the affected 515 freedom of information court cases one-by-one, which the court is not obliged to do. If we presume that the overall number of relevant court cases between 2021–2025 was roughly the same as between 2019–2023 (both periods covering five years), then the numbers provided by the Government would mean that there was a need to launch an enforcement proceedings in approximately 11% of all freedom of information cases between 2021–2025. This, again, refutes the claim that the *Kenedi v. Hungary* case is an isolated incident, especially considering that, as outlined above, data requesters do not necessarily initiate an enforcement proceedings in all the instances when it would be warranted.

In the petitioners' view, given that it is the state's duty to take the necessary general measures to prevent the occurrence of similar violations in the framework of its obligation to execute the Court's judgments, **it falls on the state to collect the adequate statistical and other data relevant from an implementation aspect.** Thus, it falls on the Government to take steps to ensure that relevant statistical data is gathered, to procure (independent) research into the issue, etc., with a view to providing an overarching and thorough assessment of the situation, which the Government has failed to do in this case.

## 5. RECENT EXAMPLES OF NON-COMPLIANCE WITH THE DOMESTIC COURTS' JUDGMENTS GRANTING ACCESS TO DATA

It is a widespread experience of lawyers and NGOs (both the authors of the present communication and beyond) that state/public authorities and public bodies frequently fail to comply with final domestic court decisions ordering data holders to make the requested data available. This is regularly reported publicly as well by the NGOs in question, and the petitioners shared relevant examples with the Committee of Ministers in both the 2022 and 2024 NGO communications. In this section, the petitioners present recent examples of relevant cases in which the issue of non-compliance emerged (mostly) since the 2024 NGO communication, also showing that in several cases considerable time passed since the final judgment (and the data request), but authorities still have not complied. The cases below include the petitioners' own cases and cases about which they were informed by attorneys providing representation to media outlets and other NGOs in freedom of information cases.

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judgments ordering state authorities or public bodies to disclose public data which are not executed (or, more precisely, the proportion of those in which the data requester initiated an enforcement proceedings).

	Court and case number	Date of the final judgment	Case summary	Enforcement proceedings
1.	Fővárosi Ítéltábla, Pf.20641/2021/4.	14 October 2021	The HCLU requested statistical data on COVID-19 infections from the National Centre for Public Health in 2020, during the pandemic. After the public authority failed to comply with the final judgment, the HCLU initiated enforcement proceedings and filed a criminal complaint. The authority disclosed the data in April 2022.	closed successfully; criminal procedure terminated
2.	Kúria, Pfv.IV.20.112/2023/5.	26 April 2023	In 2022, the Prime Minister's Government Office refused to disclose to K-Monitor the minutes and annexes of the Cabinet meetings held in 2009. K-Monitor won the case in 2023; however, the Government Office released only the minutes and not the annexes. As regards the annexes, it claimed that they no longer existed, without providing any further justification. K-Monitor requested the enforcement of the judgment, which the court granted. The Government Office then brought an action against K-Monitor, seeking the termination of the enforcement proceedings. The court dismissed the claim. Enforcement is still pending.	ongoing
3.	Kúria, Pfv.IV.21.243/2024/5.	29 January 2025	In 2023, the news portal 444 requested information from the Ministry of Foreign Affairs and Trade concerning which editorial offices had been invited to press briefings involving Minister Péter Szijjártó held at the Ministry and in Brussels in 2023, and which journalists had participated after email registration. Following the final judgment, the Ministry did not disclose the requested data. The news portal therefore sought enforcement of the judgment, which the court ordered. The Ministry subsequently brought an action against the news portal seeking the termination of the enforcement proceedings; the court dismissed the claim.	ongoing
4.	Fővárosi Ítéltábla, 2.Pf.20.584/2024/4.	6 February 2025	In the court case commenced by TI Hungary against the National Development Centre, a government agency charged with the disbursement of European Union funding, the Metropolitan Court of Appeals found in favour of the plaintiff and compelled the defendant	closed successfully; criminal procedure pending

			to hand out the feasibility study and the cost-benefit analysis of an EU-funded port development project. The defendant omitted to comply with the court's final judgment, therefore, TI Hungary filed a criminal complaint on 16 December 2025 and initiated enforcement proceedings on 13 December 2025. The National Development Centre forwarded the documents concerned on 16 December 2025. As the underlying data request was submitted on 28 May 2024, it took altogether more than a year and a half to obtain the information sought.	
5.	Fővárosi Ítéletábla, 9.Pf.20.637 /2024/4.	25 March 2025	In December 2023, K-Monitor requested data from the Hungarian Railways (MÁV) concerning the amount the state-owned company had paid for a ruling party's politician's law firm. While a final judgment ordering the disclosure had been delivered in March 2025, MÁV only disclosed the data on 11 February 2026, upon a formal notice indicating that enforcement proceedings would be initiated.	-
6.	Fővárosi Ítéletábla, 2.Pf.20.16 4/2025/4.	15 May 2025	In 2024, the news portal 444 requested information from the Ministry of Foreign Affairs and Trade concerning the cost of using the government VIP lounge at Budapest Liszt Ferenc International Airport. As the Ministry failed to disclose the data despite the final judgment, the court ordered enforcement.	ongoing
7.	Kúria, Pfv.IV.21.0 28/2025/7.	3 December 2025	In the case of the investigative news portal Átlátszo.hu's journalist Kornél Brassai, the Kúria found against the Ministry of Foreign Affairs and Trade, and ordered the publication of data relating to the costs of multiple travels by foreign minister Péter Szijjártó by airplane from Budapest to Osaka, Tokyo, Kyoto and to Baku and on the Budapest - Santiago di Chile - New York - Istanbul itinerary. The defendant failed to comply with final judgment, therefore a criminal complaint was submitted. Criminal procedure is underway at the moment of submission of the present communication.	not initiated yet; criminal procedure pending
8.	Fővárosi Ítéletábla, 9.Pf.20.575 /2025/6-II.	9 December 2025	The Prime Minister's Cabinet Office failed to comply with the final judgment in the court case commenced by TI Hungary to obtain contracts related to the Government's public	not initiated yet

			billboard campaign entitled "VOKS2025". The appeals court found for TI Hungary and ordered the publication of the contracts sought, which has not occurred.	
9.	Kúria, Pfv.21287/ 2025/5.	4 February 2026	In February 2025, Átlátszo.hu requested data from the Hungarian State Treasury concerning the amount of advance payments received from various European Union funds in 2022, 2023, 2024, and up to 13 February 2025, regarding from which local governments it had requested the repayment of grant advances due to a specific irregularity. Despite the Kúria's judgment in February 2026, Átlátszo.hu has still not received the data; if this does not occur by 17 April 2026, it will initiate enforcement proceedings.	not initiated yet
10.	Kúria, Pfv.IV.21.3 33/2025/7.	18 February 2026	In January 2025, Átlátszo.hu requested data from the Ministry of Construction and Transportation concerning the purchase agreement concluded with Strabag Europäische Gesellschaft. The Ministry has not yet provided the data after the Kúria's judgment; Átlátszo.hu plans to initiate enforcement proceedings in April 2026.	not initiated yet

## 6. RECOMMENDATIONS

For the reasons above and with a view to the rule of law relevance of the issue, the undersigned NGOs respectfully recommend the Committee of Ministers to **continue examining the execution of the judgment** in the *Kenedi v. Hungary* case **under the enhanced supervision procedure**.

Furthermore, we respectfully recommend the Committee of Ministers to call on the Government of Hungary to:

- **Provide efficient and genuinely coercive enforcement tools** for the instances when state/public authorities or bodies fail to comply with domestic court judgments, with a special regard to freedom of information cases. **Raise the maximum amount of fine that can be imposed** on state/public authorities and bodies for not complying with such judgments.
- Ensure that **criminal procedures** launched on the basis of non-compliance with the obligation to disclose data in violation of a final and binding court decision **are not discontinued solely on the basis that the alleged perpetrator eventually disclosed the data** requested after the criminal procedure had been launched.
- **Increase the accessibility of the enforcement proceedings** in general, by decreasing the overall financial and administrative burdens falling on plaintiffs initiating the enforcement of a court decision.

- Ensure that the **length of enforcement proceedings in freedom of information cases is reasonable**, and that **effective remedies** are introduced for protracted enforcement proceedings, including a compensatory remedy.
- Ensure that the Hungarian authorities **collect and proactively publish the data necessary to assess the implementation** of the judgment in the *Kenedi v. Hungary* case, including disaggregated data on the number and proportion of cases where it is a state/public authority or body that does not execute the decision of a Hungarian court regarding freedom of information, the number and proportion of enforcement proceedings launched against state/public authorities or bodies in freedom of information cases, and the number and proportion of successful enforcement proceedings.

Sincerely yours,

Máté Szabó  
 Director of Programs  
 Hungarian Civil Liberties  
 Union

András Kristóf Kádár  
 Co-Chair  
 Hungarian Helsinki  
 Committee

Sándor Léderer  
 Director  
 K-Monitor

Miklós Ligeti  
 Legal Director  
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