



OSCE Warsaw Human Dimension Conference 2025

Plenary Session 5: Rule of Law II Law-making

10 October 2025

The Hungarian Helsinki Committee (HHC), founded in 1989, is an independent human rights watchdog dedicated to protecting human dignity through legal and public activities. The Hungarian Helsinki Committee wishes to draw the attention of the Organisation for Security and Co-operation in Europe (OSCE) to systemic deficiencies in Hungary's legislative process. Transparent, inclusive and predictable law-making is a cornerstone of democratic governance and the rule of law. In Hungary, however, legislative processes have increasingly departed from international and European standards, undermining legal certainty, participation, and oversight.

Since 2010, the Hungarian Parliament has adopted a large number of legislative acts that significantly reshaped the legal and institutional landscape of the country. Over time, law-making has become less transparent, more centralised, and less participatory. Consultation procedures are often formalistic, parliamentary scrutiny is weakened by the pace and modalities of legislative work, and exceptional legal regimes allowing the government to rule-by-decree have been normalised. These developments have serious consequences for the separation of powers and the protection of fundamental rights.¹

1. Public Consultation on Draft Laws

The legal framework formally provides for public consultation on draft laws prepared by the Government. Draft legislation should be published on a central online platform, with stakeholders given time to comment. In principle, this allows for participation by civil society, experts, and the public.

In practice, consultations are formalistic and devoid of meaningful participation, let alone consideration of input by those participating in it. Draft laws are frequently published with extremely short consultation periods, sometimes only a few days, making meaningful input impossible. In any case, comments submitted are simply dismissed in bulk as "not in line with the aim of the legislator", often not addressed or acknowledged by the Government at all.

Even the weak consultation framework is regularly circumvented. Government MPs or parliamentary committees often introduce major legislative proposals. Such proposals are not subject to any mandatory public consultation, even when they concern issues of major public importance. This practice has been used systematically² to avoid scrutiny and expedite the adoption of controversial

¹ See in detail the HHC's related submission of 2024 to the WHDC, https://helsinki.hu/en/wp-content/uploads/sites/2/2024/10/OSCE-Warsaw-Human-Dimension-Conference_Independence-of-the-judiciary_HU-CSO-input_04102024.pdf.

² For further examples, see the HHC's mapping paper: https://helsinki.hu/en/wp-content/uploads/sites/2/2025/08/HHC_law-making_process_mapping_paper_2025.pdf, pp. 15-17.

legislation, including amendments to the Fundamental Law,³ which, as the fundamental legal document of Hungary as a political community, should be subject to the widest and most inclusive possible societal consultation. The restriction of freedom of assembly in order to attempt to provide grounds for banning LGBT+ public assemblies was not only submitted by individual MPs, but rushed through Parliament in one day.⁴ One of the most significant judicial reform of the past decade was introduced as a (set of) amendment(s) by the Legislative Committee to a bill on asset declarations.⁵

2. Parliamentary Law-Making

Hungary's legislative output remains extremely high. The number of laws adopted annually is far above the EU average. Draft laws are often adopted within a matter of days, leaving little time for meaningful debate or expert input. This practice undermines legal certainty and the quality of legislation.

The practice of introducing last-minute amendments through the Parliamentary Legislative Committee has become entrenched. Substantial changes are often inserted into bills just before final votes, bypassing committee scrutiny and public debate. This undermines transparency and predictability, and in several instances has affected key areas such as the judiciary.

Opposition MPs face severe limitations in influencing the legislative process. Procedural rules favour the governing majority and restrict the opposition's ability to table meaningful amendments or delay the passage of legislation. Sanctions and disciplinary measures against opposition MPs have further constrained their role.⁶

3. Proliferation of special legal orders and rule-by-decree

Since 2020, the Government has continuously maintained a "state of danger," a special legal order that enables it to rule by decree. Originally introduced in response to the COVID-19 pandemic, it has since been extended on multiple occasions, since Russia's full-scale invasion of Ukraine, on the grounds of the war. This has allowed the Government to bypass Parliament for extended periods.⁷

Under the state of danger, the Government has adopted hundreds of decrees affecting a wide range of policy areas, overriding acts of parliament, restricting fundamental rights, along with a number of decrees that intervened in ongoing administrative, legal or criminal procedures, leading to a significant shift in the balance of powers.

³ See for example the 15th amendment to the Fundamental Law, submitted by individual MPs: <https://www.parlament.hu/irom42/11152/11152.pdf>.

⁴ See the 2025 amendment to the Assembly Act, submitted by individual MPs: <https://www.parlament.hu/irom42/11201/11201.pdf>.

⁵ See details, see: Erika Farkas – András Kádár, Restoring the Rule of Law by Breaching it: Hungary's Judicial Reform and the Principle of Legality. Verfassungsblog, 10 July 2023, <https://verfassungsblog.de/restoring-the-rule-of-law-by-breaching-it/>.

⁶ See in detail HHC's mapping paper of August 2025: https://helsinki.hu/en/wp-content/uploads/sites/2/2025/08/HHC_law-making_process_mapping_paper_2025.pdf.

⁷ For an overview of the various special legal orders and states of crisis, see the HHC's briefing paper: https://helsinki.hu/en/wp-content/uploads/sites/2/2024/04/HHC_Hungary_states_of_exception_20240402.pdf.

The fully occupied Constitutional Court is unable to provide effective oversight and protection against the overreach of the executive.⁸

Recommendations

The deficiencies described above reflect a structural erosion of legislative standards. Consultation mechanisms are formalistic or bypassed, parliamentary law-making is rushed and dominated by the executive, and exceptional powers have been normalised. These trends are incompatible with OSCE commitments on democratic governance and the rule of law.

The Hungarian Helsinki Committee calls on the OSCE and OSCE participating States to:

1. **Urge the Government of Hungary** to ensure meaningful public consultation on all draft laws, including adequate timeframes and proper consideration of input received.
2. **Urge the Government of Hungary** to put in place effective legal consequences for breaches of the legislative authorities' consultation obligations, including the nullity of legislation adopted in this manner.
3. **Call on the Parliament** to ensure that all significant legislative proposals are discussed in a manner and at a pace that provides effective public engagement and debate and reduce the use of exceptional procedures that exclude participatory debate and decision-making .
4. **Encourage the Parliament** to adopt procedural rules that allow for thorough debate and meaningful participation by all parliamentary groups, including the opposition.
5. **Urge the Government** to end the prolonged use of special legal orders and restore ordinary parliamentary law-making as the default mode of governance.
6. **Urge the Government and the Parliament** to fully observe the requirements set out in "ODIHR Brief: Guiding Principles of Democratic Lawmaking and Better Laws".

⁸ See in detail https://helsinki.hu/en/wp-content/uploads/sites/2/2025/01/HUN_CS0_contribution_EC_RoL_Report_2025.pdf pp. 77-79.