

Franet National contribution to the Fundamental Rights Report 2021

{Hungary}

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Policy and legal highlights 2020

Franet country study: policy and legal highlights 2020	
Issues in the fundamental rights institutional landscape	Equal Treatment: The Parliament adopted a law that terminated the Equal Treatment Authority and transferred its powers to the Commissioner for Fundamental Rights (the ombudsperson).
EU Charter of Fundamental Rights	Implementation of the Charter: reference to the EU Charter can be found most often in judicial decisions, where the Charter was mainly used as a tool of fundamental rights interpretation (e.g. effective remedy, fair trial) and compliance with the EU law. Other sources of EU law (e.g. EU treaties) and references to the relevant jurisprudence of the European Court of Justice usually accompany it.
Equality and non-discrimination	LGBTI people: The 9th Amendment of the Fundamental Law adds the following sentence to the definition of a family: 'The mother is a woman and the father is a man'. A new omnibus law prohibits the legal recognition of gender change for trans and intersex people.
Racism, xenophobia & Roma integration	The Gyöngyöspata Roma school segregation case: the Supreme Court awarded compensation to 63 plaintiffs who suffered segregation in education. After the judgment, the Parliament amended the law on education to exclude pecuniary compensation in similar cases, and introduced a special compensation regime "in the form of education and training service".
Asylum & migration	Transit zones: The government closed the transit zones at the Southern border, and access to asylum has been further restricted. According to the new regulation , a statement of intent must be submitted at one of the Hungarian diplomatic missions.
Data protection and digital society	The Operational Group: The new governmental body established to propose measures to the containment of Coronavirus, can obtain and manage a large number of sensitive data available in the patient care systems, in public health administration and in the Electronic Health Service Space.
Rights of the child	Amendment of the Criminal Code: Under the new rules , children over the age of 12 can be punished for criminal offences of homicide, voluntary manslaughter, battery, acts of terrorism, robbery.

Access to justice, including victims of crime	Amendment of the Criminal Code: Act CVIII of 2020 amended the Criminal Code, which now excludes the early conditional release of those who committed serious crimes against a family member.
Convention on the Rights of Persons with Disability	CRPD Committee: The Committee found in its report that Hungary systematically violates rights of persons with disabilities in various ways e.g. placement under guardianship, persistent prevalence of institutionalisation, lack of access to housing, barriers to access inclusive education, limited provision of health care.

Chapter 1. Equality and non-discrimination

1. Legal and policy developments or measures relevant to fostering equality and combating discrimination against LGBTI and older people.

LGBTI people

On 19 May, the Parliament adopted an omnibus bill¹ (one bill amending a diverse set of laws), including an amendment that reverses the legal recognition of gender change for trans and intersex people, making it impossible in Hungary.² As a result, the birth sex of the person concerned, as indicated on their birth certificate and in the registry, would be included on all identification documents (e.g. passport, ID). This prevents changes of first name for transgender people, for example.

¹ Hungary, Act XXX of 2020 on the amendment of certain laws related to public administration and on donating property (2020. évi XXX. törvény egyes közigazgatási tárgyú törvények módosításáról, valamint ingyenes vagyonjuttatásról), available at http://njt.hu/cgi_bin/njt_doc.cgi?docid=219744.384127.

² Article 33 of Act XXX of 2020, amending Act I of 2010 on civil registration procedure (2010. évi I. törvény az anyakönyvi eljárásról). For a translation of the Article and its analysis in English, see Balogh, L. H. (2020), 'Amendment of the provisions on legal recognition of gender'. European network of legal experts in gender equality and non-discrimination, 30 June 2020, available at: <https://www.equalitylaw.eu/downloads/5168-hungary-amendment-of-the-provisions-on-legal-recognition-of-gender-137-kb>.

The amendment gained international attention,³ with international and European bodies such as the European Parliament⁴, the Council of Europe’s Commissioner for Human Rights⁵ and the UN High Commissioner for Human Rights calling on Hungary to repeal it.⁶ A petition launched by Amnesty International Hungary⁷ called on the Commissioner for Fundamental Rights (ombudsperson) to use their power to request a review by the Constitutional Court and drew over 100,000 signatories.⁸ Ten NGOs supported the initiative, and on 30 November 2020 issued a joint letter, repeating their call on the ombudsperson to act on the anti-LGBTI policies of the Government.⁹ By the end of the year, however, the ombudsperson has not addressed their request or taken any action on the matter.

Háttér Society (*Háttér Társaság*), the largest LGBTI non-governmental organisation (NGO) in Hungary, filed *amicus curiae* to the Constitutional Court in a case that was pending at the time of the adoption of the law in May 2020, arguing that the earlier regulatory framework was inadequate. The document argued that Hungary did not comply with established international and European standards of gender recognition and the legislation was thus unconstitutional. In a statement of August 2020, the NGO maintained that, although the legal environment has significantly changed since a court submitted the initiative in March 2020, the Constitutional Court still had the opportunity to examine the current legal framework in this procedure and to establish that the legislature must ensure that the official documents of trans and intersex people include their

³ Háttér (2020), ‘Hungarian Parliament passes bill to ban legal gender recognition’, 19 May 2020, <http://en.hatter.hu/news/bill-ban-lgr>; Háttér (2020), ‘Hungarian government proposes bill to ban legal gender recognition amid COVID chaos’, 2 April 2020, available at: <http://en.hatter.hu/news/hungarian-government-proposes-bill-to-ban-legal-gender-recognition-amid-covid-chaos>.

⁴ European Parliament (2020), Resolution on EU coordinated action to combat the COVID-19 pandemic and its consequences (2020/2616(RSP)), P9_TA(2020)0054EU, Brussels, 17 April 2020, available at: https://www.europarl.europa.eu/doceo/document/TA-9-2020-0054_EN.pdf, para. 48.

⁵ Council of Europe Commissioner for Human Rights (2020), 2 April 2020, available at: <https://www.facebook.com/CommissionerHR/posts/1512688642240374>.

⁶ UN High Commissioner for Human Rights (2020), ‘COVID-19 and the Human Rights of LGBTI People’, 17 April 2020, available at: <https://www.ohchr.org/Documents/Issues/LGBT/LGBTIpeople.pdf>.

⁷ Amnesty International (2020), ‘Védjük meg a transz embereket: írj az ombudsmannak!’ available at: <https://www.amnesty.hu/petition/transz-jogok/>.

⁸ Háttér (2020), ‘Már több mint 100 ezren kéri Kozma Ákos ombudsmantól, hogy végezze a munkáját’, 2 July 2020, available at: <http://hatter.hu/hirek/mar-tobb-mint-100-ezren-kerik-kozma-akos-ombudsmantol-hogy-vegezze-a-munkajat>.

⁹ Amnesty International Magyarország (2020), ‘Levél Kozma Ákos ombudsmannak – nyilvánosság figyelmének felhívása jogsértés veszélyére, valamint alapvető jogokat érintő jogszabály megalkotásának elhalasztására’, 30 November 2020, available at: https://hatter.hu/sites/default/files/dokumentum/egyesuleti_hir/tg-t13467est13468-amnesty-20201202.pdf.

names and gender in accordance with their gender identity.¹⁰ No decision has been identified in the case by the end of the year.

Just three months before the adoption of the law, the Pécs Administrative and Labour Court (*Pécsi Közigazgatási és Munkaügyi Bíróság*) presided over a case showing that the inadequacy of the earlier regulation had led to authorities' inaction in cases of legal recognition of change of name and gender. At issue was that the rules established in 2014 for the legal recognition of gender change and the procedures for name change were too general, with a lack of clarity on the competent authority in these cases. Various administrative authorities, including the Ministry of Human Resources (*Emberi Erőforrások Minisztériuma*), refused responsibility for the name-changing procedures of trans people and legal recognition of their gender change. In its judgment, the Court acknowledged the legal uncertainty and clarified that the Budapest government agency (*Budapest Főváros Kormányhivatala*) was responsible for the procedure, including the acquisition of the expert reports that form part of the procedure.¹¹

In November 2020, the Miskolc Municipal Tribunal (*Miskolci Törvényszék*) referred an administrative case to the Constitutional Court, which an applicant, whose request for changing their gender and name in the official documents the authorities had denied, initiated. Háttér Society supported the case, which challenged the above-mentioned amendment introducing restriction on official recognition of gender change and which became applicable to ongoing proceedings as well. The applicants argued that the new provisions are incompatible with the Fundamental Law and international obligations, and violate an already acquired right and the prohibition of retroactive legislation. The Constitutional Court shall rule on the matter in 90 days from the receipt of the court's initiative.¹²

Two months after the law passed, in a formally separate case, the European Court of Human Rights (ECtHR) decided on an earlier application and ruled that Hungary cannot deny legal gender recognition to non-Hungarian citizen legal residents.¹³

Media sources reported of a wedding where, under the new law and most likely against the legislators' intent, a transsexual couple could legally marry, given that

¹⁰ Háttér (2020), 'Az Alkotmánybírósághoz fordultunk az alaptörvény-ellenes 33. § kapcsán', 12 August 2020, available at: <http://hatter.hu/hirek/az-alkotmanybirosaghoz-fordultunk-az-alaptorveny-ellenes-33-ss-kapcsan>.

¹¹ Háttér (2020), 'Bíróság: Nem szabotálhatja tovább a kormányhivatal a transzneműek kérelmeinek érdemi vizsgálatát', 24 February 2020, available at: <http://hatter.hu/hirek/birosag-nem-szabotalhatja-tovabb-a-kormanyhivatal-a-transznemuek-kerelmeinek-erdemi>.

¹² Háttér (2020), 'Miskolci Törvényszék: Alaptörvény-ellenes a transz emberek nemének jogi elismerését tiltó törvény', 24 November 2020, updated on 9 December 2020, available at: <https://hatter.hu/hirek/miskolci-torvenyszek-alaptorveny-ellenes-a-transz-emberek-nemenek-jogi-elismereset-tilto>.

¹³ European Court of Human Rights (ECtHR), *Rana v. Hungary*, No. 40888/17, 16 July 2020, available at: <http://hudoc.echr.coe.int/eng?i=001-203563>; Háttér (2020), 'European Court of Human Rights: Hungary should allow legal gender recognition for non-citizens', 16 July 2020, available at: <http://en.hatter.hu/news/ecthr-hungary-should-allow-lgr-for-non-citizens>.

one of them completed the legal transition while her partner was still registered as a man.¹⁴

In December 2020, the Constitutional Court came to a decision in a case that the (then) ombudsperson in 2013 initiated, for constitutionality review of the 2012 Civil Code's provisions regarding the concept of close relative. The decision clarifies that those living in a registered partnership, an institution reserved for same-sex couples, should be legally considered as close relatives, despite the omission of a reference to registered partnership in the relevant definition in the Civil Code. Háttér Society welcomed the decision, as it confirms that registered partners enjoy the same rights as spouses in this field. According to the NGO, "the problem is not with the text of the law, but with the practice of law enforcement. Even more than a decade after the law came into force, employees of government offices or municipalities, notaries, banks, or other law enforcement authorities may not be aware of the rules governing registered partnerships."¹⁵

A ninth amendment bringing comprehensive changes to the Fundamental Law, adopted at the end of the year,¹⁶ introduced provisions that further undermine the equality of LGBTI people. Article L) already includes an exclusive definition of marriage as between a man and a woman, and an understanding of family based on this restricted definition. Now a sentence is added, declaring that the "mother is a woman, the father is a man". Furthermore, reference is added in Article XVI to "the right of the child to identity corresponding to the sex of birth", a formulation that uses the language of rights to implement a restriction of rights for trans people. The same clause refers in a similar fashion to Hungary providing education based on national identity and Christian culture. In addition, another Law adopted on 15 December 2020 for amending certain laws related to justice affairs restricts the right of adoption of individual parents, making it only possible under the new regulation in extraordinary circumstances.¹⁷

Eleven NGOs signed an open letter in protest on the International Day of the Rights of the Child, highlighting, among others, the likely impact of the changes, namely that more children will remain in foster care instead of being adopted to non-

¹⁴ See for example Szabo, B., Kaufmann, B. (2020) 'Transgender couple wed in Hungary, land of growing homophobia', *Reuters*, 6 November 2020, available at: <https://www.reuters.com/article/us-hungary-lgbt-wedding-idUSKBN27M235>.

¹⁵ The decision has not been published yet on the website of the Court. For summary of the case see Háttér Society (2020), 'Alkotmánybíróság: az azonos nemű bejegyzett élettársak is közeli hozzátartozók', 18 December 2020, available at: <https://hatter.hu/hirek/alkotmanybirosag-az-azonos-nemu-bejegyzett-elettarsak-is-kozeli-hozzatartozok>.

¹⁶ Ninth Amendment to the Fundamental Law of Hungary, 22 December 2020, available at <https://magyarkozlony.hu/dokumentumok/39c159f76bc2bf29e090c0966f0941963ffab3f9/letoltes>.

¹⁷ Hungary, Act No. 165 of 2020 amending certain laws related to justice affairs (2020. évi CLXV. Törvény az egyes igazságügyi tárgyú törvények módosításáról), available at http://njt.hu/cgi_bin/njt_doc.cgi?docid=246475.417077.

traditional families.¹⁸ Háttér also underlines how the amendments undermine efforts to sensitisation campaigns in schools.¹⁹

The Budapest Municipal Court (*Fővárosi Törvényszék*), following the order of the Curia (*Kúria*), confirmed the decision of the Equal Treatment Authority (*Egyenlő Bánásmód Hatóság*, abolished later in 2020 - see under Policy and legal highlights as well as under Chapter 2) which found that the government's omission of references to rainbow families on its information site "csalad.hu" (*family.hu*) was discriminatory. The Government's challenge was unsuccessful, and the Foundation for Rainbow Families (*Szivárványcsaládokért Alapítvány*) claim was upheld, assisted by the Háttér Society.²⁰ In the same case, the Curia also ruled that in case of a continuous violation, the deadline for initiating a procedure under the Equal Opportunities Law should be counted from when the illegal practice ends.²¹ (See Annex 2.)

Háttér Society, as part of a larger campaign 'Family is family' ('*A család az család*'), created an informational webpage²² and published information booklets in Hungarian on same-sex couples and their children, both for teachers²³, professionals and decision-makers in education and child protection.²⁴

An independent MP, deputy leader of a far-right movement in Hungary, publicly ripped apart a children's book promoting inclusion and toleration of, among others,

¹⁸ Amnesty International Magyarország et al. (2020), 'Civil szervezetek együtt állnak ki a gyermekek jogáért, hogy családban nőhessenek fel', 20 November 2020, available at: <https://hatter.hu/hirek/civil-szervezetek-egyutt-allnak-ki-a-gyermekek-jogaert-hogy-csaladban-nohessenek-fel>.

¹⁹ Háttér (2020), 'Instead of controlling the pandemic, Hungarian government launches crusade against LGBTQI people', 10 November 2020, available at: <https://en.hatter.hu/news/instead-of-controlling-the-pandemic-hungarian-government-launches-crusade-against-lgbtqi-people>.

²⁰ Háttér (2020), 'csalad.hu ügy (2016-2020)', available at: <http://hatter.hu/tevekenysegunk/jogsegelyszolgalat/jelentosebb-ugyeink/csaladhu-ugy-2016-2020>; Háttér (2020), 'Jogerős: nem rejtegetheti tovább az EMMI a szivárványcsaládokat', 9 July 2020, available at: <http://hatter.hu/hirek/jogeros-nem-rejtegetheti-tovabb-az-emmi-a-szivarvanycsaladokat>.

²¹ For commentary in English, see Kádár, A. (2020), 'Curia rules that in the case of continuing violations the time-limit for filing complaints with the Equal Treatment Authority does not start until the violation comes to an end', European network of legal experts in gender equality and non-discrimination, 7 May 2020, available at: <https://www.equalitylaw.eu/downloads/5130-hungary-curia-rules-that-in-the-case-of-continuing-violations-the-time-limit-for-filing-complaints-with-the-equal-treatment-authority-does-not-start-until-the-violation-comes-to-an-end-75-kb>.

²² <https://acsaladazcsalad.hu/>.

²³ Háttér (2020), 'A család az család. Tájékoztató pedagógusok számára az azonos nemű szülőkről és gyermekeikről', available at: <https://hatter.hu/sites/default/files/dokumentum/kiadvany/csalad-pedagogus-a5-online.pdf>.

²⁴ Háttér (2020), 'Az azonos nemű szülők és gyermekeik alkotta családok Magyarországon. Tájékoztató oktatási és gyermekvédelmi szakemberek és döntéshozók számára', available at: <https://hatter.hu/sites/default/files/dokumentum/kiadvany/csalad-donteshozo-a5-online.pdf>.

LGBTI people (but also persons in wheelchairs, Roma, elderly, girls living in poverty etc.). Prime Minister Viktor Orbán also criticised the book saying, “Our children should be left alone” and noting that the book crossed a red line.²⁵ The minister heading the Office of the Prime Minister stated that the use of the book in education can amount to a criminal act and educational institutions and their maintainers can be prosecuted.²⁶ Hungarian civil rights NGOs turned to the Commissioner for Fundamental Rights asking for action on what they see as government-instigated discrimination and a violation of human dignity.²⁷

Faced with the prospect of litigation, the Budapest Government Agency overrode its earlier decision to deny child benefits to a lesbian couple and granted the family support. The Legal Aid Service of the Háttér Society assisted the claimant in challenging the original decision.²⁸ In a similar case, the authorities only provided the child benefits upon the appeal of the couple.²⁹

In a Budapest district, one member of a lesbian couple struggled to get her home address registered by the local authorities, which denied recognition of the relationship. The apartment is owned by the local government and is rented by one member of the couple. Although the legislative framework made it possible to register the partner, the local authority asked for confirmation from the local government, whose competent council denied the request without justifying its decision. The applicant sought the assistance of the deputy mayor and, after three years, her address was finally registered. The Háttér Society assisted the claimant and noted that even a decade after the adoption of the law on registered partnerships, many authorities fail to implement it properly.³⁰

²⁵ Háttér (2020), ‘A Háttér Társaság állásfoglalása Orbán Viktor nyilatkozata kapcsán’, 6 October 2020, <https://hatter.hu/hirek/a-hatter-tarsasag-allasfoglalasa-orban-viktor-nyilatkozata-kapcsan>.

²⁶ Háttér (2020), ‘Törvénytelenésre buzdítja a Miniszterelnökség az oktatási intézményeket’, 8 October 2020, available at: <https://hatter.hu/hirek/torvenytelenesre-buzditja-a-miniszterelnokseg-az-oktatasi-intezmenyeket>.

²⁷ Amnesty et al. (2020), ‘Letter to the Commissioner for Fundamental Rights’, 21 October 2020, available at: https://hatter.hu/sites/default/files/dokumentum/egyesuleti_hir/meseország-mindenkie-20201021-civil-szervezetek-beadvany-docx-1.pdf.

²⁸ Háttér (2020), ‘Megháttrált a kormányhivatal a pertől, mégis biztosítja a családi pótlékot a leszbikus anyukának’, 3 July 2020, available at: <http://hatter.hu/hirek/meghatralt-a-kormanyhivatal-a-pertol-megis-biztositja-a-csaladi-potleket-a-leszbikus-anyukanak>.

²⁹ Háttér (2020), ‘Már a második leszbikus pártól tagadták volna meg a családi pótlékot’, 5 October 2020, available at: <https://hatter.hu/hirek/mar-a-masodik-leszbikus-partol-tagadtak-volna-meg-a-csaladi-potleket>.

³⁰ Háttér (2020), ‘Évekig kekeckedett az önkormányzat az idős leszbikus párral’, 25 August 2020, available at: <http://hatter.hu/hirek/evekig-kekeckedett-az-onkormanyzat-az-idos-leszbikus-parral>.

The Hungarian Blood Transfusion Service (*Országos Vérellátó Szolgálat*) ended a long practice of discrimination when it lifted the blanket ban on blood donation for men who have sex with men (MSM), following requests from the Háttér Society.³¹

The MOM Sport Swimming Pool (*MOM Sport Uszoda*) refused to rent a swimming lane to Atlas LGBTI Sport Association, on realising the profile of the association. The Equal Treatment Authority concluded that the action amounted to discrimination, but the respondent challenged the decision in court. The petition was withdrawn before the trial, leaving the Authority's conclusions in place and ending a three-year battle. The Háttér Society provided legal assistance in the case.³²

In its concluding observations on Hungary, the UN Committee on the Rights of the Child indicated "serious concerns" concerning the "lack of information on a national strategy to prevent and address all forms of violence against children, including sexual abuse, including specific measures targeting girls, Roma children, asylum-seeking and migrant children and lesbian, gay, bisexual, transgender and intersex children" and urged the government to act, adopt a strategy, provide information and support to vulnerable children.³³

Opposition-led local governments in Budapest decided to fly the rainbow flag on their city halls. Extremists took two down and another was burned, accompanied by homophobic statements. The flags were later reinstated.³⁴

Older people

At their own initiative, the Commissioner for Fundamental Rights (*Alapvető jogok biztosa*) examined a case publicised in the media concerning a pensioner who filed for official documentation of the qualification and amount of their pension. The authorities did not close the case after two years, which the Commissioner for Fundamental Rights considered a violation of due process rights. The report of the

³¹ Háttér (2020), 'Lifelong blood donation ban on gay and bisexual men in Hungary lifted', 6 May 2020, available at: <http://en.hatter.hu/news/lifelong-blood-donation-ban-on-gay-and-bisexual-men-in-hungary-lifted-0>.

³² Háttér (2020), 'A tárgyalás előtt meghátrált a MOM: mégsem diszkriminálnak tovább', 12 February 2020, available at: <http://hatter.hu/hirek/a-targyalas-elott-meghatralt-a-mom-megsem-diszkriminalnak-tovabb>.

³³ UN Committee on the Rights of the Child (2020), Concluding observations on the sixth periodic report of Hungary, CRC/C/HUN/CO/6, 3 March 2020, available at: https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=CRC/C/HUN/CO/6&Lang=En.

³⁴ HVG.hu (2020), 'Visszakerült a szivárványos zászló a budapesti városházára, amit Novák Előd szedett le', 17 August 2020, available at: https://hvg.hu/kultura/20200817_novak_elod_mi_hazank_budapest_varoshaza_szivarvanyos_zaszlo_lmvtq.

Commissioner for Fundamental Rights outlined the resulting bureaucratic hardship and called on the authorities to respect the deadlines set by law.³⁵

Following two complaints, the Commissioner for Fundamental Rights assessed the situation in a care home in Dunaharaszti. The complaints concerned the treatment of residents by staff (e.g. inadequate hygiene and supply of water) in the institution. Irregularities identified by the assessment included inadequate amounts of space and personnel, as well as non-regularised protocol for applying restraints. In response to an inquiry from the Commissioner for Fundamental Rights, the president of the Hungarian Association of Gerontology and Geriatrics (*Magyar Gerontológiai és Geriátriai Társaság*) stated that cases of more serious forms of dementia require special expertise and specialist institutions. The Commissioner for Fundamental Rights concluded that the institution had failed to fulfil its obligation and recommended that all state institutions (beyond the care home directly concerned by the case) consider the shortcomings documented in the report and act to eliminate practices that lead to rights violations.³⁶

The Equal Treatment Authority found it discriminatory that a person was denied admission to a retirement home after they revealed that their loss of sight was the result of a suicide attempt. The home rejected the application without assessing the medical condition of the applicant and the medical documentation, undermining its defence based on the mental condition of the applicant and the eventual related risks. The Authority published its conclusion on the violation and ordered the retirement home to publish the decision on its website and keep it there for 30 days.³⁷

General (crosscutting) legal and policy developments

The Commissioner for Fundamental Rights, responding to individual complaints, found the provisions restricting eligibility to birth-related state-supported loans

³⁵ Hungary, Office of the Commissioner for Fundamental Rights (*Alapvető Jogok Biztosának Hivatala*) (2020), Az alapvető jogok biztosának jelentése az AJB-542/2020. számú öregségi nyugdíj megállapításának elhúzódása ügyében, 17 March 2020, available at: http://www.ajbh.hu/documents/10180/3190211/Jelent%C3%A9s+egy+%C3%B6regs%C3%A9gi+nyugd%C3%A1dj+meg%C3%A1llap%C3%ADt%C3%A1s%C3%A1nak+elh%C3%BAz%C3%B3d%C3%A1sa+%C3%BCgy%C3%A9be+n+542_2020/f5594093-223f-0ae5-66c7-49ea272442a9?version=1.0.

³⁶ Hungary, Office of the Commissioner for Fundamental Rights (*Alapvető Jogok Biztosának Hivatala*) (2020), Az alapvető jogok biztosának jelentése az AJB-577/2020. számú ügyben egy pszichiátriai otthon működéssel, valamint a demenciával élő személyek tartós bentlakásos intézményi ellátásával összefüggésben, 3 July 2020, available at: http://www.ajbh.hu/documents/10180/3190211/Jelent%C3%A9s+egy+dunaharaszti+pszichi%C3%A1triai+otthon+m%C5%B1k%C3%B6d%C3%A9s%C3%A9vel+%C3%B6sszef%C3%BCgg%C3%A9sben+577_2020/40780a7f-ad5e-0ccc-8fb4-c7a270626007?version=1.0.

³⁷ Hungary, Equal Treatment Authority, Case no. 20/2020, available at: <https://www.egyenlobanasmod.hu/hu/jogeset/202020>.

based on age to be discriminatory and called on the minister without portfolio responsible for families to amend the underlying regulation.³⁸

A group of NGOs active in the field of human rights criticised the abolishment of the Equal Treatment Authority (ETA)³⁹ (see under Policy and legal highlights as well as under Chapter 2). The open letter argues that while formally the Commissioner for Fundamental Rights, the institution that takes over the role of ETA has a stronger constitutional status, the comparison of the recent practices of the two bodies can suggest that this will in fact lead to a less ambitious anti-discrimination case law.⁴⁰

NGOs, including Háttér Society, the largest and oldest LGBTI organisation in Hungary, reported that a ministerial foundation tasked with administering Erasmus+ grants introduced a new requirement for the applicants, i.e. to report on funding from abroad under the law on the transparency of foreign-funded organisations. It is noted that, on 18 June 2020, this law was found to be incompatible with EU law by the European Court of Justice.⁴¹ The new requirement was seen by Háttér Society as another mean to make the work on independent NGOs impossible and to stigmatise such organisations.⁴²

In a disability case with potential effects for all discrimination cases, the Equal Treatment Authority refused to do a substantial review of an employer's equality plan. The Authority assessed only whether an equality plan had been adopted and found a violation for the period where it was missing (a new document was adopted in response to the complaint). The substantive claim of discrimination was not addressed.⁴³ The commentary of the European network of legal experts in gender equality and non-discrimination notes that the logical consequences of

³⁸ Hungary, Office of the Commissioner for Fundamental Rights (*Alapvető Jogok Biztosának Hivatala*) (2020), *Az alapvető jogok biztosának jelentése az AJB-541/2020. számú ügyben a babaváró hitel jogosultsági feltételeivel összefüggésben*, available at: http://www.ajbh.hu/documents/10180/3190211/Jelent%C3%A9s+egy+csal%C3%A1dv%C3%A9delmi+t%C3%B6rv%C3%A9ny+kapcsolatos+panasz+%C3%BCgy%C3%A9ben+541_2020/933c1062-931f-c3a1-0f16-999a67cdf6fa?version=1.0.

³⁹ The Equal Treatment Authority was abolished by Act CXXVII of 2020 amending certain laws to ensure more effective enforcement of the requirement of equal treatment (*2020. évi CXXVII. törvény egyes törvényeknek az egyenlő bánásmód követelménye hatékonyabb érvényesítését biztosító módosításáról*), available at <https://uj.njt.hu/jogszabaly/2020-127-00-00.0>.

⁴⁰ For the statement and the list of NGOs, see Magyar Helsinki Bizottság (2020), 'Nagyon rossz lépés az Egyenlő Bánásmód Hatóság beolvasztása az Alapvető Jogok Biztosának Hivatalába', 20 November 2020, available at: https://www.helsinki.hu/ebh_civilizacio_rossz_lepes/.

⁴¹ Court of Justice of the European Union, C-78/18, *European Commission v Hungary*, 18 June 2020.

⁴² Háttér (2020), 'Újabb eszközzel próbálják ellehetetleníteni a független civil szervezeteket', 4 November 2020, available at: <https://hatter.hu/hirek/ujabb-eszkozzel-probaljak-ellehetetleniti-a-fuggetlen-civil-szervezeteket>.

⁴³ Hungary, Equal Treatment Authority, Case no. 115/2020, January 2020, available at: <https://www.egyenlobanasmod.hu/hu/print/pdf/node/1696>.

the decision is that employers could get away with an empty document titled "Equal Opportunity Plan".⁴⁴

On 11 June 2020, the Equal Treatment Authority published a detailed summary of the FRA workshop, including references to good practices and relevant sources on the application of the EU Charter of Fundamental Rights.⁴⁵

Developments related to the COVID-19 pandemic

A summary from the Háttér Society notes that **LGBTI people** are overrepresented in jobs that are more exposed to the effects of the pandemic, making it more likely that they will lose work. The mental effects of lockdowns might also affect LGBTI people disproportionately, including increased intolerance and domestic violence. Trans people who have been denied the possibility to have their gender recognised are in an especially vulnerable position.⁴⁶ The Háttér Society also issued an information note on how COVID-19 affects people with HIV.⁴⁷

Budapest Pride was cancelled this year due to the COVID-19 pandemic, with organisers holding smaller alternative events instead.⁴⁸

As part of the measures during the first wave of the epidemic, a morning timeframe (from 9am to 12pm) was allotted exclusively for **people over 65** for shopping in stores. This measure was in force between 28 March and 17 June,⁴⁹ and was reintroduced briefly at the end of the year. The government also issued

⁴⁴ Kádár, A. (2020), 'Equal Treatment Authority unable to assess the contents and implementation of equal opportunity plans', European network of legal experts in gender equality and non-discrimination, 7 May 2020, available at: <https://www.equalitylaw.eu/downloads/5131-hungary-equal-treatment-authority-unable-to-assess-the-contents-and-implementation-of-equal-opportunity-plans-75-kb>.

⁴⁵ Hungary, Equal Treatment Authority (2020), 'Az Európai Unió Alapjogi Chartájával kapcsolatos megbeszélés Bécsben', 11 June 2020, available at: <https://www.egyenlobanasmod.hu/hu/hirek/az-europai-unio-alapjogi-chartajaval-kapcsolatos-megbeszeles-becsben>.

⁴⁶ Háttér (2020), 'Mit tehet a munkaadó? Beszámoló a COVID-19 hatásáról a nők, LMBTQI emberek, romák és fogyatékossgal élők helyzetére', available at: <http://hatter.hu/sites/default/files/dokumentum/kiadvany/mit-tehet-a-munkaado.pdf>, pp. 16–18.

⁴⁷ Háttér (2020), 'Információk HIV-vel élőknek a koronavírusról', 27 March 2020, available at: <http://hatter.hu/hirek/informaciok-hiv-vel-eloknek-a-koronavirusrol>.

⁴⁸ HVG.hu (2020), 'Nem lesz idén Budapest Pride felvonulás', 21 July 2020, available at: https://hvg.hu/élet/20200721_Budapest_Pride_felvonulas_koronavirus; HVG.hu (2020), 'Újra leng a szivárványos zászló a ferencvárosi városházán', 15 August 2020, available at: https://hvg.hu/itthon/20200815_pride_szivarvanyos_zaszlo_ferencvaros.

⁴⁹ Government of Hungary (2020), 'Kijárási korlátozás – Kérjük az időseket, hogy maradjanak otthon!', *Government information page on COVID-19*, 27 March 2020, available at <https://koronavirus.gov.hu/cikkek/kijarasi-korlatozas-kerjuk-az-idoseket-hogy-maradjanak-otthon>.

advisory notes and calls that elderly citizens should stay at home.⁵⁰ Special measures⁵¹ targeted nursing homes for the elderly.⁵²

Based on a new law entering into force from 1 January 2021, pensioners are among the target groups of preferential COVID-related measures introducing an optional credit payback moratorium lasting until 30 June 2021.⁵³

For supporting distance learning, in March 2020 the Equal Treatment Authority published a collection of online training materials on its homepage⁵⁴ on issues of non-discrimination.

2. Findings and methodology of research, studies or surveys on experiences of discrimination against older people and LGBTI people

In a report published in February 2020, the Equal Treatment Authority and the Centre for Social Sciences (*Társadalomtudományi Kutatóközpont*) assessed perceptions of discrimination and legal awareness of rights and remedies.⁵⁵ The study found that age was the most common ground of discrimination experienced by respondents (a representative sample of 1,000), with a higher rate reported by women.⁵⁶ The number of experiences of discrimination declined between 2017 and 2019, with the strongest decline in certain areas that include age discrimination. The trend of a decline does not hold when compared to data from

⁵⁰ See such calls at

https://koronavirus.gov.hu/sites/default/files/sites/default/files/imce/tajekozatato_idoseknek_20200320.pdf and https://koronavirus.gov.hu/sites/default/files/sites/default/files/imce/tajekoztato_idoseknek.pdf.

⁵¹ See the protocol at

https://koronavirus.gov.hu/sites/default/files/sites/default/files/imce/a_bentlakos_szocialis_intezmenyek_f_elkeszules.pdf.

⁵² For more information on the impact of COVID-19 on older people in Hungary please see the Franet Country Studies released in [April](#) (p. 6-7); [May](#) (p.14), [June](#) (p.18-25) and [July](#) (p.18-19).

⁵³ Art. 6-c of Act No. CVII of 2020 on transitional measures to stabilise the situation of certain priority social groups and enterprises in financial difficulties (*2020. évi CVII. törvény az egyes kiemelt társadalmi csoportok, valamint pénzügyi nehézséggel küzdő vállalkozások helyzetének stabilizálását szolgáló átmeneti intézkedésekről*), available at http://njt.hu/cgi_bin/njt_doc.cgi?docid=222344.390605.

⁵⁴ Equal Treatment Authority (2020), 'Távoktatást támogató online tartalmak', 17 March 2020, available at: <https://www.egyenlobanasmod.hu/hu/hirek/tavoktatast-tamogato-online-tartalmak>.

⁵⁵ Neményi, M., Ságvári, B. and Tardos, K. (2019), *Personal and Social Perception of Discrimination and Legal Awareness of the Right to Equal Treatment. Survey Findings*, Budapest, Equal Treatment Authority – Centre for Social Sciences, Hungarian Academy of Sciences, available at: https://www.egyenlobanasmod.hu/sites/default/files/kiadvany/EBH_2019_FINAL_EN_20191208%20Final_isbn_online.pdf (also available in Hungarian).

⁵⁶ Neményi, M., Ságvári, B. and Tardos, K. (2019), *Personal and Social Perception of Discrimination and Legal Awareness of the Right to Equal Treatment. Survey Findings*, Budapest, Equal Treatment Authority – Centre for Social Sciences, Hungarian Academy of Sciences, pp. 11 and 13.

2010.⁵⁷ Age was the second most frequent ground in witnessed (as opposed to experienced) discrimination. Experienced discrimination generally increased in the older (50–64) age group (with a slight decline of 1 % from 2017 to 2019).⁵⁸ Discrimination based on sexual orientation became the third most frequent type of witnessed discrimination, showing an increase in homophobia.⁵⁹ The study offers data along several dimensions, allowing for a more refined view of trends in discrimination at both personal and social level. The findings are based on representative surveys in 2010, 2013, 2017 and 2019, conducted by the Centre for Social Sciences of the Hungarian Academy of Sciences. The methods changed from 2013 to 2017, e.g. the first two surveys were conducted on a paper questionnaire (PAPI) and a laptop was used in the latter two (CAPI).⁶⁰

Based on a survey by the Háttér Society, 95 % of reported hate speech was removed from social media. The organisation monitored actions in response to the 99 notifications it sent to Facebook, Twitter, YouTube, and Microsoft, based on an agreement between the companies and the European Commission.⁶¹ The corresponding rate for the EU is 71 %.⁶²

In May 2020, ILGA-Europe issued a report that ranked Hungary 27th in Europe, based on 2019 activity. This fall from last year's position of 19th was primarily the result of Hungary's denial of legal gender recognition for trans people and hate speech by politicians⁶³ (see above).

⁵⁷ Neményi, M., Ságvári, B. and Tardos, K. (2019), *Personal and Social Perception of Discrimination and Legal Awareness of the Right to Equal Treatment. Survey Findings*, Budapest, Equal Treatment Authority – Centre for Social Sciences, Hungarian Academy of Sciences,, p. 15.

⁵⁸ Neményi, M., Ságvári, B. and Tardos, K. (2019), *Personal and Social Perception of Discrimination and Legal Awareness of the Right to Equal Treatment. Survey Findings*, Budapest, Equal Treatment Authority – Centre for Social Sciences, Hungarian Academy of Sciences,, pp. 3–4 and 16–17.

⁵⁹ Neményi, M., Ságvári, B. and Tardos, K. (2019), *Personal and Social Perception of Discrimination and Legal Awareness of the Right to Equal Treatment. Survey Findings*, Budapest, Equal Treatment Authority – Centre for Social Sciences, Hungarian Academy of Sciences, pp. 4 and 14–17.

⁶⁰ Neményi, M., Ságvári, B. and Tardos, K. (2019), *Personal and Social Perception of Discrimination and Legal Awareness of the Right to Equal Treatment. Survey Findings*, Budapest, Equal Treatment Authority – Centre for Social Sciences, Hungarian Academy of Sciences, pp. 6–7 (on methodology); pp. 62–63 (questionnaire excerpt).

⁶¹ European Commission (2020), Countering illegal hate speech online – 5th Evaluation of the Code of Conduct, Factsheet, June 2020, available at: https://ec.europa.eu/info/sites/info/files/codeofconduct_2020_factsheet_12.pdf.

⁶² Háttér (2020), 'Kevésbé lépnek fel a közösségi média-szolgáltatók a gyűlöletbeszéd ellen', 26 June 2020, available at: <http://hatter.hu/hirek/kevesbe-lepnek-fel-a-kozossegi-media-szolgaltatok-a-gyuloletbeszed-ellen>.

⁶³ Háttér (2020), 'ILGA: Jelentősen romlott az LMBTI közösség helyzete Magyarországon', 17 May 2020, available at: <http://hatter.hu/hirek/ilga-jelentosen-romlott-az-lmbti-kozosseg-helyzete-magyarorszagon>, <https://www.rainbow-europe.org/country-ranking> and ILGA-Europe (2020), *Annual Review of the Human Rights Situation of Lesbian, Gay, Bisexual, Trans, and Intersex People in Hungary Covering the Period of January to December 2019*, available at: <https://www.ilga-europe.org/sites/default/files/2020/hungary.pdf>.

Takács and Szalma (2020) assessed the relationship between democratic deficit and attitudes towards lesbians and gays, based on data from all rounds of the European Social Survey (ESS). Out of the 22 countries where data are available, Hungary and Latvia show the lowest rate of social acceptance of lesbian women and gay men, after Russia. The study refines the simple geographic (East/West) division: states with higher Democracy Index scores show higher levels of acceptance. The authors found no convergence between the more and the less accepting group of post-socialist countries.⁶⁴

Chapter 2. Racism, xenophobia and related intolerance

1. Legal and policy developments relating to the application of the Racial Equality Directive

Legal developments:

In 2020, there have been no legal norms introduced referring to the Racial Equality Directive or its transposing Act⁶⁵.

In 2020, there have been 41 judicial decisions mentioning the act transposing the Racial Equality Directive, i.e. the Equal Treatment Act.⁶⁶ However, only three concerned discrimination based on racial or ethnic origin.

In one case, the Supreme Court (*Kúria*) confirmed lower court decisions. According to these, asking for a contribution from the person accompanying the woman giving birth in the hospital who does not have their own special hygienic garment ("zsilipruha") constituted discrimination on the basis of Roma origin, since Roma people were disproportionately burdened by such a practice for reasons of their

⁶⁴ Takács, J. and Szalma, I. (2020), 'Democracy deficit and homophobic divergence in 21st century Europe', *Gender, Place & Culture*, Vol. 27, No. 4, pp. 459–478.

⁶⁵ Hungary, Act CXXV of 2003 on equal treatment and promotion of equal opportunities (2003. évi CXXV. törvény az egyenlő bánásmódról és az esélyegyenlőség előmozdításáról).

⁶⁶ Hungary, Act CXXV of 2003 on equal treatment and promotion of equal opportunities (2003. évi CXXV. törvény az egyenlő bánásmódról és az esélyegyenlőség előmozdításáról).

disadvantaged financial situation in Hungarian society⁶⁷ (for further information see Chapter 3).

In another case, the Debrecen Regional Court (*Debreceni ítéltábla*) on appeal obliged the authority responsible for the sectoral management of education to examine from January 2021 and the subsequent five years whether children perceived as Roma are disproportionately classified as children with special needs, to report on that and the measures taken to eliminate the violation by 31 March of the following year.⁶⁸ The decision is final (for further information see Annex 2).

In a further case, ethnic origin was claimed to be basis for legal treatment, but the court did not accept it. The Debrecen Regional Court (*Debreceni ítéltábla*) found that separating a baby from the mother for seven days right after the first breastfeeding violated their right to family and right to human dignity. However, it considered that equal treatment was not violated, since it found that the baby was not taken away because the mother belonged to the Roma minority.⁶⁹

No legislative amendments, introduced because of the **COVID-19** pandemic, have concerned the Equal Treatment Act.

However, as mentioned under the Policy and Legal Highlights as well as in Chapter 1, in December 2020 the Parliament adopted a law that terminated the operation of the Equal Treatment Authority (which was the authority designated for the promotion of equal treatment under the Race Equality Directive), and named the Commissioner for Fundamental Rights (the ombudsperson) as its legal successor.⁷⁰

In this relation, before the adoption of the law, a press article speculated that the reason for this might have been that the Authority sometimes decided against the political preferences of the government.⁷¹ However, at least in one case, the Authority seemed to avoid confrontation with the government: as reported in last year's FRANET contribution to the Fundamental Rights report,⁷² the Hungarian Civil Liberties Union notably requested the Authority to examine whether the government realised harassment because of racial and ethnic origin with one of its anti-migrant poster campaigns. The Authority first declined to deal with the

⁶⁷ Hungary, Supreme Court (*Kúria*), Pfv.IV.20.677/2019/8, 20 May 2020.

⁶⁸ Hungary, Debrecen Regional Court (*Debreceni ítéltábla*), Pf.I.20.214/2020/10, 24 September 2020.

⁶⁹ Hungary, Debrecen Regional Court (*Debreceni ítéltábla*), Pf.I.20.266/2019/19, 23 January 2020.

⁷⁰ The Equal Treatment Authority was abolished by Act CXXVII of 2020 amending certain laws to ensure more effective enforcement of the requirement of equal treatment (*2020. évi CXXVII. törvény egyes törvényeknek az egyenlő bánásmód követelménye hatékonyabb érvényesítését biztosító módosításáról*), available at <https://uj.njt.hu/jogszabaly/2020-127-00-00.0>.

⁷¹ 444.hu (2020), *Kimondhatja-e egy hatóság, hogy a kormánypropaganda rasszista?*, available at <https://444.hu/2020/11/11/kimondhatja-e-egy-hatosag-hogy-a-kormanypropaganda-rasszista>.

⁷² Franet National contribution to the Fundamental Rights Report 2020, Hungary, p. 14, available at https://fra.europa.eu/sites/default/files/fra_uploads/hungary-frr2020_en.pdf.

request arguing that the government's migration policy was authorised by the Parliament, and the Authority has no competence over the Parliament. According to the mentioned press article, the Metropolitan Tribunal (*Fővárosi Törvényszék*) has recently found that the Authority cannot reject the request on this formal basis, and the Authority has to decide on the case's merits. However, by the end of 2020, neither the court decision in the judicial database, nor any information on the Authority's webpage could be identified in this matter.

Policy developments:

In relation to **COVID-19**, the Government has not introduced any measures mentioning or specifically tailored to the needs of ethnic minorities (Roma in particular).⁷³

2. Legal and policy developments relating to the application of the Framework Decision on Racism and Xenophobia relevant to combating hate speech and hate crime

Legal developments:

The Criminal Code⁷⁴ implements the Framework Decision in its Article 216(1) and (4) (violence against a member of a community), Article 332 (incitement against a member of a community) and Article 333 (public denial of genocide or crimes against humanity committed by the communist or national socialist regimes). These were not modified in 2020.

An inverse legal development might be the 2020 new ban of registering the new gender of transgender people in their identification documents, since from now on, it is only the sex at birth that can be registered, and it cannot later be changed.⁷⁵ This is further explained under Chapter 1 of this Report.

The Pécs District Court (*Pécsi Járásbíróság*) found on 14 December 2020 that violence against a member of a community (Art. 216 Criminal Code) was committed in 2018 when two university students of Yemeni origin were verbally and physically insulted in Pécs, a Southern town in Hungary. The decision is not final as the prosecutor appealed, seeking aggravation of the defendants' punishment.⁷⁶

Policy developments:

⁷³ For more information on the impact of COVID-19 on ethnic minorities in Hungary please see pages 7-9 of the Franet Country Study released in [April 2020](#), and pages 14-15 of the Country Study released in [May 2020](#).

⁷⁴ Act C of 2012 on the Criminal Code (*2012. évi C. törvény a Büntető Törvénykönyvről*).

⁷⁵ Section 33 of Act XXX. Of 2020.

⁷⁶ The decision is not available yet in the official database, only in press reported about it. <https://www.pecsma.hu/bunugyek/elitelte-a-birosag-a-jemeni-egyetemistakat-szarmazasuk-miatt-bentalmazo-pecsi-fiatalokat/>.

The National Crime Prevention Strategy 2013-2023 was updated on 28 September 2020, but it specifically excludes from its own scope hate crimes.⁷⁷

Two research programmes in relation to hate crimes could be found: one in cooperation of the Hungarian Academy of Sciences and ELTE University ("SPECTRA")⁷⁸ and one in which the National University of Public Service takes part with other universities ("SHELTER").⁷⁹

No research results or other information could be identified about the SHELTER project by the end of 2020.

The SPECTRA project prepared a short paper on hate crimes during **pandemic** times in Hungarian⁸⁰ and in English,⁸¹ and another on the situation of Roma during the pandemics,⁸² but these just give an overview of the dangers of strengthening scapegoating, and are not detailed empirical research. The MTA-ELTE Lendület SPECTRA Research Group and Corvinus University of Budapest held a conference on 5 October, entitled 'International experiences, expectations and cooperation related to hate crimes'.⁸³ Conference papers or other publications, or research results have not been made public in 2020.

Press reported at least one incident when a foreign student of Asian origin was insulted in Pécs, a university town in Southern Hungary, after which the rector asked the city dwellers not to scapegoat and make foreign students responsible for the **Coronavirus**, worrying about the increasing number of such insults.⁸⁴

⁷⁷ Hungary, Government Decision 1744/2013. (X. 17.) on the National Crime Prevention Strategy (2013-2023) (1744/2013. (X. 17.) Korm. határozat a Nemzeti Bűnmegelőzési Stratégiáról (2013-2023), p.5, available at https://net.jogtar.hu/getpdf?docid=A13H1744.KOR&targetdate=&printTitle=&referer=http%3A//net.jogtar.hu/ir/gen/hjegy_doc.cgi%3Fdocid%3D00000003.TXT.

⁷⁸ See <https://spectra.elte.hu/>.

⁷⁹ The project title is apparently „Shelter”, but its website could not be found <https://www.uninke.hu/hirek/2020/09/25/celegyenesben-a-shelter-projekt>.

⁸⁰ Bárd, P., Uszkiewicz, E. (2020), 'A koronavírus és jogtudomány: gyűlölet-bűncselekmények a járvány idején címmel', available at <https://jog.tk.mta.hu/blog/2020/04/gyulolet-buncselekmények-a-jarvany-idejen>.

⁸¹ Bárd, P., Uszkiewicz, E. (2020), Hate Crimes in Hungary during the Coronavirus Outbreak, available at <https://jog.tk.mta.hu/en/blog/2020/06/hate-crimes-in-hungary-during-the-coronavirus-outbreak>.

⁸² Uszkiewicz, E. (2020), 'Romák a járvány idején', available at https://spectra.elte.hu/media/4a/8d/36fb6c89842602ac057e1f0b482901e5e5111ba24aea15abc570edf4e64d/Uszkiewicz%20Erik_Rom%C3%A1k%20a%20j%C3%A1rv%C3%A1ny%20idej%C3%A9n.pdf.

⁸³ The Agenda of the Conference is available at <https://spectra.elte.hu/media/90/e9/186a443a2381e8e4ba6e61c191094fad2a528faf6cc38b8aab194e8e0db3/SPECTRA%20BCE%20program%20final%202020%2010%2005.pdf>.

⁸⁴ Szabad Pécs (2020), 'The rector of the Pécs University of Sciences asks people in Pécs not to insult foreign students' (*Arra kéri a pécsieket Miseta Attila, a PTE rektora, hogy ne bántsák a külföldi egyetemi hallgatókat*) available at https://szabadpecs.hu/2020/03/arra-keri-a-pecsieket-miseta-attila-a-pte-rektora-hogy-ne-bantsak-a-kulfoldi-egyetemi-hallgatosokat/?fbclid=IwAR3TASbHfrXL-77CiwjDsq3grBvJNd79fwuZ_49stO0DIO9mO-tgeLSQ4Zo.

In addition, the prime minister has portrayed foreigners as the ones responsible for the **spread of the virus** from the beginning of the pandemic,⁸⁵ in line with earlier anti-migrant policies and rhetoric.

Chapter 3. Roma equality and inclusion

1. Measures and developments addressing Roma/Travellers

In a widely publicised case, Hungary’s Supreme Court, the Curia (*Kúria*), rejected challenges against the judgment of the lower-level Debrecen Court and confirmed the legality of compensation to the 63 plaintiffs who were denied access to equal education and had to attend segregated schooling.⁸⁶ The court held that the damage incurred by those subjected to segregated schooling should be accepted without further evidence and that the court had to assess the extent of the harm, i.e. the degree of loss of life perspectives, the evidentiary basis of the compensation.⁸⁷ Damages of close to HUF 100 million (approx. € 280,000) were awarded. (See Annex 2.)

Political responses to the pay-out included racist criticism that Roma people received money without work or without deserving it.⁸⁸ Proposals already presented and rejected in court included offering training as a form of

⁸⁵ See Franet Country Study, Coronavirus COVID-19 outbreak in the EU Fundamental Rights Implications, released in April 2020, available at https://fra.europa.eu/sites/default/files/fra_uploads/hungary-report-covid-19-april-2020_en.pdf; News Wires (2020), Hungary’s Orbán blames foreigners, migration for coronavirus spread, France24.com, available at <https://www.france24.com/en/20200313-hungary-s-pm-orban-blames-foreign-students-migration-for-coronavirus-spread>; Inotai, E. (2020) How Hungary’s Orbán blamed migrants for coronavirus, EUobserver, available at <https://euobserver.com/coronavirus/147813>; Panyi, Sz. (2020), How once cherished Iranians became Coronavirus scapegoats in Orbán’s Hungary, Direkt36.hu, available at <https://www.direkt36.hu/en/igy-lettek-baratokbol-a-koronavirus-bunosei-az-iraniak/>; Hungarian Helsinki Committee (2020), Submission of the Hungarian Helsinki Committee to the UN Special Rapporteur on contemporary forms of racism, xenophobia and related intolerance, available at <https://www.helsinki.hu/wp-content/uploads/HHC-submission-to-SR-on-xenophobic-incidents-during-the-COVID-19-epidemic.pdf>.

⁸⁶ Hungary, Supreme Court (*Kúria*), judgment of 12 May 2020, Pfv.IV.21.556/2019/22. The Chance for Children Foundation, the key actor in Hungarian desegregation litigation, sued a Gyöngyöspata school and the local government running the school for ethnicity-based segregation and discrimination (lower quality education). This action was an *actio popularis*, where NGOs active in the field are allowed to litigate without the need to name individual plaintiffs. The NGO won the case and the fact of segregation and discrimination was confirmed. The Foundation brought the action for damages based on these findings, allowing the courts in the second case to focus on damages only, the fact of violation having been established.

⁸⁷ Hernádi, E., Kegye, A., Gárdos, P. and Sahin-Tóth, B. (2020), ‘A gyöngyöspatai szegregációs per jogi krónikája’, *Új Ptk. – az új Polgári Törvénykönyv és Kommentár*, available at: <https://ptk2013.hu/szakkikkek/hernadi-eleonora-kegye-adel-gardos-peter-sahin-toth-balazs-a-gyongyospatai-szegregacios-per-jogi-kronikaja/7056> (account of the *pro bono* lawyers representing the plaintiffs).

⁸⁸ Kádár, A. (2020), ‘Prime Minister calls damages granted to Roma pupils for decade-long segregation “unjust” during pending court case’, European network of legal experts in gender equality and non-discrimination, Flash report, 7 February 2020, available at: <https://www.equalitylaw.eu/downloads/5071-hungary-prime-minister-calls-damages-granted-to-roma-pupils-for-decade-long-segregation-unjust-during-pending-court-case-116-kb>.

compensation. The Curia felt compelled to issue a *communiqué*⁸⁹ rejecting the idea of in-kind compensation (which is a legal remedy only available upon the agreement of the parties).

In February 2020, the government initiated a new round of its “National Consultations”. These are national campaigns polling citizens about topics high on its agenda, with guided questions that do not comply with polling standards. The new round proposed to include two questions on the above-mentioned *Gyöngyöspata* litigation: (1) whether it is just to compensate; and (2) whether financial compensation should be replaced with compensation in the form of educational support.⁹⁰ In the end, these questions were not included in the questionnaire released on 9 June 2020, giving way to questions on the COVID-19 epidemic.⁹¹

Prime Minister Viktor Orbán commented on the litigation, stating that it is unacceptable that people get money “for nothing” and labelling the litigation as provocation by “Soros organisations”⁹² (Soros, an American philanthropist and controversial business figure of Hungarian-Jewish origin has been at the centre of a government campaign) rather than human rights enforcement. The Prime Minister stated that local residents opposing the litigation are right and people should never get money without working for it.⁹³ Before the final judgment, the government criticised the earlier judgments and stressed its hope that the Supreme Court would examine the cases “in substance”.⁹⁴

On 1 September 2020, the Parliament amended the law on education to outlaw compensation in money and create a special overriding rule that mandates courts

⁸⁹ Hungary, Supreme Court (*Kúria*) (2020), “Gyöngyöspatai szegregációs per”: a nem vagyoni károk megtérítésénél a kártérítés megítélésének egyetlen módja a pénzübeli kártérítés, természetbeni kártérítés alkalmazására nincs jogszabályi lehetőség, 12 May 2020, available at: <https://www.kuria-birosag.hu/hu/sajto/gyongyospatai-szegregacios-nem-vagyoni-karok-megteritesenel-karterites-megitelesenek-egyetlen>.

⁹⁰ Government of Hungary (2020), ‘Gyöngyöspata iskolapere két kérdésben is téma lesz az új nemzeti konzultációban’, 22 February 2020, available at: <https://www.facebook.com/kormanyzat/videos/1236340633422829/>.

⁹¹ Government of Hungary, ‘Közzétette a kormány a nemzeti konzultáció kérdéseit’, 9 June 2020, available at: <https://koronavirus.gov.hu/cikkek/kozzetette-kormany-nemzeti-konzultacio-kerdeseit>.

⁹² Index.hu (2020), ‘Orbán: Engem már nyolcszor ölt meg Soros hálózata’, 17 January 2020, available at: <https://index.hu/belfold/2020/01/17/orban-engem-mar-nyolcszor-olt-meg-soros-halozata/>; HírTV (2020), ‘Fidesz: A gyöngyöspatai ítélet csak feszültséget szít’, 12 January 2020, available at: <https://hirtv.hu/ahirtvhirei/fidesz-a-gyongyospatai-itelet-csak-feszultseget-szit-2493180>.

⁹³ HírTV (2020), ‘Fidesz: A gyöngyöspatai ítélet csak feszültséget szít’, 12 January 2020, available at: <https://hirtv.hu/ahirtvhirei/fidesz-a-gyongyospatai-itelet-csak-feszultseget-szit-2493180>.

⁹⁴ Government of Hungary (2020), ‘Gyöngyöspatai iskolaügy: a kormány bízik a Kúria érdemi vizsgálatában’, 18 February 2020, available at: <https://www.kormany.hu/hu/emberi-eroforrasok-miniszteriuma/parlamenti-allamtitkarsag/hirek/a-kormany-bizik-a-kuria-erdemi-vizsgalataban> [page removed, cached version available at: <https://webcache.googleusercontent.com/search?q=cache:-204UtVPCmsJ:https://akadalymentes.kormany.hu/hu/emberi-eroforrasok-miniszteriuma/parlamenti-allamtitkarsag/hirek/a-kormany-bizik-a-kuria-erdemi-vizsgalataban+>].

to order compensation “in the form of education and training service”.⁹⁵ However, in the case in question, the compensation was eventually paid in two instalments.⁹⁶ Legal commentary⁹⁷ criticised the amendment as contravening international and European standards on the right to adequate remedy and non-discrimination. The attorneys who represented the plaintiffs *pro bono* argued that the government reaction undermines the compensatory logic of civil and human rights law, forcing an alternative sanction that victims and courts already rejected.⁹⁸ NGOs called on the Commissioner for Fundamental Rights to act in response to the events related to Gyöngyöspata.⁹⁹

In January 2020, the Institute of Economics - Centre for Economic and Regional Studies published its indicators on public education, concluding that segregation has been growing for the past years in Hungary, mostly because disadvantaged students usually go to different schools than their non-disadvantaged counterparts.¹⁰⁰

In March 2020, the European Roma Rights Centre (ERRC) announced that it was representing a Roma pupil in a case against the director of the segregated school who, according to the complaint, assaulted the 12-year-old boy.¹⁰¹ The Gyöngyös

⁹⁵ Art. 18 of Act No. 87 of 2020, establishing Art. 59-4 of Act No. 190 of 2011 on National Public Education.

⁹⁶ Government of Hungary (2020), ‘Megkezdődött a kártérítések kifizetése’, 24 July 2020, available at: <https://www.kormany.hu/hu/miniszterelnoki-kabinetiroda/hirek/megkezdodott-a-karteritesek-kifizetese> [page removed, cached version available at: <https://web.archive.org/web/20200813141820/https://www.kormany.hu/hu/miniszterelnoki-kabinetiroda/hirek/megkezdodott-a-karteritesek-kifizetese>].

⁹⁷ Hungarian Helsinki Committee (2020), Letter to the Commissioner for Fundamental Rights, 25 June 2020, available at: https://www.helsinki.hu/wp-content/uploads/level_ombudsmannak_lex_gyongyospatarol_2020_06_25.pdf; Hernádi, E., Kegye, A., Gárdos, P. and Sahin-Tóth, B. (2020), ‘A gyöngyöspatai szegregációs per jogi krónikája’, *Új Ptk. – az új Polgári Törvénykönyv és Kommentár*, available at: <https://ptk2013.hu/szakcikkek/hernadi-eleonora-kegye-adel-gardos-peter-sahin-toth-balazs-a-gyongyospatai-szegregacios-per-jogi-kronikaja/7056>; Kádár, A. (2020), ‘Draft Bill on mandatory in-kind compensation for segregation in education submitted’, European network of legal experts in gender equality and non-discrimination, 5 August 2020, available at: <https://www.equalitylaw.eu/downloads/5197-hungary-draft-bill-on-mandatory-in-kind-compensation-for-segregation-in-education-submitted-97-kb>.

⁹⁸ Hernádi, E., Kegye, A., Gárdos, P. and Sahin-Tóth, B. (2020), ‘A gyöngyöspatai szegregációs per jogi krónikája’, *Új Ptk. – az új Polgári Törvénykönyv és Kommentár*, available at: <https://ptk2013.hu/szakcikkek/hernadi-eleonora-kegye-adel-gardos-peter-sahin-toth-balazs-a-gyongyospatai-szegregacios-per-jogi-kronikaja/7056>.

⁹⁹ Hungarian Helsinki Committee (2020), Letter to the Commissioner for Fundamental Rights, 25 June 2020, available at: https://www.helsinki.hu/wp-content/uploads/level_ombudsmannak_lex_gyongyospatarol_2020_06_25.pdf.

¹⁰⁰ After a sudden increase in 2013, at least partly due to changes in classifications, there has been a continuous increase in two out of the three segregation indicators. Varga, J. (ed.) (2019), ‘A közoktatás indikátorrendszere 2019’, pp. 180–183, available at: https://www.mtakti.hu/wp-content/uploads/2020/01/A_kozoktatas_indikatorrendszere_2019.pdf.

¹⁰¹ European Roma Rights Centre (ERRC) (2020), ‘ERRC representing Romani boy assaulted by director of segregated Hungarian school’, 3 March 2020, available at: <http://www.errc.org/press-releases/errc-representing-romani-boy-assaulted-by-director-of-segregated-hungarian-school>.

District Prosecution Office suspended the investigation for what it saw as alleviating factors (no criminal record, acting out of momentary anger, showing remorse) and because the director had already left the school (and now works as a teacher in a nearby school). The victim, represented by ERRC, filed a complaint against the decision, to pursue what they see as a manifestation of institutionalised violence.¹⁰²

A campaign stigmatising Roma people included extremist statements and a demonstration against a double murder in Budapest, that later turned out not to involve a Roma.¹⁰³ The demonstration was organised by the far-right party 'Our Country Movement' (*Mi Hazánk Mozgalom*) next to the headquarters of the National Roma Self-Government (*Cigány Kisebbségi Önkormányzat*), despite a police ban. The demonstration focused on "gypsy criminality". The police took action against 34 individuals for related misdemeanours.¹⁰⁴

In January 2020, the Debrecen Court of Appeals (*Debreceni Ítéltábla*) ruled on a case involving two couples of Roma origin who challenged custody orders under which their children had been taken away from them. The Court partly overruled the judgment of the lower level court and found irregularities in the administrative procedures and supervision. The judgment found the decision to prohibit the mother from breastfeeding her new born to be a serious violation of the right to family and human dignity. However, the Court rejected the challenge based on ethnic discrimination, stating that there was no causal link between the Roma origin of the parents and the measures taken, including the violation of parental rights in the case of one couple.¹⁰⁵

The Hungarian Civil Liberties Union - HCLU (*Társaság a Szabadságjogokért*) reported on comparable cases where children were taken into custody and removed from their family. The families in question live in extreme poverty and often face derogatory statements, including the suggestion that the mother should be sterilised after being "so irresponsible" to have additional children despite their financial difficulties.¹⁰⁶ The HCLU turned to the Ministry of Human Resources concerning repeated complaints from parents against local agencies responsible for guardianship. Officers were said to dissuade parents from challenging decisions

¹⁰² European Roma Rights Centre (ERRC) (2020), 'Director of segregated Gyöngyöspata School must not get away with assaulting a 12-year-old Romani boy', 15 May 2020, available at: <http://www.errc.org/news/director-of-segregated-gyongyospata-school-must-not-get-away-with-assaulting-a-12-year-old-romani-boy>.

¹⁰³ Magyar Hang (2020), 'Cigánybűnözést skandalva emlékeztek a Deák téri áldozatokra, Dzsudzsák nyugtatta a szurkolókat', 28 May 2020, available at: <https://magyarhang.org/belfold/2020/05/28/ciganybunozest-skandalva-emlekeztek-a-deak-teri-aldozatokra/>.

¹⁰⁴ Infostart (2020), '34 embert jelentett fel a rendőrség a Deák téri demonstráció miatt', 29 May 2020, available at: <https://infostart.hu/bunugyek/2020/05/29/34-embert-jelentett-fel-a-rendorseg-a-deak-teri-demonstracio-miatt>.

¹⁰⁵ Hungary, Debrecen Court of Appeals (*Debreceni Ítéltábla*) Pf.I.20.266/2019/19, judgment of 23 January 2020.

¹⁰⁶ Hungarian Civil Liberties Union (HCLU) (2020), "'Csak sírnak és azt kérdezik, hogy anya, még hány nap?'", 19 August 2020, available at: <https://ataszjelenti.444.hu/2020/08/19/csak-sirnak-es-azt-kerdezik-hogy-anya-meg-hany-nap>.

on child removal from families, arguing that appeals only delay the process and are counterproductive if they want to get their children back. Relying on a written decision issued by the Borsod county agency, the HCLU turned to the Ministry that confirmed the said practice as unlawful.¹⁰⁷

A Roma man died when he did not get medical help on time, as the ambulance refused to enter the neighbourhood without a police escort.¹⁰⁸ A criminal investigation was initiated against the medical personnel involved.¹⁰⁹ Reports from both the ambulance and the local mayor show that this was not an isolated incident but, rather, part of a general trend.

In May, the Supreme Court judged a case brought by Romani mothers, assisted by the European Roma Rights Centre (ERRC), against a hospital in Miskolc requiring mandatory purchase of a new-born clothing package. The Court found the practice to be discriminatory, as refusal to buy this clothing could result in denial of visits, leaving mothers to give birth without support from their chosen companions. The Supreme Court agreed with the preceding judgments of two lower courts that the practice constituted both direct (mothers giving birth based on their financial situation) and indirect (Roma origin) discrimination. It also confirmed the public interest fine of HUF 2,000,000, or € 5,600.¹¹⁰

The Commissioner for Fundamental Rights launched an investigation based on a complaint from the national Roma minority advocate (*nemzetiségi szószóló*, the national representative of a minority with limited membership rights in the Parliament). The complaint concerned the decision of a village mayor on the publicly funded funeral of a Roma resident. The mayor, following a call from an unnamed source and after a survey of the site, decided that the deceased should be buried somewhere else, stating that the burial site prepared by the contractor blocked the road. Both the contractor and the family disputed the decision. As the decision was taken shortly before the funeral, the contractor was no longer available to prepare another grave at a more remote location and family members had to prepare the site themselves. The complaint alleged that the real reason was the concern of the visitors that a Roma would be buried next to their family's

¹⁰⁷ Hungarian Civil Liberties Union (HCLU) (2020), 'A szülőket nem lehet arra kényszeríteni, hogy válasszanak a gyerekük és az igazuk között', 16 October 2020, <https://tasz.hu/cikkek/a-szuloket-nem-lehet-arra-kenyszeriteni-hogy-valasszanak-a-gyerekuk-es-az-igazuk-kozott>; see also the letter of the Ministry: <https://tasz.hu/a/files/EMMI-allasfoglalas-gyamhivatal-jogorvoslat.pdf>.

¹⁰⁸ European Roma Rights Centre (ERRC) (2020), 'Romani man dies while paramedics stall at the outskirts of the poorest village in Hungary', 29 January 2020, available at: <http://www.errc.org/news/romani-man-dies-while-paramedics-stall-at-the-outskirts-of-the-poorest-village-in-hungary>.

¹⁰⁹ Infostart (2020), 'Fejlemények a csenyétéi haláleset miatt rabosított mentők ügyében', 23 June 2020, available at: <https://infostart.hu/belfold/2020/06/23/fejlemenyek-a-csenyetei-halaleset-miatt-rabositott-mentok-ugyeben>.

¹¹⁰ Hungary, Supreme Court, Pfv.IV.20.677/2019/8, judgment of 20 May 2020. See the full judgment at http://www.errc.org/uploads/upload_en/file/5261_file1_ku%CC%81ria-i%CC%81te%CC%81let-edited.pdf; European Roma Rights Centre (ERRC) (2020), 'Romani mothers win hospital discrimination case in Hungarian Supreme Court', 31 August 2020, available at: <http://www.errc.org/press-releases/romani-mothers-win-hospital-discrimination-case-in-hungarian-supreme-court>.

grave. The Commissioner for Fundamental Rights agreed that this not only constituted a violation of dignity and due process rights, but also amounted to discrimination based on ethnic origin.¹¹¹

The Commissioner for Fundamental Rights adopted a report on the rights of minority local governments based on a complaint filed by a local German minority council. The conclusions are also relevant for Roma representation. Current law gives minority local governments rights related to the minorities they represent, with the most powerful being the right to consent. This amounts to a veto right over certain local administrative decisions, including the nomination of local school principals. In the case in question, the National Education Chief (the State Secretary responsible for public education) did not appoint the nominee who was supported locally, including by the minority self-government. The Ministry of Human Resources also failed to provide reasons for its rejection. The report noted that the law regulating the rights of national minorities was amended during the investigation, including changes to the consent rule invoked in the complaint. The Commissioner criticised the amendment for creating uncertainty, shortening a crucial deadline without explanation, and underlined that the law was adopted without due consultation with minority representatives. The report concluded that the situation amounts to maladministration, threatening the rule of law.¹¹²

The Commissioner, in a separate case, called on the state agency responsible for pensions to respect the deadlines set by law and facilitate access to information also for Roma applicants. The concrete case involved an application for pension by right of a widow where the agency failed to respond adequately and timely to the applicant's request, but racial discrimination could not be established.¹¹³

¹¹¹ Hungary, Office of the Commissioner for Fundamental Rights (*Alapvető Jogok Biztosának Hivatala*) (2020), 'Az alapvető jogok biztosa és a Magyarországon élő nemzetiségek jogainak védelmét ellátó biztoshelyettes közös jelentése az AJB-1376/2020. számú ügyben', 21 April 2020, available at: http://www.ajbh.hu/documents/10180/3190211/K%C3%B6z%C3%B6s+jelent%C3%A9s+egy+temet%C3%A9s+ebonyol%C3%ADt%C3%A1s%C3%A1val+kapcsolatos+panasz+%C3%BCgy%C3%A9ben+1376_2020/7534c26a-a3b8-bcfd-f4e1-18e760275cfa?version=1.0.

¹¹² Hungary, Office of the Commissioner for Fundamental Rights (*Alapvető Jogok Biztosának Hivatala*) (2020), Az alapvető jogok biztosának és a Magyarországon élő nemzetiségek jogainak védelmét ellátó biztoshelyettesének közös jelentése az AJB-672/2020. számú ügyben a nemzetiségi önkormányzat nemzetiségi nevelési-oktatási intézményvezetői megbízásához szükséges egyetértési jogának gyakorlásával összefüggésben, 21 April 2020, available at: http://www.ajbh.hu/documents/10180/3190211/K%C3%B6z%C3%B6s+jelent%C3%A9s+egy+nemzetis%C3%A9gi+%C3%B6nkorm%C3%A1nyzat+egy%C3%A9rt%C3%A9si+jog%C3%A1nak+gyakorl%C3%A1sa+kapcs%C3%A1n+672_2020/2d328018-c28d-8bd2-639f-d6351c0e0747?version=1.0.

¹¹³ Hungary, Office of the Commissioner for Fundamental Rights (*Alapvető Jogok Biztosának Hivatala*) (2020), Az alapvető jogok biztosa és a Magyarországon élő nemzetiségek jogainak védelmét ellátó biztoshelyettes közös jelentése az AJB-1991/2020. számú ügyben egy roma nemzetiségű személy özvegyi nyugdíj elbírását érintő eljárással összefüggésben, available at: http://www.ajbh.hu/documents/10180/3190211/K%C3%B6z%C3%B6s+jelent%C3%A9s+egy+roma+szem%C3%A9ly+%C3%B6zvegyi+nyugd%C3%ADj%C3%A1nak+elb%C3%ADr%C3%A1l%C3%A1sa+kapcs%C3%A1n+1991_2020/4e397a6d-ead4-4e8b-45c2-7eb6836a4f65?version=1.0.

The Ministry of Interior launched, in December, the social consultation on the 'Hungarian National Social Inclusion¹¹⁴ Strategy 2030'. The deadline for submissions was 5 January 2021.¹¹⁵

The Advisory Committee on the implementation of the Framework Convention for the Protection of National Minorities published its opinion on Hungary.¹¹⁶ The Opinion notes, among other criticisms and recommendations, that Roma "still face discrimination in all spheres of public life", "in education, employment, housing and access to health care". The Committee expresses its "doubts about the capacity of the state to provide remedies" and criticises the regime of minority representation as inadequate to address the needs of the Roma, social inclusion in particular.¹¹⁷ The Government of Hungary in its comments to the Opinion highlighted its various programmes and institutions dedicated to Roma issues.¹¹⁸

2. Policy and legal measures and developments directly or indirectly addressing Roma/Travellers inclusion

COVID-19¹¹⁹

Roma are disproportionately exposed to poverty, lower qualifications and inadequate accommodation. These factors contribute to their increased vulnerability to the health, social and economic effects of the pandemic.¹²⁰ Online

¹¹⁴ Note that the literal translation of 'inclusion' in the Hungarian title is 'catching up' ('felzárkózás' instead of 'befogadás' vagy 'integráció'), a term that became controversial due to its use to justify segregation.

¹¹⁵ Ministry of Interior (2020), 'Magyar Nemzeti Társadalmi Felzárkózási Stratégia 2030 tervezet', 7 December 2020, available at: <http://romagov.hu/magyar-nemzeti-tarsadalmi-felzarkozasi-strategia-2030-tervezet/>. The text of the draft strategy available at: http://romagov.hu/wp-content/uploads/2020/12/MNTFS2030_1201-tervezet.pdf.

¹¹⁶ Advisory Committee on the Framework Convention for the Protection of National Minorities (2020), 'Fifth Opinion on Hungary', 12 October 2020, available at: <https://rm.coe.int/5th-op-hungary-en/16809eb484>.

¹¹⁷ Advisory Committee on the Framework Convention for the Protection of National Minorities (2020), 'Fifth Opinion on Hungary', 12 October 2020, available at: <https://rm.coe.int/5th-op-hungary-en/16809eb484>, p. 4.

¹¹⁸ Advisory Committee on the Framework Convention for the Protection of National Minorities (2020), 'Comments of the Government of Hungary on the Fifth Opinion of the Advisory Committee on the implementation of the Framework Convention for the Protection of National Minorities by Hungary', 5 October 2020, available at: <https://rm.coe.int/5th-com-hungary-en/16809fe429>.

¹¹⁹ For more information on the impact of COVID-19 on Roma communities in Hungary, see pages 7–9 of the [Franet country study](#) released on 8 April 2020, as well as the 15 June 2020 report on the "Implications of COVID-19 pandemic on Roma and Traveller communities" concerning Hungary (unpublished) or the 'Overview of the Impact of Coronavirus Measures on the Marginalised Roma Communities in the EU', https://ec.europa.eu/info/sites/info/files/overview_of_covid19_and_roma_-_impact_-_measures_-_priorities_for_funding_-_23_04_2020.docx.pdf.

¹²⁰ ERRC (2020), 'Roma Rights in the Time of COVID', pp. 16–17 available at: http://www.errc.org/uploads/upload_en/file/5265_file1_roma-rights-in-the-time-of-covid..pdf; Uszkiewicz, E. (2020), 'Romák a járványidején', available at: https://spectra.elte.hu/media/4a/8d/36fb6c89842602ac057e1f0b482901e5e5111ba24aea15abc570edf4e64d/Uszkiewicz%20Erik_Rom%C3%A1k%20a%20j%C3%A1rv%C3%A1ny%20idej%C3%A9n.pdf.

schooling can present insurmountable challenges for families without computers and related skills.¹²¹

A moratorium on evictions was introduced for the first wave of the epidemic but this ended over the summer.¹²² Between the end of the eviction moratorium and the start of the winter moratorium in mid-November, reports emerged of evictions targeting Roma families that, in the context of the epidemic, pose an enormous health risk.¹²³

People living in deep poverty in small villages face recurring challenges linked to access to drinking water. The Hungarian Civil Liberties Union (HCLU) reported that anti-pandemic measures to cut access to public water wells badly affected families with no other access to water. It pointed to UN standards and the relevant report of the Commissioner for Fundamental Rights, stating that access to drinking water is a human right that should be secured in times of emergency.¹²⁴

Public attitude towards Roma

In a report published in February 2020, the Equal Treatment Authority and the Centre for Social Sciences assessed perceptions of discrimination and legal awareness of rights and remedies.¹²⁵ The survey was taken in 2019 and followed similar surveys from 2010 and 2017. The study found that, throughout the decade, Roma were in the worst position in terms of reported experiences of

¹²¹ Bagázs Public Benefit Association (*Bagázs Egyesület*) (2020), 'On the situation of Roma' (*A romák helyzetéről*), in: Nyitottak Vagyunk – Amnesty International – Bagázs – Háttér Társaság – Salva Vita (2020), 'What can the employer do? – Report on the impact of COVID-19 on women, LMBTQI people, Roma and people with disabilities' (*Mit tehet a munkaadó? – Beszámoló a COVID-19 hatásáról a nők, LMBTQI emberek, romák és fogyatékossgal élők helyzetére*), 22 May 2020, pp. 12–15, available at: <http://hatter.hu/sites/default/files/dokumentum/kiadvany/mit-tehet-a-munkaado.pdf>. See also the call: Roma Education Fund (2020), 'Roma Education Fund's statement on COVID 19 effecting Roma communities and access to education', available at: <https://www.romaeducationfund.org/wp-content/uploads/2020/04/Roma-Education-Fund-Statement-on-COVID-19-pandemic.pdf>.

¹²² Streetlawyer Association (2020), 'How to proceed when the moratorium is over?', 2 June 2020, available at: <http://utcajogasz.hu/en/2020/06/02/how-to-proceed-when-the-moratorium-is-over/>.

¹²³ ERRC (2020), 'Hungary: Forced evictions of Roma mark the end of the Covid-19 moratorium', 7 October 2020, available at: <http://www.errc.org/news/hungary-forced-evictions-of-roma-mark-the-end-of-the-covid-19-moratorium>.

¹²⁴ Hungarian Civil Liberties Union (HCLU) (2020), 'A járvány idején különösen súlyos jogsértés, ha az önkormányzatok nem biztosítják a közutak működését a szegénytelepeken', 6 May 2020, available at: <https://tasz.hu/cikkek/a-jarvany-idejen-kulonosen-sulyos-jogsertes-ha-az-onkormanyzatok-nem-biztositjak-a-kozutak-mukodeset-a-szegenytelepeken>.

¹²⁵ Neményi, M., Ságvári, B. and Tardos, K. (2019), *Personal and Social Perception of Discrimination and Legal Awareness of the Right to Equal Treatment. Survey Findings, 2019*, Budapest, Equal Treatment Authority – Centre for Social Sciences, Hungarian Academy of Sciences, available at: https://www.egyenlobanasmod.hu/sites/default/files/kiadvany/EBH_2019_FINAL_EN_20191208%20Final_isbn_online.pdf (also available in Hungarian).

discrimination.¹²⁶ Roma origin is the second most frequent cause of disadvantaged status (after “alcoholism, addiction”), which in turn correlates with discrimination.¹²⁷ Roma were one of the groups where experiences of multiple discrimination were most frequent. Roma were also more likely to experience discrimination in the workplace. Those employed in the “public work scheme” (*közmunka program*, a state-financed local employment programme) and those frequently on short-time work, many of them of Roma origin, were more likely to experience discrimination. For more information on the general findings of that study, see Chapter 1.

The ERRC published a report on the reproductive rights of Romani women. It concluded, “Romani women have limited access to maternity care services, and once they do access services, they suffer from discriminatory treatment, verbal harassment, segregation and obstetric violence”.¹²⁸ The report is based on 5 focus group discussions and 13 individual interviews with female members of local (Romani) communities.¹²⁹ Based on the findings, the Centre funded two lawsuits challenging discriminatory practices at maternity units of public hospitals.¹³⁰

¹²⁶ Neményi, M., Ságvári, B. and Tardos, K. (2019), *Personal and Social Perception of Discrimination and Legal Awareness of the Right to Equal Treatment. Survey Findings, 2019*, Budapest, Equal Treatment Authority – Centre for Social Sciences, Hungarian Academy of Sciences, p. 17.

¹²⁷ Neményi, M., Ságvári, B. and Tardos, K. (2019), *Personal and Social Perception of Discrimination and Legal Awareness of the Right to Equal Treatment. Survey Findings, 2019*, Budapest, Equal Treatment Authority – Centre for Social Sciences, Hungarian Academy of Sciences, p. 10.

¹²⁸ European Roma Rights Centre (ERRC) (2020), *Reproductive Rights of Romani Women in Hungary*, April 2020, available at: http://www.errc.org/uploads/upload_en/file/5228_file1_reproductive-rights-of-romani-women-in-hungary.pdf.

¹²⁹ Balogh, L. and Gellér, J. (2019), ‘Roma nők hátrányos megkülönböztetése a szülészeti ellátás során: Két magyarországi jogeset, háttérrel’ (‘Discrimination of Roma women during maternity care in Hungary – two legal cases, with background’), *Fundamentum*, Vol. 23, No. 1–2, pp. 204–223, available at: <http://fundamentum.hu/sites/default/files/fundamentum-19-1-2-17.pdf>.

¹³⁰ European Roma Rights Centre (ERRC) (2018), ‘ERRC ends discriminatory hospital charges affecting Romani mothers’, 12 November 2018, available at: <http://www.errc.org/press-releases/errc-ends-discriminatory-hospital-charges-affecting-romani-mothers>; European Roma Rights Centre (ERRC) (2017), ‘Romani woman harassed by racist hospital staff during childbirth wins case’, 18 January 2017, available at: <http://www.errc.org/press-releases/romani-woman-harassed-by-racist-hospital-staff-during-childbirth-wins-case>.

Chapter 4. Asylum, visas, migration, borders and integration

Extension of residence permits and other authorisations to stay that expired during COVID-19 pandemic measures.

Member State/ North Macedonia, Serbia	Category of third-country national (TCN)	Brief description of the measure	Legal source (legislation or case-law as relevant) with hyperlink	Comments
Hungary	Regardless of their nationality, the measures described relate to all TCNs falling under the scope of Act II of 2007 on the entry and stay of third-country nationals (Act II of 2007) (<i>2007. évi II. törvény a harmadik országbeli állampolgárok beutazásáról és</i>	<p>A state of danger¹³⁵ was declared during the COVID-19 pandemic, lasting from 11 March 2020 until 18 June 2020.</p> <p>A state of danger was also declared on the 3rd of November due to the COVID-19 pandemic, and still lasts. Originally, the related measures would have expired on 8 February 2021, but the government has announced recently that it would turn to the Parliament to</p>	The residence permits affected by COVID-19 measures were issued under Act I of 2007 on the admission and residence of persons with the right of free movement and residence (<i>2007. évi I. törvény a szabad mozgás és tartózkodás jogával rendelkező személyek beutazásáról</i>	The Hungarian Helsinki Committee noted the confusion caused by the fact that the rules on automatic prolongation only applied to those longer-term residence permits that expired during the state of danger and did not cover holders of short-term visa or entry visas.

¹³⁵ The “state of danger” is one of the special legal orders defined by the Fundamental Law, along with the state of national crisis, state of emergency, state of a terrorist threat, state of preventive defence, and unexpected attack.

	<p><i>tartózkodásáról</i>). For TCNs holding different categories of residence permits/visas, the measure described applies to holders of:</p> <p>Permanent residence card</p> <p>- Residence card issued to TCN family member of a Hungarian citizen</p>	<p>achieve their extension. The possible end of the state of danger has not been clarified yet.¹³⁶</p> <p>Specific arrangements introduced due to COVID-19:</p> <p>The government introduced measures ensuring the prolongation of long-term residence permits in April 2020. The measure introduced on 5 April 2020 prescribed that, due to the epidemiological situation, the validity period of the formerly issued residence</p>	<p><i>és tartózkodásáról, http://njt.hu/cgi_bin/njt_doc.cgi?docid=108557.383705)¹⁴¹ and Act II of 2007 on the entry and stay of third-country nationals (2007. évi II. törvény a harmadik országbeli állampolgárok beutazásáról és tartózkodásáról</i> available at: http://njt.hu/cgi_bin/njt_doc.cgi?docid=108621.383707).¹⁴²</p> <p>Government Decree 40/2020 (III. 11) on the</p>	<p>In addition, many thought that state offices had suspended their operations. This misunderstanding was promoted by the fact that most authorities closed during the state of danger, but not the designated offices of the NDGAP, which still admitted clients in limited numbers after giving appointments at two or three weeks' distance. It was also problematic that those who intended to contact the authorities close to the</p>
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¹³⁶ Hvg.hu (2021), Viktor Orbán: We cannot lift the restrictions until there is no mass vaccination (*Orbán Viktor: Nem tudjuk addig a korlátozásokat feloldani, amíg nincs tömeges oltás*), 22 January 2021, available at: https://hvg.hu/itthon/20210122_orban_radiointerju.

¹⁴¹ Act I of 2007 on the admission and residence of persons with the right of free movement and residence (2007. évi I. törvény a szabad mozgás és tartózkodás jogával rendelkező személyek beutazásáról és tartózkodásáról), available at http://njt.hu/cgi_bin/njt_doc.cgi?docid=108557.383705.

¹⁴² Act II of 2007 on the entry and stay of third-country nationals (2007. évi II. törvény a harmadik országbeli állampolgárok beutazásáról és tartózkodásáról), available at: http://njt.hu/cgi_bin/njt_doc.cgi?docid=108621.383707.

<ul style="list-style-type: none"> - Permanent residence card for EEA nationals - Residence permit - Immigration permit - Permanent residence permit - Interim permanent residence permit - EC permanent residence permit - National permanent residence permit 	<p>documents, permanent residence and immigration permits – except for the short-term visa and entry visa for receiving a residence permit – would be automatically extended until the 45th day after the end of the state of danger.</p> <p>In reality, however, this meant a 15-day extension, as the residence permits in question in general “have to be extended 30 days before their expiry date” so the application for the extension was to be submitted within 15 days after the end of the state of danger.¹³⁷</p>	<p>announcement of the state of danger 40/2020. (III. 11.) Korm. rendelet veszélyhelyzet kihirdetéséről, available at: http://njt.hu/cgi_bin/njt_doc.cgi?docid=218449.381011).¹⁴³</p> <p>Government Decree 85/2020 (IV.5.) on home affairs and administrative regulations to be applied during the danger (85/2020. (IV. 5.) Korm. rendelet a veszélyhelyzet során alkalmazandó egyes belügyi és közigazgatási tárgyú szabályokról,</p>	<p>expiry of their residence permits may have received appointment only weeks later, by which time their residence permits had expired.</p> <p>The automatic prolongation only applied if there were no meaningful changes in the circumstances (study, apprentice or work contracts) underpinning the issued residence permits. Although the persons concerned might have acquired a new work contract or the prolongation of their study/ apprentice contracts, the altered circumstances still</p>
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¹³⁷ National Directorate-General for Aliens Policing (2020), Notification about the validity period of residence documents, 9 April 2020, available at: http://www.bmbah.hu/index.php?option=com_k2&view=item&layout=item&id=1564&Itemid=2027&lang=en.

¹⁴³ Government Decree 40/2020 (III. 11) on the announcement of the state of danger 40/2020. ((III. 11.) Korm. rendelet veszélyhelyzet kihirdetéséről), available at: http://njt.hu/cgi_bin/njt_doc.cgi?docid=218449.381011.

	<p>Please note that the governmental measures in question do not take into consideration asylum seekers. Under the new regulations, following the relevant ECJ judgment¹³¹ and the closure of the transit zones¹³², until 30 June 2021 (formerly until 31</p>	<p>The measure applied to the following documents, which were valid until 12pm on 6 April 2020 or expired on that day:</p> <ul style="list-style-type: none"> - Permanent residence card - Residence card issued to TCN family member of a Hungarian citizen - Permanent residence card for EEA nationals - Residence permit - Immigration permit 	<p>available at: http://njt.hu/cgi_bin/njt_doc.cgi?docid=218852.383444), Articles 4-7;¹⁴⁴</p> <p>Act LVIII of 2020 on the transitional rules related to the termination of the state of danger and on the epidemiological preparedness (2020. évi LVIII. törvény a veszélyhelyzet megszűnésével összefüggő átmeneti szabályokról és a járványügyi</p>	<p>required them to apply for a new residence permit before the expiry of the earlier permit.</p> <p>The notifications published by the NDGAP on their homepage in February 2020 for Chinese or Iranian nationals, for example, had limited reach. These notifications drew attention to the specific rules to be applied and/or urged the persons concerned to contact the authorities before their visas/residence permits</p>
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¹³¹ Court of Justice of the European Union, Judgment (Grand Chamber) in Joined Cases C-924/19 PPU and C-925/19 PPU, 14 May 2020, available at: <http://curia.europa.eu/juris/document/document.jsf?text=&docid=228889&pageIndex=0&doclang=en&mode=req&dir=&occ=first&part=1&cid=21337460>. See also Court of Justice of the European Union, Judgment in Case C-808/18, *Commission v Hungary*, 17 December 2020, available at: <https://curia.europa.eu/jcms/upload/docs/application/pdf/2020-12/cp200161en.pdf>.

¹³² European Council on Refugees and Exiles, *Hungary: Abolishment of Transit Zone Following CJEU Ruling*, 22 May 2020, available at: <https://www.ecre.org/hungary-abolishment-of-transit-zone-following-cjeu-ruling/>.

¹⁴⁴ Government Decree 85/2020 (IV.5.) on home affairs and administrative regulations to be applied during the state of danger (85/2020. (IV. 5.) Korm. rendelet a veszélyhelyzet során alkalmazandó egyes belügyi és közigazgatási tárgyú szabályokról), available at: http://njt.hu/cgi_bin/njt_doc.cgi?docid=218852.383444.

	<p>December 2020)¹³³, asylum-seekers may not directly submit an asylum application in Hungary. They are to submit a declaration of intent stating their wish to apply for asylum at a Hungarian Embassy in a non-EU member state and, on the basis of this and a remote interview, a special entry permit is needed before they can submit their application for international</p>	<ul style="list-style-type: none"> - Permanent residence permit - Interim permanent residence permit - EC permanent residence permit - National permanent residence permit <p>The measure did not concern those whose residence permits had already expired by the deadline set by the related regulation.</p>	<p><i>készültségről, available at:</i> http://njt.hu/cgi_bin/njt_doc.cgi?docid=220120.386619 and http://njt.hu/cgi_bin/njt_doc.cgi?docid=220120.384972), Article 90., Articles 267-275.¹⁴⁵</p> <p>Act CLXII of 2020 on the Governmental Human Resource Decision Support System (2020. évi CLXII. törvény a Kormányzati Személyügyi Döntéstámogató Rendszerről), available</p>	<p>expired so as to regularise their situation and find solutions (e.g. possible return to their home countries), but many contacted the authorities too late or misunderstood that this was to be done before the expiry of the extended deadline.</p> <p>Even if they were within the 15/45 day period, if they misunderstood the rules and automatic prolongation was not applicable to them, their situation was also regarded as irregular. In</p>
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¹³³ Article 267 of Act LVIII of 2020 on the transitional rules related to the termination of the state of danger and on the epidemiological preparedness (2020. évi LVIII. törvény a veszélyhelyzet megszűnésével összefüggő átmeneti szabályokról és a járványügyi készütségről), available at: http://njt.hu/cgi_bin/njt_doc.cgi?docid=220120.384972, as amended by Article 54 of Act CLXII of 2020 on the Governmental Human Resource Support System (2020. évi CLXII. törvény a Kormányzati Személyügyi Döntéstámogató Rendszerről), available at: http://njt.hu/cgi_bin/njt_doc.cgi?docid=246472.417074, entry into force 23 December 2020. The former version of Act LVIII of 2020 available at: http://njt.hu/cgi_bin/njt_doc.cgi?docid=220120.386619.

¹⁴⁵ Act LVIII of 2020 on the transitional rules related to the termination of the state of danger and on the epidemiological preparedness (2020. évi LVIII. törvény a veszélyhelyzet megszűnésével összefüggő átmeneti szabályokról és a járványügyi készütségről), available at: http://njt.hu/cgi_bin/njt_doc.cgi?docid=220120.386619 and http://njt.hu/cgi_bin/njt_doc.cgi?docid=220120.384972.

	<p>protection. The European Commission deemed that these measures preclude “persons who are on Hungary's territory, including at the border, from applying for international protection there.”¹³⁴</p> <p>In consequence of these provisions, asylum seekers do not have a real chance to obtain a residence permit, which could be extended later.</p>	<p>The related notification of the National Directorate-General for Aliens Policing (<i>Országos Idegenrendészeti Főigazgatóság, NDGAP</i>)¹³⁸ stated “valid residence documents only enable the owner to the previously acquired rights, and are only automatically extended if all required conditions for the residence document are unchanged.” If the circumstances on which the residence permit depended changed (e.g. change of employer, change of position within the company, or a student due to start working), it</p>	<p>at: http://njt.hu/cgi_bin/njt_doc.cgi?docid=246472.417074¹⁴⁶, Article 54. Government Decree 292/2020 (VI.17) on the designation of embassies in relation to the declaration on the intent to submit an asylum application (292/2020. (VI. 17.) <i>Korm. rendelet a menedékjogi kérelem benyújtására irányuló szándéknyilatkozattal kapcsolatban nagykövetségek kijelöléséről</i>), available at:</p>	<p>most of these “irregular” cases, the persons concerned were asked to leave the country voluntarily.¹⁵¹</p>
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¹³⁴ Radio Free Europe/Radio Liberty (2020), *EU Executive Takes Action against Hungary over New Asylum Procedures*, 31 October 2020, available at: <https://www.rferl.org/a/eu-executive-takes-action-against-hungary-over-new-asylum-procedures/30922280.html>.

¹³⁸ National Directorate-General for Aliens Policing (*Országos Idegenrendészeti Főigazgatóság*), available at: <http://www.bmbah.hu/index.php?lang=hu>.

¹⁴⁶ Act CLXII of 2020 on the Governmental Human Resource Decision Support System (2020. évi CLXII. törvény a Kormányzati Személyügyi Döntéstámogató Rendszerről), available at: http://njt.hu/cgi_bin/njt_doc.cgi?docid=246472.417074.

¹⁵¹ Interview with the Hungarian Helsinki Committee, 3 September 2020.

		<p>was still “necessary to submit an application for a new type of residence permit or to apply for the extension of the valid residence permit”.¹³⁹</p> <p>Similarly, in view of the state of danger announced on 13 November, the government also took measures to ensure the prolongation of certain expiring residence documents. In line with this, on 16 November, the National Directorate-General for Aliens Policing issued a statement on its homepage on the prolongation of long-term residence permits, stating that, due to the epidemiological</p>	<p>http://njt.hu/cgi_bin/njt_doc.cgi?docid=220133.384777¹⁴⁷</p> <p>Government Decree of 478/2020 (XI. 3) on the announcement of the state of danger (478/2020. (XI. 3.) Korm. rendelet a veszélyhelyzet kihirdetéséről, available at: http://njt.hu/cgi_bin/njt_doc.cgi?docid=222556.391006)¹⁴⁸</p>	
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¹³⁹ National Directorate-General for Aliens Policing (2020), Notification about the validity period of residence documents, 9 April 2020, available at: http://www.bmbah.hu/index.php?option=com_k2&view=item&layout=item&id=1564&Itemid=2027&lang=en.

¹⁴⁷ Government Decree 292/2020 (VI.17) on the designation of embassies in relation to the declaration on the intent to submit an asylum request (292/2020. (VI. 17.) Korm. rendelet a menedéjogi kérelem benyújtására irányuló szándéknyilatkozattal kapcsolatban nagykövetségek kijelöléséről), available at: http://njt.hu/cgi_bin/njt_doc.cgi?docid=220133.384777.

¹⁴⁸ Government Decree of 478/2020 (XI. 3) on the announcement of the state of danger (478/2020. (XI. 3.) Korm. rendelet a veszélyhelyzet kihirdetéséről), available at: http://njt.hu/cgi_bin/njt_doc.cgi?docid=222556.391006.

		<p>situation, the validity period of the formerly issued residence documents, permanent residence and immigration permits – except for the short-term visa and entry visa for receiving a residence permit – would be automatically extended until the 30th day after the end of the state of danger.</p> <p>The measure applies to the following documents, which were valid on 4 November 2020 or expired on that day:</p> <ul style="list-style-type: none"> - Permanent residence card - Residence card issued to TCN family member of a Hungarian citizen - Permanent residence card for EEA nationals - Residence permit 	<p>Government Decree 500/2020. (XI. 13.) on documents and on certain rules of administration (500/2020. (XI. 13.) Korm. rendelet a veszélyhelyzet idején az okmányokra, továbbá az ügyintézésre vonatkozó egyes szabályok megállapításáról), available at: http://njt.hu/cgi_bin/njt_doc.cgi?docid=222736.391448),¹⁴⁹ Article 2.</p> <p>Act CIX of 2020 on the containment of the second wave of the Coronavirus-Pandemic (2020. évi CIX. törvény a koronavírus-világjárvány második</p>	
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¹⁴⁹ Government Decree 500/2020. (XI. 13.) on documents and on certain rules of administration (500/2020. (XI. 13.) Korm. rendelet a veszélyhelyzet idején az okmányokra, továbbá az ügyintézésre vonatkozó egyes szabályok megállapításáról), available at: http://njt.hu/cgi_bin/njt_doc.cgi?docid=222736.391448.

		<ul style="list-style-type: none"> - Immigration permit - Permanent residence permit - Interim permanent residence permit - EC permanent residence permit - National permanent residence permit <p>The measure does not concern those whose residence permits had already expired before 4 November 2020.</p> <p>The National Directorate-General for Aliens Policing also stated that a request for prolongation of a residence permit should be submitted 30 days before the expiry of the residence permit, at the competent Regional Directorate.</p>	<p><i>hulláma elleni védekezésről</i>), available at: http://njt.hu/cgi_bin/njt_doc.cgi?docid=222620.391193, Article 5.¹⁵⁰</p>	
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¹⁵⁰ Act CIX of 2020 on the containment of the second wave of the Coronavirus-Pandemic (2020. évi CIX. törvény a koronavírus-világjárvány második hulláma elleni védekezésről), available at: http://njt.hu/cgi_bin/njt_doc.cgi?docid=222620.391193¹⁵⁰

		<p>“This means that the above-mentioned, prolonged, but otherwise already expired documents’ prolongation shall be requested till the date of expiry of the state of danger”. Those who miss this deadline shall submit adequate justification for their omission, within 5 days as of becoming aware of the omission or as of the (related) obstacle ceasing to exist. The submission of justifications are only possible within 30 days as of the last date of the omitted deadline.¹⁴⁰</p>		
	<p>Holders of visas issued based on Visa Code No. 810/2009 (as amended by Regulation (EU)</p>	<p>Holders of short-term visas and entry visa for receiving a residence permit were not included in the specific arrangements introduced due</p>	<p>Related notifications issued by NDGAP in February 2020 to Iranian and Chinese nationals (available at:</p>	

¹⁴⁰ National Directorate-General for Aliens Policing (2020), Notification about the validity period of residence documents, 16 November 2020, available at: http://www.bmbah.hu/index.php?option=com_k2&view=item&layout=item&id=1621&Itemid=2057&lang=hu.

<p>No. 2019/1155) (Schengen visas)</p>	<p>to the COVID-19 pandemic - instead, general rules applied. After the cancellation of all flights, Chinese or Iranian nationals whose Schengen or national visas were due to expire within a short period were asked to contact the relevant NDGAP office immediately to regulate their situation. The prolongation of their visa was free of charge for humanitarian reasons.</p>	<p>http://www.bmbah.hu/index.php?option=com_k2&view=item&id=1545:tajekoztato-irani-allampolgarok-reszere-koronavirus-jarvany-kapcsan&lang=hu and http://www.bmbah.hu/index.php?option=com_k2&view=item&id=1515:tajekoztato-kinai-allampolgarok-reszere-koronavirus-jarvany-kapcsan&lang=hu.¹⁵²</p>	
<p>Visa-free TCNs who reached the maximum of 90 days in any 180-day period under Article 4 of the Visa List Regulation</p>	<p>Not included in the specific arrangements introduced due to the COVID-19 pandemic, therefore general rules apply.</p>		

¹⁵² National Directorate-General for Aliens Policing (2020), Notification to Iranian nationals on account of the coronavirus epidemic (*Tájékoztató iráni állampolgárok részére koronavírus-járvány kapcsán*), 6 March 2020, available at: http://www.bmbah.hu/index.php?option=com_k2&view=item&id=1545:tajekoztato-irani-allampolgarok-reszere-koronavirus-jarvany-kapcsan&lang=hu; National Directorate-General for Aliens Policing (2020), Notification to Chinese nationals on account of the coronavirus epidemic (*Tájékoztató kínai állampolgárok részére koronavírus-járvány kapcsán*), 4 February 2020, available at: http://www.bmbah.hu/index.php?option=com_k2&view=item&id=1515:tajekoztato-kinai-allampolgarok-reszere-koronavirus-jarvany-kapcsan&lang=hu.

	(Regulation (EU) 2018/1806)			
	Holders of long-term visas issued by the EU Member State (under Regulation (EU) No. 265/2010 and beyond, under national law)	Holders of entry visa for receiving a residence permit under Article 14 of Act II of 2007 ¹⁵³ (long-term visas) were not included in the specific arrangements introduced due to the COVID-19 pandemic – the general rules applied. After the cancellation of all flights, Chinese or Iranian nationals whose Schengen or national visas were due to expire within a short period were asked to contact the designated office of NDGAP immediately to regulate their situation. The prolongation of their visa was free of charge for humanitarian reasons.	Related notifications issued by NDGAP in February 2020 to Iranian and Chinese nationals (available at: http://www.bmbah.hu/index.php?option=com_k2&view=item&id=1545:tajekoztato-irani-allampolgarok-reszere-koronavirus-jarvany-kapcsan&lang=hu and http://www.bmbah.hu/index.php?option=com_k2&view=item&id=1515:tajekoztato-kinai-allampolgarok-reszere	

¹⁵³ Act II of 2007 on the entry and stay of third-country nationals (2007. évi II. törvény a harmadik országbeli állampolgárok beutazásáról és tartózkodásáról), available at: http://njt.hu/cgi_bin/njt_doc.cgi?docid=108621.383707.

			koronavirus-jarvany-kapcsan&lang=hu. ¹⁵⁴	
	Holders of residence permits issued under Regulation (EC) No. 1030/2002 (as amended by Regulation (EU) 2017/1954)	Residence documents issued under Act I of 2007 and Act II of 2007 were included in the specific arrangements introduced due to the COVID19 pandemic.		
	Holders of local border traffic permit under Regulation (EC) No. 1931/2006	Not included in the specific arrangements introduced due to the COVID-19 pandemic - general rules based on related international treaties applied.		
	Any other category of TCN not listed above	-	-	-

¹⁵⁴ National Directorate-General for Aliens Policing (2020), Notification to Iranian nationals on account of the coronavirus epidemic (*Tájékoztató iráni állampolgárok részére koronavírus-járvány kapcsán*), 6 March 2020, available at: http://www.bmbah.hu/index.php?option=com_k2&view=item&id=1545:tajekoztato-irani-allampolgarok-reszere-koronavirus-jarvany-kapcsan&lang=hu; National Directorate-General for Aliens Policing (2020), Notification to Chinese nationals on account of the coronavirus epidemic (*Tájékoztató kínai állampolgárok részére koronavírus-járvány kapcsán*), 4 February 2020, available at: http://www.bmbah.hu/index.php?option=com_k2&view=item&id=1515:tajekoztato-kinai-allampolgarok-reszere-koronavirus-jarvany-kapcsan&lang=hu.

Chapter 5. Information society, privacy and data protection

1. Legal and political initiatives that have been implemented to support access to, and use of, personal data.

The following initiatives were implemented at national level in response to the **COVID-19 pandemic**:

- In March 2020, the National Authority for Data Protection and Information Freedom (*Nemzeti Adatvédelmi és Információszabadság Hatóság*) issued guidelines on processing data related to COVID-19. The Authority issued its guidelines at the request of healthcare professionals and employers. The guidelines detail the measures expected from employers during the pandemic (e.g. business continuity action plan, providing information to employees, urging employees to report any alleged contact with the virus, etc.), how healthcare professionals will comply with the data protection requirements (e.g. providing information to patients put under epidemiological measures, keeping records of these patients).¹⁵⁵
- Act XII of 2020 (Authorisation Act) introduced amendments to the Criminal Code in relation to the criminal offence of fearmongering on 31 March 2020.¹⁵⁶ As a result of the amendment, the Criminal Code now considers it an offence to state or disseminate any untrue fact or misrepresent any true fact that is capable of hindering or preventing the efficiency of protection in a special legal order (such as the state of danger declared on 11 March 2020)¹⁵⁷ and sanctions the

¹⁵⁵ National Authority for Data Protection and Information Freedom (*Nemzeti Adatvédelmi és Információszabadság Hatóság*) (2020), Information on processing data related to the coronavirus epidemic, March 2020, available at: https://www.naih.hu/files/NAIH_2020_2586_EN.pdf.

¹⁵⁶ Hungary, Act XII of 2020 on the containment of Coronavirus (*2020. évi XII. törvény a koronavírus elleni védekezésről*), 31 March 2020, Section 10(2), available at: https://njt.hu/translated/doc/J2020T0012P_20200401_FIN.pdf.

¹⁵⁷ Hungary, Governmental Decree No. 40/2020 on declaring state of danger (*40/2020. (III. 11.) Korm. rendelet veszélyhelyzet kihirdetéséről*), 11 March 2020, available at: https://njt.hu/translated/doc/J2020R0040K_20200326_FIN.pdf.

perpetrator to imprisonment of one to five years.¹⁵⁸ The new provision introduced more severe penalties for those committing the new form of fearmongering in a special legal order, since other forms of fearmongering are punished by imprisonment of up to three years.¹⁵⁹ On 15 June 2020, the police reported that between 31 March and 15 June 2020, 126 criminal proceedings were initiated under the new provision.¹⁶⁰ On 15 June 2020, however, the media reported that only one person had been found guilty by the Criminal Court, suggesting that misinformation was not significant in Hungary.¹⁶¹ As the state of danger ended on 18 June 2020,¹⁶² and the current epidemiological preparedness is not considered a special legal order,¹⁶³ (a precondition for the application of the new provision on fearmongering), the provision can no longer be applied, although it is still in effect. The Constitutional Court of Hungary (*Magyarország Alkotmánybírósága*) rejected a complaint that stated the new provision unnecessarily and disproportionately restricted freedom of speech. The complainant stressed that the new provision provided for a very broad interpretation for the

¹⁵⁸ Hungary, Act C of 2012 on the Criminal Code (*2012. évi C. törvény a Büntető Törvénykönyvről*), 1 July 2013, Section 337(2), available at: https://njt.hu/translated/doc/J2012T0100P_20200331_FIN.PDF.

¹⁵⁹ Hungary, Act C of 2012 on the Criminal Code (*2012. évi C. törvény a Büntető Törvénykönyvről*), 1 July 2013, Section 337(1), available at: https://njt.hu/translated/doc/J2012T0100P_20200331_FIN.PDF.

¹⁶⁰ Koronavirus.gov.hu (2020), 'Operational Corp: A family event can be held after the conclusion of marriage even in Budapest' (*Operatív törzs: Már Budapesten is tartható házasságkötés után családi rendezvény*), 15 June 2020, <https://koronavirus.gov.hu/cikkek/operativ-torzs-mar-budapesten-tarthato-hazassagkotes-utan-csaladi-rendezveny>.

¹⁶¹ 444.hu (2020), 'Only one person was found guilty of fearmongering' (*Eddig egyetlen embert ítélték el rémhírtérjesztéses ügyben*), 15 June 2020, available at: <https://444.hu/2020/06/15/eddig-egyetlen-embert-iteittek-el-remhirterjeszteses-ugyben>.

¹⁶² Hungary, Act LVII of 2020 on terminating the state of danger (*2020. évi LVII. törvény a veszélyhelyzet megszüntetéséről*), 18 June 2020, available at: https://njt.hu/translated/doc/J2020T0057P_20200618_FIN.pdf.

¹⁶³ Hungary, Act LVIII of 2020 on the transitional rules related to the termination of the state of danger and on the epidemiological preparedness (*2020. évi LVIII. törvény a veszélyhelyzet megszűnésével összefüggő átmeneti szabályokról és a járványügyi készütségről*), 18 June 2020, available at: http://njt.hu/cgi_bin/njt_doc.cgi?docid=220120.384679.

authorities and the courts. In its decision delivered on 17 June 2020,¹⁶⁴ the Court concluded that the new provision on fearmongering did not violate the Fundamental Law of Hungary. However, it stressed that only those disseminations that the offender knew to be untrue before sharing them could be punished.¹⁶⁵

- During the state of danger declared on 11 March 2020 in response to the COVID-19 pandemic, a Governmental Decree¹⁶⁶ issued on 4 May 2020 suspended the one-month deadline imposed by the General Data Protection Regulation (GDPR) on data controllers to reply to data subjects' requests. That suspension was for the duration of the state of danger. The Decree allowed public authorities to refuse or suspend freedom of information requests in certain situations. Public authorities were given the opportunity to extend the period (from 45 days to 90 days) to respond to freedom of information requests where there was a risk that the requests could jeopardise their tasks related to the COVID-19 situation. The public authorities, however, had an obligation to inform the claimant within 15 days of receipt of the request about the extension or rejection of the request. As the state of danger ended on 18 June 2020,¹⁶⁷ the Decree is no longer in effect.
- The police and the epidemiological authority are entrusted with monitoring official home quarantines through electronic software, a mobile application as of 7 May 2020. The application uses GPS data to track individuals' movements. The

¹⁶⁴ Constitutional Court of Hungary (*Magyarország Alkotmánybírósága*), Decision no. IV/699/2020, 17 June 2020, available at: <https://alkotmanybirosag.hu/dontes/ab-hatarozat-alkotmanyjogi-panasz-elutasitasarol-9>.

¹⁶⁵ Constitutional Court of Hungary (*Magyarország Alkotmánybírósága*), Decision no. IV/699/2020, 17 June 2020, available at: <https://alkotmanybirosag.hu/dontes/ab-hatarozat-alkotmanyjogi-panasz-elutasitasarol-9>.

¹⁶⁶ Hungary, Governmental Decree No. 179/2020 on derogations from the general data protection and data request framework for the period of state of danger (*179/2020. (V. 4.) Korm. rendelet a veszélyhelyzet idején az egyes adatvédelmi és adatigénylési rendelkezésektől való eltérésekről*), 4 May 2020, available at: http://njt.hu/cgi_bin/njt_doc.cgi?docid=219363.38262.

¹⁶⁷ Hungary, Act LVII of 2020 on terminating the state of danger (*2020. évi LVII. törvény a veszélyhelyzet megszüntetéséről*), 18 June 2020, available at: https://njt.hu/translated/doc/J2020T0057P_20200618_FIN.pdf.

police compare the movement data provided by the software against the data of the location designated for the official home quarantine.¹⁶⁸ Act LVIII of 2020 (Act on Transitional Rules) implemented provisions related to the electronic software monitoring home quarantine in the Healthcare Act.¹⁶⁹ Official home quarantines are ordered for people who are infected with COVID-19 and do not require medical attention in hospitals, those who are proven to have been in contact with infected persons, and against TCNs arriving in Hungary from abroad who are legally obliged to stay in official home quarantine for 14 days (there is no quarantine obligation for Hungarian, EEA and Serbian citizens).¹⁷⁰ The epidemiological authority is competent to monitor compliance with the rules of the official home quarantine through the software that tracks movement and transfers the facial image and health data of the person concerned. The use of the software is voluntary and requires the consent of the person concerned, who must have full capacity to act when providing their consent. If the person is willing to be monitored through the software, they must make a statement on meeting the requirements for installing the software.¹⁷¹ Data from the application may also be used as evidence in a criminal proceeding, typically where the person concerned is charged with the misdemeanour of violation of epidemic control

¹⁶⁸ Koronavirus.gov.hu (2020), 'The electronic monitoring of the home quarantine works well' (*Jól működik a hatósági házi karantén elektronikus ellenőrzése*), 29 May 2020, available at: <https://koronavirus.gov.hu/cikkek/jol-mukodik-hatosagi-hazi-karanten-elektronikus-ellenorzese>.

¹⁶⁹ Hungary, Governmental Decree No. 181/2020 on the electronic monitoring of official home quarantines ordered with respect to the human epidemic endangering life and property and causing massive disease outbreaks (181/2020. (V. 4.) *Korm. rendelet az élet- és vagyonbiztonságot veszélyeztető tömeges megbetegedést okozó humánjárvány vonatkozásában elrendelt hatósági házi karantén elektronikus ellenőrzéséről*), 7 May 2020, ineffective since 18 June 2020, available at: https://njt.hu/translated/doc/J2020R0181K_20200521_FIN.pdf; The applicable rules on the monitoring of home quarantine through electronic means are provided for in Act CLIV of 1997 on healthcare (1997. évi CLIV. *törvény az egészségügyről*), 1 July 1998, Section 74/B, available at: http://njt.hu/cgi_bin/njt_doc.cgi?docid=30903.384704; These provisions were introduced by Act LVIII of 2020 on the transitional rules related to the termination of the state of danger and on the epidemiological preparedness (2020. évi LVIII. *törvény a veszélyhelyzet megszűnésével összefüggő átmeneti szabályokról és a járványügyi készülségről*), 18 June 2020, Section 311, available at: http://njt.hu/cgi_bin/njt_doc.cgi?docid=220120.384679.

¹⁷⁰ Hungary, Governmental Decree No. 291/2020 on travel restrictions in the period of epidemiological preparedness (291/2020. (VI. 17.) *Korm. rendelet a járványügyi készülségi időszak utazási korlátozásairól*), 18 June 2020, available at: http://njt.hu/cgi_bin/njt_doc.cgi?docid=220132.384776.

¹⁷¹ Hungary, Act CLIV of 1997 on healthcare (1997. évi CLIV. *törvény az egészségügyről*), 1 July 1998, Article 74/B(1), http://njt.hu/cgi_bin/njt_doc.cgi?docid=30903.384704

regulation.¹⁷² In the absence of special rules in the Act on Transitional Rules, the general rules of data protection law (GDPR, Data Protection Act¹⁷³) provide for restrictions on the further use of the data collected through the software. A company, Asura Technologies, developed the software. During a media interview, the manager of the developer company stated that the company did not develop the application at the request of the authorities. The manager was very satisfied with the reaction time and the efficiency of the authorities when working on the authorisation and the interoperability of the application with the central databases of the authorities. The developer stated that it was a very smooth and fast procedure. He stressed that data protection principles and rules were respected in the development of the mobile application. He added that the software would likely be connected to another system that enables authorities to search for contacts of the infected persons more effectively.¹⁷⁴ Amnesty International raised concerns about the electronic monitoring of the official home quarantine. They emphasised that while the use of the electronic application is voluntary, in reality those who wish not to use the electronic software may expect a more rigid and increased control from the authorities.¹⁷⁵

Eötvös Károly Policy Institute (*Eötvös Károly Intézet*), a Hungarian civil society organisation, criticised the governmental decrees adopted during the state of danger in the spring months on the ground that many of them imposed unnecessary restrictions

¹⁷² Hungary, Act C of 2012 on the Criminal Code (2012. évi C. törvény a Büntető Törvénykönyvről), 1 July 2013, Section 361, available at: https://njt.hu/translated/doc/J2012T0100P_20200331_FIN.PDF.

¹⁷³ Hungary, Act CXII of 2011 on the right to informational self-determination and on the freedom of information (2011. évi CXII. törvény az információs önrendelkezési jogról és az információszabadságról), 27 July 2011, available at: https://njt.hu/translated/doc/J2011T0112P_20200101_FINrev.pdf.

¹⁷⁴ Index (2020), 'The goal was not to insult people through the quarantine check app' (*Nem az emberek szívatása a cél a karanténellenőrző appal*), 3 June 2020, available at: https://index.hu/techtud/2020/06/03/koronavirus_jarvany_hazi_karanten_rendszer_hkr_app_alkalmazas_asura/.

¹⁷⁵ Amnesty International (2020), 'They will monitor those in quarantine using an almost mandatory electronic system' (*Szinte kötelező elektronikus ellenőrzéssel figyelnek a karanténban lévőköt*), 5 May 2020, available at: <https://www.amnesty.hu/news/2716/szinte-kotelezo-elektronikus-ellenorzessel-figyelnek-a-karantenban-levoket>.

on the freedom of information and on data protection rights otherwise granted to citizens.¹⁷⁶ The Institute expressed the following concerns:

- Governmental Decree no. 179/2020¹⁷⁷ could be interpreted as a limitation on freedom of information. The decree stipulated a public body had 2x45 days, instead of the previous main rule of 15 days, to provide data of public interest if it was probable that such data was related to its public duties performed in connection with the state of danger. Because of the extended deadline, the public bodies had three months to comply with the request to provide data of public interest, and the claimant could only turn to court after this extended deadline was over. The Decree further stipulated that during the state of danger, before the start of data processing, no prior information had to be given on the processing of the citizen's data. The Institute believes that, due to this amendment, the right of access, the rights to rectification, supplementation, and the right to restrict data processing and the deletion of data ceased to exist along with the right to be forgotten, the right to restrict data processing, the right to data portability, protest, and the rights that control data controllers related to automated decision-making and profiling. The Institute stressed the Decree practically suspended the application of many provisions of the GDPR.

¹⁷⁶ Eötvös Károly Policy Institute (*Eötvös Károly Intézet*) (2020), 'Concentration of power salvaged: Coronavirus stocktaking – Assessing the crisis management of the Hungarian Government from the Perspective of Constitutional Law', available at: [http://ekint.org/lib/documents/1595421967-EKINT_Concentration_of_Power_Salvaged_-_Coronavirus_Stocktaking_\(analysis\).pdf](http://ekint.org/lib/documents/1595421967-EKINT_Concentration_of_Power_Salvaged_-_Coronavirus_Stocktaking_(analysis).pdf).

¹⁷⁷ Hungary, Governmental Decree no. 179/2020 on the derogation of certain data protection and data request legislation during the state of danger (*179/2020. (V. 4.) Korm. rendelet a veszélyhelyzet idején az egyes adatvédelmi és adatigénylési rendelkezésektől való eltérésről*), 5 May 2020, available at: http://njt.hu/cgi_bin/njt_doc.cgi?docid=219363.382629.

- Governmental Decree no. 83/2020¹⁷⁸ entrusted the Operational Corp (*Operatív Törzs*), the body established to propose measures to the Government on the containment of the virus, to, without any justification, obtain and manage sensitive data available in the patient care systems, in public health administration and in the Electronic Health Service Space.
- Governmental Decree no. 46/2020¹⁷⁹ entitled the Minister responsible for innovation and technology to get to know and manage any available data to be able to prevent and eliminate the consequences of the virus, and to model and analyse the spread of the epidemic. According to the Institute, this broad definition practically provided the Minister with unlimited access to databases containing personal data of the citizens.

Finally, while schools and universities had to switch to an online study scenario for the period of the state of danger in the spring months and as from 11 November 2020 again, there have been no special measures taken to ensure data protection in education. As from 1 October 2020, upon arriving at the schools, everyone is obliged to subject himself or herself to a body temperature check. For staff members, for persons entering with a view to carrying out an obligation set out by law and for adult students, entry to the public education institutions is only allowed if their body temperature does not reach 37.8C. Children and minor students whose body temperature reaches or exceeds this threshold upon entry are separated from the other children and students; their parent or legal guardian is notified accordingly immediately by way of a telecommunication

¹⁷⁸ Hungary, Governmental Decree no. 83/2020 on certain healthcare measures to be taken during the period of state of danger (83/2020. (IV. 3.) Korm. rendelet a veszélyhelyzet során alkalmazandó egyes egészségügyi intézkedésekről), 3 April 2020, available at: http://njt.hu/translated/doc/J2020R0083K_20200418_FIN.pdf.

¹⁷⁹ Hungary, Governmental Decree no. 46/2020 on the measures to be taken during the state of danger declared for the prevention of the human epidemic endangering life and property and causing massive disease outbreaks, for the elimination of its consequences, and for the protection of the health and lives of Hungarian citizens (III) (46/2020. (III. 11.) Korm. rendelet az élet- és vagyonbiztonságot veszélyeztető tömeges megbetegedést okozó humánjárvány megelőzése, illetve következményeinek elhárítása, a magyar állampolgárok egészségének és életének megóvása érdekében elrendelt veszélyhelyzet során teendő intézkedésekről (III.)), 16 March 2020, available at: https://njt.hu/translated/doc/J2020R0046K_20200410_FIN.pdf.

device.¹⁸⁰ The Head of the National Authority for Data Protection and Information Freedom (*Nemzeti Adatvédelmi és Információszabadság Hatóság*) stated in an interview that measuring body temperatures of school students is a proportionate measure that does not constitute a data protection incident. The body temperature, however, cannot be put in any registry and cannot be stored without the explicit consent of the data subject.¹⁸¹

On 13 July 2020, the National Authority for Data Protection and Information Freedom (*Nemzeti Adatvédelmi és Információszabadság Hatóság*) released a statement in relation to the **national consultation questionnaires** sent by the government to citizens in relation to the containment of COVID-19.¹⁸² Based on the information provided by some Members of the Hungarian Parliament, the Authority gathered some intelligence suggesting that some online activity had asked citizens to hand over completed questionnaires to them instead of sending them back directly to the government. The Authority stressed that the questionnaires only indicated the original purpose of the data collection and named a single data controller, the government. Therefore, sending or handing these questionnaires to people not designated as data controllers may result in unlawful access to personal data (e.g. name, address on the envelope that contains the questionnaire). These unauthorised people may use the unlawfully obtained personal data to build a database of those who sympathise with the government. As these unauthorised people did not provide information on the purpose, title and duration of the data collection, their activities infringed the principles of the GDPR.

The **data retention regime** in Hungary has not been updated or changed in 2020.

¹⁸⁰ Hungary, Governmental Decree no. 431/2020 on protective measures during the period of state of epidemiological preparedness (431/2020. (IX. 18.) Korm. rendelet a járványügyi készültségi időszak védelmi intézkedéseiről), 18 September 2020, Section 4, available at: http://njt.hu/translated/doc/J2020R0431K_20201010_FIN.pdf.

¹⁸¹ Index (2020), 'Attila Péterfalvi: It is allowed to check the body temperature, however, the measurement cannot be stored' (*Péterfalvi Attila: Lázat mérni szabad, rögzíteni nem*), 28 September 2020, available at: <https://index.hu/belfold/2020/09/28/peterfalvi-attila-naih-lazmeres-iskola-koronavirus/>.

¹⁸² National Authority for Data Protection and Information Freedom (*Nemzeti Adatvédelmi és Információszabadság Hatóság*) (2020), 'Statement in relation to the National Consultation questionnaires' (*Tájékoztató a nemzeti konzultációs kérdőívekkel kapcsolatban*), 13 July 2020, available at: https://www.naih.hu/files/2020-07-13-kozlemeny_nemzeti_konzultacios_kerdoiv.pdf.

In 2020, there have been no developments in relation to the legal framework established in Hungary by the **ePrivacy Directive**.

2. Artificial Intelligence (AI) and Big Data

MS	Actor*	Type*	Description	Are ethical concerns mentioned? (yes/no)	Are human rights issues mentioned? (yes/no)	Reference
HU	Government	Action plan	The Ministry for Innovation and Technology (<i>Innovációs és Technológiai Minisztérium</i>) introduced Hungary's Artificial Intelligence Strategy 2020-2030 on 8 September 2020. The Strategy was developed in coordination with 78 international and Hungarian companies, universities and research institutes. The	Yes (The Strategy proposes the adoption of an Ethics Code for the	Yes (freedom of information, right to work)	Hungary's Artificial Intelligence Strategy 2020-2030 (<i>Magyarország Mesterséges Intelligencia Stratégiája 2020-2030</i>) https://digitalisjoletprogram.hu/hu/tartalom/mesterseg-es-intelligencia-koalicio

			<p>Strategy identifies the sectors in which AI has been used with success (banking, energy, telecommunication, public administration, healthcare) and elaborates on the question of national sovereignty. It emphasises the importance of personal freedom of information when establishing cyber protection. The Strategy notes the importance of educating citizens on the use of AI technologies in order to avoid falling victim to data exploitation or manipulation. The Strategy stresses the importance of state bodies in ensuring freedom of information to citizens. The Strategy dedicates a chapter to the impact of AI on the labour market and concludes that new regulatory frameworks are needed in order to preserve workplaces. Among the most vulnerable groups, the Strategy mentions women employees and uneducated men. The key</p>	<p>market players that would ensure the use of AI will be human centric and comply with some basic ethical requirements)</p>		<p>The full text of the Strategy is available at: https://digitalisjoletprogram.hu/files/6f/3b/6f3b96c7604fd36e436a96a3a01e0b05.pdf.</p>
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			to preserve workplaces is to ensure a transition of existing workplaces so as not to eliminate them. This requires state actors to strengthen digital competencies of both active workers and those still studying.			
HU	Business	Conference	The Internet Hungary 2020 Coalition merges businesses that are committed to applying modern technology in their operations. The Coalition announced a two-day conference on 6-7 October 2020 titled 'Internet Hungary'. The conference will focus on the transformation in the use of the internet and the dangers of this phenomenon to users. In addition to focusing on technical aspects of the internet, the conference will dedicate sections and panels to ethical concerns and potential solutions. The themes of the conference embrace	Yes (a panel was held on ethical concerns and solutions that focused on aggressive marketing technique and hidden advertise	Yes (freedom of information, data protection, children's rights, equal treatment)	https://www.internethungary.com/ismerteto/

			fundamental rights problems as well.	ment activities and influencing decision making of users in social media)		
HU	Academia	Study	The study analyses the transformation of e-commerce and e-profiling. It highlights gaps in legislation and concludes that legislators have been slow to react to the rapid development of technology. The paper stresses that equal access to technology is difficult to ensure and state players must intervene in order to protect citizens from the dangers of profiling and phishing systems.	Yes	Yes (data protection, freedom of information, equal treatment)	Zódi, Z. (2020), <i>A jog és a kód</i> (The law and the code), In G. Polyák (ed.), <i>Algoritmusok, közösségi oldalak és a jog - a forgalomirányító szolgáltatások szabályozás</i> (Algorithms, social media and the law – regulating traffic controlling services), HVG-Orac, Budapest, pp. 15-35.

Chapter 6. Rights of the child

1. Measures taken during the COVID-19 pandemic to ensure the well-being of children living in poverty and the protection of children from violence.

Measures to address the specific vulnerabilities of children living in poverty	<p>During the state of danger declared by the Hungarian government on 11 March 2020 in response to COVID-19, measures were taken to mitigate the effects of COVID-19 on the financial situation and everyday lives of families:</p> <ul style="list-style-type: none">- Extraordinary breaks were ordered in many kindergartens and nurseries in Hungary in March, April and May. It was, however, mandatory for city mayors to provide on-call childcare services (five children/group) free of charge for children whose placement could not otherwise be solved.¹⁸³ Children had to be provided with food for the entire duration of the childcare. Starting from 25 May 2020, nurseries and kindergartens reopened in the countryside and from 2 June in Budapest.¹⁸⁴ During the state of danger, the government urged employers to organise workplace childcare services for children over 20 weeks of age (this measure was extended until 31 August 2020).¹⁸⁵- The conditions for receiving social benefits for some families with children were facilitated by the government so that no one, including lone parents, would be deprived of these benefits because of any change in circumstances. The payment of family support benefits was automatically prolonged.
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¹⁸³ Hungary, Government Decree No. 152/2020 on measures on the daycare supervision of children during the state of danger (152/2020. (IV. 27.) Korm. rendelet a veszélyhelyzet során a gyermekek napközbeni felügyeletével kapcsolatos intézkedésekről), 27 April 2020, available at: http://njt.hu/cgi_bin/njt_doc.cgi?docid=219234.383170.

¹⁸⁴ Hungary Government Decree No. 215/2020 on the reopening of kindergarten and day-care facilities and the organisation of summer camps (215/2020. (V. 20.) Korm. rendelet az óvodák és bölcsődék újranyitásáról, valamint a nyári táborok megszervezéséről), 20 May 2020, available at: http://njt.hu/cgi_bin/njt_doc.cgi?docid=219555.383175.

¹⁸⁵ Hungary, Act LVIII of 2020 on the transitional rules related to the termination of the state of danger and on the epidemiological preparedness (2020. évi LVIII. törvény a veszélyhelyzet megszűnésével összefüggő átmeneti szabályokról és a járványügyi készületségről), 18 June 2020, available at: http://njt.hu/cgi_bin/njt_doc.cgi?docid=220120.384679.

	<p>Where the parents' entitlement to childcare fees (a benefit based on social security status), childcare allowance (a benefit provided on a subjective right) or child-rearing support (a benefit for large families) would have expired during the state of danger, entitlement to the benefit was automatically prolonged throughout the period of the state of danger.¹⁸⁶ The Government, however, did not provide new allowances.</p> <ul style="list-style-type: none"> - The government established a moratorium on repayments of employer loans, rents of the National Asset Management Programme and the guarantee fee for the baby-expecting support until the end of 2020. No interests, or fees, could be charged for the period of the moratorium.¹⁸⁷ In the event of the loss of a job, the baby-expecting support and the housing support (CSOK) were not interrupted during the state of danger and the following 60 days, if the claimant was re-employed by the end of this period.¹⁸⁸ <p>During spring 2020, UNICEF Hungary established cooperation with 77 institutions providing care for children. These included children's homes, mothers'</p>
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¹⁸⁶ Hungary, Government Decree No. 59/2020 on the extension of eligibility for certain health insurance and family benefits granted with regard to caring for and raising children during the state of danger declared for the prevention of the human epidemic endangering life and property and causing massive disease outbreaks, for the elimination of its consequences, and for the protection of the health and lives of Hungarian citizens (59/2020. az élet- és vagyonbiztonságot veszélyeztető tömeges megbetegedést okozó humánjárvány megelőzése, illetve következményeinek elhárítása, a magyar állampolgárok egészségének és életének megóvása érdekében elrendelt veszélyhelyzet során a gyermek gondozására, nevelésére tekintettel járó egyes egészségbiztosítási és családtámogatási ellátásokra való jogosultságok meghosszabbításáról), 23 March 2020, available at: http://njt.hu/translated/doc/J2020R0059K_20200324_FIN.pdf.

¹⁸⁷ Hungary, Government Decree No. 62/2020 (24 March) on detailed rules concerning payment moratorium of Government Decree 47/2020 on immediate measures necessary for alleviating the effects of the coronavirus pandemic on the national economy (62/2020. Korm. rendelet a koronavírus világjárvány nemzetgazdaságot érintő hatásának enyhítése érdekében szükséges azonnali intézkedésekről szóló 47/2020. (III. 18.) Korm. rendelet fizetési moratóriumra vonatkozó részletszabályairól), 18 March 2020, available at: http://njt.hu/translated/doc/J2020R0062K_20200325_FIN.pdf.

¹⁸⁸ Hungary, Act LVIII of 2020 on the transitional rules related to the termination of the state of danger and on the epidemiological preparedness (2020. évi LVIII. törvény a veszélyhelyzet megszűnésével összefüggő átmeneti szabályokról és a járványügyi készütségről), 18 June 2020, available at: http://njt.hu/cgi_bin/njt_doc.cgi?docid=220120.384679.

	<p>homes, children’s hospitals and education institutions. The cooperation distributed personal protective equipment (facemasks and disinfectants), computers, laptops, printers, smartphones, hygienic products, food, toys and cleaning products.¹⁸⁹</p> <p>During the second state of danger declared by the Hungarian Government on 4 November 2020 in response to the second wave of the epidemic,¹⁹⁰ on 15 November 2020, the Government ordered internet service providers to provide access to the internet free of charge to families with a child who has to study online due to the closure of the secondary schools.¹⁹¹ Internet service providers do not receive compensation for the loss from the Government. In an interview, the representative of Magyar Telekom, the largest internet service provider in the country stated the loss was probably not going to have a significant impact on the profitability of the service providers as only a fraction of the subscribers are entitled to the free internet service and it has to be formally claimed from the provider.¹⁹²</p> <p>In December, in cooperation with the local government of the city of Debrecen, Delta Systems Kft., an IT firm with a branch in the city, donated 50 tablet computers to families in need and who are raising university students and/or high school students to support their involvement in digital education. The deputy mayor of the city emphasised more and more enterprises and firms offer free services and donate products to families and to vulnerable groups who were struck by the economic consequences of the</p>
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¹⁸⁹ United Nations Children’s Fund (UNICEF) Hungary (2020), ‘Against Coronavirus in Hungary’ (*Koronavírus ellen Magyarországon*), available at: <https://unicef.hu/koronavirus-ellen-magyarorszagon>.

¹⁹⁰ Hungary, Governmental Decree no. 478/2020 on the declaration of state of danger (478/2020. (XI. 3.) Korm. rendelet a veszélyhelyzet kihirdetéséről), 4 November 2020, available at: http://njt.hu/translated/doc/J2020R0478K_20201104_FIN.pdf.

¹⁹¹ Hungary, Governmental Decree no. 501/2020 on measures that provide for help to families affected by digital education for the period of the state of danger (501/2020. (XI. 14.) Korm. rendelet a veszélyhelyzet ideje alatt a digitális oktatással érintett családokat segítő intézkedésekről), 15 November 2020, available at: http://njt.hu/cgi_bin/njt_doc.cgi?docid=222737.391450.

¹⁹² Világ gazdaság.hu (2020), ‘The impact of the free internet is limited’ (*Még limitált az ingyenes internet hatása*), 17 November 2020, available at: <https://www.vg.hu/vallalatok/infokommunikacio/meg-limitalt-az-ingyenes-internet-hatasa-2-3376978/>.

	<p>restrictions the Government had introduced in response to the Coronavirus outburst.¹⁹³</p> <p>On 16 November 2020, the National Public Utilities Company (<i>Nemzeti Közművek</i>) announced a moratorium on disabling its services (electricity and heating) at those who are unable to pay the fees. In the official communication of the company, they justify the introduction of the moratorium by the negative impact of the Coronavirus situation on the financial fitness of some families. The moratorium is in effect between 29 November 2020 and 8 January 2021.¹⁹⁴</p>
<p>Measures to protect children from violence</p>	<p>The operation of the service scheme for victims of domestic violence was ensured during the state of danger, albeit with some changes. Crisis centres and secret shelters were open to victims in crisis situations and the National Crisis Management and Information Telephone Service (OKIT) continued to be available 24/7 free of charge (+3680205520). OKIT also announced a central email service (okit@csbo.hu) through which support was available during the state of danger. Ambulances offered online services. A leaflet was disseminated online to advise victims on the protection and professional supports available in the different phases of domestic violence.¹⁹⁵</p> <p>The Women’s Rights Association, NANE (<i>Nők a Nőkért Együtt Az Erőszak Ellen Egyesület</i>), operates a crisis hotline (+3680505101) to women and children who are subject to domestic violence. During a media interview, a representative of the Association stated that they received twice as many calls during the period of restriction of movement (between 28 March and 4 May 2020) than in other periods of the year. Both the</p>

¹⁹³ Dehir.hu (2020), 'Delta Systems Kft. donated 50 tablet computers to the local government of Debrecen' (*Ötven tabletet adományozott a Delta Systems Kft. a debreceni önkormányzatnak*), 8 December 2020, available at: https://www.dehir.hu/debrecen/tabletet-kapnak-a-hatranynos-helyzetu-diakok-debrecenben/2020/12/08/?fbclid=IwAR0r9EggTvg8p5hXtsubwhJxMIsMIG39FMRYhcS_dLo5sULnM9fyzTIM4il.

¹⁹⁴ National Public Utilities Company (*Nemzeti Közművek*) (2020), 'NKM announces a service disabling moratorium for the holiday season' (*Az NKM kapcsolási moratóriumot hirdet az ünnepi időszakban*), 16 November 2020, available at: <https://www.nkmenergia.hu/aram/pages/aloldal.jsp?id=8985948>.

¹⁹⁵ Kormany.hu (2020), 'The victim support programme of the state continues even during the pandemic' (*A járvány idején is folytatódik az állam áldozatsegítő programja*), 31 March 2020, available at: <https://www.kormany.hu/hu/igazsagugyi-miniszterium/hirek/varga-judit-a-jarvany-idejen-is-folytatodik-az-allam-aldozatsegito-programja>.

	<p>frequency and the severity of violence increased during that time. The Association had most calls from women rather than from children themselves. While children may not have been subjects of direct violence, the violence towards their mothers affected them as well.¹⁹⁶ When the government ordered restriction on movement, the respective Decree allowed victims of domestic violence to ask help to leave their homes.¹⁹⁷</p>
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2. Legal and policy measures or initiatives developed in relation to criminal proceedings

<p>Legislative changes</p>	<p>On 8 July 2020, the Hungarian Parliament adopted a new Law on the elimination and prevention of school violence.¹⁹⁸ The Act obliges the police to maintain order in public schools through school guards. The school guards may use coercive measures on the territory of the schools. The new law amended the Criminal Code and ordered children under 14 years of age to be punishable for the criminal offences of homicide, voluntary manslaughter, battery, acts of terrorism, robbery, plundering if they are over the age of 12 years at the time the criminal offence was committed and have the capacity to understand the nature and consequences of their acts. This change in the Criminal Code applies to all scenarios and not exclusively to the framework of the school. The age of criminal responsibility, therefore, is now lowered to 12 years only in the context of the criminal offences listed above. Based on the information available in the public domain, no new developments are expected in this regard. The Criminal Procedure Act was amended to allow courts to require the guardian(s) of those children who committed the criminal</p>
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¹⁹⁶ Index (2020), 'There are some who ask for help whispering and being locked up in the bathroom' (*Van, aki a fürdőbe bezárkózva suttogva kér segítséget*), 19 May 2020, available at: https://index.hu/belfold/2020/05/19/parkapcsolati_eroszak_csaladon_beluli_koronavirus_kijarasi_korlatozas_isztambuli_egyezmeny/.

¹⁹⁷ Hungary, Governmental Decree No. 71/2020 on restricting movement (*71/2020. (III. 27.) a kijárási korlátozásról*), 28 March 2020, Section 4(c), available at: http://njt.hu/translated/doc/J2020R0071K_20200410_FIN.pdf.

¹⁹⁸ Hungary, Act LXXIV of 20220 on amendments necessary to eliminate and prevent school violence (*2020. évi LXXIV. törvény az iskolai erőszak megszüntetése és megelőzése érdekében szükséges egyes törvénymódosításokról*), 16 July 2020, available at: http://njt.hu/cgi_bin/njt_doc.cgi?docid=220658.386125.

	<p>offence to bear the costs of the criminal proceeding if the child was found guilty.</p> <p>The Act on Transitional Rules authorised the director of a children’s correctional institute to restrict contacts, extraordinary leave, sports or cultural events if the epidemiological situation justified it.¹⁹⁹</p>
Policy developments	<p>The National Office for the Judiciary (<i>Országos Bírósági Hivatal</i>) announced its training programmes in January 2020. These included a programme on child perpetrators and child victims. Under the framework of the long running Child-centred Judiciary Programme (<i>Gyermekközpontú Igazságszolgáltatás</i>), the National Office for the Judiciary scheduled a conference for 120 participants (judges) on 16 November 2020. The conference will discuss practical methods for questioning child suspects and introduce judges to international trends.²⁰⁰</p>
Other measures or initiatives	<p>No new measures or initiatives related to the entering into force of Directive 2016/800.</p>

¹⁹⁹ Hungary, Act LVIII of 2020 on the transitional rules related to the termination of the state of danger and on the epidemiological preparedness (*2020. évi LVIII. törvény a veszélyhelyzet megszűnésével összefüggő átmeneti szabályokról és a járványügyi készületségről*), Section 242(2), 18 June 2020, available at: http://njt.hu/cgi_bin/njt_doc.cgi?docid=220120.384679.

²⁰⁰ National Office for the Judiciary (*Országos Bírósági Hivatal*) (2020), ‘Central training programmes for 2020’ (*2020. évi központi képzési programok*), available at: <https://birosag.hu/nyomtatvanyok/letoltheto-nyomtatvanyok/2020-evi-kozponti-kepzesi-program-hirdetmenye>.

Chapter 7. Access to justice, including crime victims

1. Victims' Rights Directive

Government Decision 1645/2019 on the development of the Victim Support System (1645/2019. (XI. 19.) Korm. Határozat az áldozatsegítés rendszerének fejlesztéséről)²⁰¹ was adopted in 2019 on the establishment of a national network of Victim Support Centres by the end of 2025. So far, three new Victim Support Centres were opened in 2020, on 1 September in Pécs,²⁰² on 3 December in Szeged²⁰³ and on 10 December in Kecskemét.²⁰⁴ Government Decree 360/2019 (XII. 30) on the amendment of certain government decrees related to the simplification of the operation of municipal and county government offices (360/2019. (XII. 30.) Korm. rendelet a fővárosi és megyei kormányhivatalok működésének egyszerűsítésével összefüggő egyes kormányrendeletek módosításáról, hereinafter: Government Decree 360/2019)²⁰⁵ modified Article 10 of Government Decree 362/2016 (XI. 29) on certain tasks and competences of justice services (362/2016. (XI. 29.) Korm. Rendelet az igazságügyi szolgáltatásokkal kapcsolatos egyes feladat- és hatáskörökről),²⁰⁶ which – in general – designated the judicial and administrative tasks related to victim support services to the municipal and county government offices. However, while the county government offices

²⁰¹ Government Decision 1645/2019 on the development of the Victim Support System (1645/2019. (XI. 19.) Korm. Határozat az áldozatsegítés rendszerének fejlesztéséről), http://njt.hu/cgi_bin/njt_doc.cgi?docid=216678.375152.

²⁰² Áldozatsegítő Központ (Victim Support Centre), New victim support centre opens to help those in need (Új Áldozatsegítő Központ nyílt a bajbajutottak megsegítésére), 31 August 2020, available at: <https://vansegitsege.hu/hirek/19>.

²⁰³ Szegedma.hu (2020) Megkezdte működését a szegedi áldozatsegítő központ (The Victim Support Centre Started its Operation in Szeged), available at: <https://szegedma.hu/2020/12/megkezdte-mukodeset-a-szegedi-aldozatsegito-kozpont>.

²⁰⁴ Hiros.hu (2020) Megnyílt a Kecskeméti Áldozatsegítő Központ – Videóval (The Kecskemét Victim Support Centre has Opened – with Video) available at: <https://hiros.hu/hirek/kecskememet/megnyilt-a-kecskemeti-aldozatsegito-kozpont---videoval>.

²⁰⁵ Government Decree 360/2019 (XII. 30) on the amendment of certain government decrees related to the simplification of the operation of municipal and county government offices (360/2019. (XII. 30.) Korm. rendelet a fővárosi és megyei kormányhivatalok működésének egyszerűsítésével összefüggő egyes kormányrendeletek módosításáról), Article 156, available at: http://njt.hu/cgi_bin/njt_doc.cgi?docid=217574.379636.

²⁰⁶ Government Decree 362/2016 (XI. 29) on the certain tasks and competences of justice services (362/2016. (XI. 29.) Korm. Rendelet az igazságügyi szolgáltatásokkal kapcsolatos egyes feladat- és hatáskörökről), available at: http://njt.hu/cgi_bin/njt_doc.cgi?docid=198899.378024.

were also designated as support authorities in relation to the compensation of victims of crimes, the responsibility of taking related decisions has been vested with the Budapest Municipal Government Office (*Budapest Főváros Kormányhivatala*) as from 1 March 2020. Government Decree 360/2019 also modified Article 5(1) of Government Decree 420/2017 on the authorisation procedure related to support provided for victims of crime, and on the detailed rules of payment and re-payment of financial support (*420/2017. (XII. 19.) Korm. rendelet a bűncselekmények áldozatainak nyújtott támogatások engedélyezése iránti eljárás, valamint a pénzbeli támogatás folyósításának és visszatérítésének részletes szabályairól*)²⁰⁷ and prescribed that applications submitted at the county victim support services should be forwarded to the Budapest Municipal Government Office in five days.

According to the response given by the Ministry of Justice to public data request on the operation of Victim Support Services during the state of danger (between 11 March 2020 – 18 June 2020), the Victim Support Services/Centres operated continually, and assured the personal contacts with clients, though the management of cases happened predominantly via telephone (Victim Support Line (*Áldozatsegítő Vonal*)) or email. During the state of danger in 2020, 393 victims turned to the Victim Support Centres, while 257 persons reached out for help to the territorial victim support services (*területi áldozatsegítő szolgálat*). The Victim Support Line received 2,974 calls during the lockdown. According to information provided by the Ministry of Justice, during an identical period of time in 2019, between 11 March 2019 – 18 June 2019, 698 victims turned to the Victim Support Centres, while 497 persons reached out for help to the territorial victim support services and the Victim Support Line received 2,974 (sic!) calls.²⁰⁸ The Victim Support Services operate under the auspices of the Ministry of Justice and such collected information is only available through them.

Regarding the newly ordered lockdown as of November 2020 based on Government Decree 478/2020 (XI. 3) on the announcement of the state of danger (*478/2020. (XI. 3.) Korm. rendelet a veszélyhelyzet kihirdetéséről*),²⁰⁹ the Ministry of Justice maintained that the same policies applied in general as to the operation of the Victim Support Centres/Services. Although, after the introduction of the curfew restrictions, they tried to avoid personal contacts

²⁰⁷ Government Decree 420/2017 on the authorisation procedure related to support provided for victims of crime, and on the detailed rules of payment and re-payment of financial support (*420/2017. (XII. 19.) Korm. rendelet a bűncselekmények áldozatainak nyújtott támogatások engedélyezése iránti eljárás, valamint a pénzbeli támogatás folyósításának és visszatérítésének részletes szabályairól*), Article 182, available at: http://njt.hu/cgi_bin/njt_doc.cgi?docid=217574.379636.

²⁰⁸ Ministry of Justice, Response to public data request, 17 November 2020, V/188/2/2020. p. 1-2.

²⁰⁹ Government Decree of 478/2020 (XI. 3) on the announcement of the state of danger (*478/2020. (XI. 3.) Korm. rendelet a veszélyhelyzet kihirdetéséről*), available at: http://njt.hu/cgi_bin/njt_doc.cgi?docid=222556.391006.

with the clients, those still remained possible.²¹⁰ According to the Ministry of Justice, between 4 November 2020 and 31 December 2020, 339 victims turned to the Victim Support Centres, while 159 persons reached out for help to the territorial victim support services. The Victim Support Line received 1,789 calls within this period in 2020. According to information provided by the Ministry of Justice, during an identical period of time in 2019, between 4 November 2019 – 31 December 2019, 348 victims turned to the Victim Support Centres, while 223 persons reached out for help to the territorial victim support services and the Victim Support Line received 1,984 calls.²¹¹

The Ministry of Justice also maintained that it regards the development of victim support centres and services a task of priority and this is why the so called “opt-out system” has been introduced as of 1 January 2021.²¹²

The “opt-out system” introduced as of 1 January 2021 is mainly based on, for instance, the amendment of Act CXXXV of 2005 on Crime Victim Support and State Compensation (*2005. évi CXXXV. törvény a bűncselekmények áldozatainak segítéséről és az állami kárenyhítésről*),²¹³ which entered into force on 1 January 2021. The amendments make it possible for the clients to contact the victim support services/centres and submit applications by email. Instead of five days, they have eight days to submit a request for immediate financial support. Similarly, state compensation may be requested within one year instead of three months, regardless of the financial situation of the victim. Thus, as of 1 January 2021 state compensation is not only available for those who could be regarded as having a “disadvantageous” financial background under the former regulation. Similarly, if during the investigation the potential victim status of certain persons becomes known to the police, the police are under the obligation to provide information to the victims on the available victim support services and on the available financial support for them immediately but at a maximum within two days. The police also need to offer to transfer the related (personal) data and the contact details of the person concerned directly to the victim support services if the victim gives authorisation to this (Article 6, Article 7, Article 20, Article 22 (2), Article 43/A of Act CXXXV of 2005 on Crime Victim Support and State Compensation).²¹⁴

Following a series of brutal murders and attacks against women in 2019, in January 2020 the Minister of Justice (*Igazságügyi Minisztérium*) announced in

²¹⁰ Ministry of Justice, Response to public data request, 15 January 2021, V/4/5/2021, p. 1.

²¹¹ Ministry of Justice, Response to public data request, 15 January 2021, V/4/5/2021, p. 1-2.

²¹² Ministry of Justice, Response to public data request, 15 January 2021, V/4/5/2021, p. 2.

²¹³ Hungary, Act CXXXV of 2005 on Crime Victim Support and State Compensation (*2005. évi CXXXV. törvény a bűncselekmények áldozatainak segítéséről és az állami kárenyhítésről*), available at: http://njt.hu/cgi_bin/njt_doc.cgi?docid=95514.383700.

²¹⁴ As amended by Articles 23-26 of Act CLXV of 2020 on the modification of certain acts concerning justice affairs (*2020. évi CLXV. törvény az egyes igazságügyi tárgyú törvények módosításáról*), date of adoption: 23 December 2020, available at: http://njt.hu/cgi_bin/njt_doc.cgi?docid=246475.418971.

a video post on Facebook that 2020 would be the year of victim protection, in particular in view of victims of domestic violence. For related developments in relation to the protection of victims of domestic/partner violence, see Chapter 7. Section 2.

Meanwhile, another specific area targeted was the enhancement of the protection of victims of human trafficking. In February 2020, the Hungarian government adopted Government Decision No. 1046/2020. (II. 18.) on the *National Strategy against Human Trafficking 2020-2023 and the action plan to be executed between 2020-2021 (1046/2020. (II. 18.) Korm. határozat az emberkereskedelem elleni küzdelemről szóló 2020–2023 közötti nemzeti stratégiáról, valamint annak végrehajtását szolgáló, 2020–2021 közötti időszakban végrehajtandó intézkedési tervről)*.²¹⁵ This will focus attention on underage child victims of human trafficking, with the National Strategy foreseeing related course materials for schools and childcare institutions in order to prevent their victimisation. These materials will also be mainstreamed in public and higher education. The Strategy acknowledges that relevant experts are not available in adequate numbers and that the reach of former government measures and civil actions remains limited. The prospective preventive measures will target highly endangered groups of potential child victims, such as those living in poverty, particularly women and girls. The measures envisaged include the compilation and distribution of information leaflets and the enhanced use of the internet in order to prevent victimisation among the most endangered social groups, focusing on sexual abuse and forced labour. It also envisages setting up a follow-up mechanism to prevent secondary victimisation.

The National Strategy foresees the development of a unified victim orientation protocol, victim support and victim identification mechanisms and institutions, the compilation of related professional protocols and the better organisation of related state/local authorities in the field of family protection and social administration. It also plans to review the rules on evidence and the possibility of exempting victims of human trafficking from criminal responsibility for certain crimes they have committed as a consequence of their vulnerable situation, shortening the length of investigations and criminal proceedings and the development of related statistical data. The National Strategy aims to repress the scale of knowing recourse to services provided by victims of human trafficking. It also calls for the promotion of related research activities, enhanced partnership and coordination between related national and international actors, and improved cooperation and dialogue with NGOs working in this field.

²¹⁵ Government Decision 1046/2020. (II. 18.) on the *National Strategy against Human Trafficking 2020-2023 and the action plan to be executed between 2020-2021 (1046/2020. (II. 18.) Korm. határozat az emberkereskedelem elleni küzdelemről szóló 2020–2023 közötti nemzeti stratégiáról, valamint annak végrehajtását szolgáló, 2020–2021 közötti időszakban végrehajtandó intézkedési tervről)*, available at: http://njt.hu/cgi_bin/njt_doc.cgi?docid=218213.379891.

On 10 March 2020, in view of the implementation of Directive 2011/36/EU of the European Parliament and of the Council of 5 April 2011 on preventing and combating trafficking in human beings and protecting its victims, and replacing Council Framework Decision 2002/629/JHA, the Hungarian Parliament adopted Act V of 2020 on the modification of certain acts in order to take measures against the exploitation of victims of human trafficking (Act V of 2020) (*2020. évi V. törvény az emberkereskedelem áldozatainak kizsákmányolása elleni fellépés érdekében szükséges egyes törvények módosításáról*), which entered into force in July 2020.²¹⁶ Articles 1-5 of Act V of 2020 modified Act XXXI of 1997 on the protection of children and the administration of guardianship (Act XXXI of 1997) (*1997. évi XXXI. törvény a gyermekek védelméről és a gyámügyi igazgatásról*)²¹⁷, ensuring that child victims of human trafficking shall be placed in children's homes providing special care and treatment. These children may be enrolled in these institutions based on the "general protective measure" taken by the police for a maximum of 60 days (Article 53 (2) b, bd), Article 58 (1) and Article 101 (3a) of Act XXXI of 1997). Within the framework of the "general protective measure", the police shall place the children temporarily in the designated children's homes providing special care, with the due notification of the guardianship authority (*gyámhatóság*) (amended Article 76/B of Act XXXI of 1997).

Article 6 of Act V of 2020 amended Article 9 (1a) of Act LXXV of 1999 on the rules governing measures taken against organised crime and certain related phenomena and on the related amendment of certain acts (*1999. évi LXXV. törvény a szervezett bűnözés, valamint az azzal összefüggő egyes jelenségek elleni fellépés szabályairól és az ehhez kapcsolódó törvénymódosításokról*),²¹⁸ stating that children under 18 cannot offer themselves for sexual services. Similarly, Articles 7-8 of Act V of 2020 amended Article 172 of Act II of 2012 on misdemeanours, misdemeanour proceedings and misdemeanour registry (*2012. évi II. törvény a szabálysértésekről, a szabálysértési eljárásról és a szabálysértési nyilvántartási rendszerről*),²¹⁹ excluding the possibility of

²¹⁶ Act V of 2020 on the modification of certain acts in order to take measures against the exploitation of victims of human trafficking (*2020. évi V. törvény az emberkereskedelem áldozatainak kizsákmányolása elleni fellépés érdekében szükséges egyes törvények módosításáról*), available at: http://njt.hu/cgi_bin/njt_doc.cgi?docid=218548.380748.

²¹⁷ Act XXXI of 1997 on the protection of children and the administration of guardianship (*1997. évi XXXI. törvény a gyermekek védelméről és a gyámügyi igazgatásról*), available at: http://njt.hu/cgi_bin/njt_doc.cgi?docid=29687.385005.

²¹⁸ Act LXXV of 1999 on the rules governing the measures taken against organised crime and certain related phenomena and on the related amendment of certain acts (*1999. évi LXXV. törvény a szervezett bűnözés, valamint az azzal összefüggő egyes jelenségek elleni fellépés szabályairól és az ehhez kapcsolódó törvénymódosításokról*), available at: http://njt.hu/cgi_bin/njt_doc.cgi?docid=41051.380738#foot2.

²¹⁹ Act II of 2012 on misdemeanours, misdemeanour proceedings and misdemeanour registry (*2012. évi II. törvény a szabálysértésekről, a szabálysértési eljárásról és a szabálysértési nyilvántartási rendszerről*), available at: http://njt.hu/cgi_bin/njt_doc.cgi?docid=143166.380746.

misdemeanour proceedings against children under 18 who offer themselves for sexual services. Articles 9-14 of Act V of 2020 amended relevant articles of Act C of 2012 on the Criminal Code (Criminal Code)²²⁰ (Article 192, Articles 200-201, Article 203) to handle human trafficking and forced labour together, and to prescribe stricter punishments for the crimes of human trafficking, procurement and facilitation of prostitution, with special regard to those cases where these crimes are committed by abusing the victims' vulnerability or dependence on the perpetrators, when these crimes affect children and/or comprise sexual abuse. For instance, the punishment of those who purchase the sexual services of children increased from three years imprisonment to a possible imprisonment of between two to eight years (amended Article 203 (2) Criminal Code).

2. Violence against women

Following a series of brutal murders and attacks against women in 2019, in January 2020 the Minister of Justice (*Igazságügyi Minisztérium*) announced in a video post on Facebook that 2020 would be the year of victim protection. In particular, they envisaged the following steps:

- Zero tolerance against violence;
- Stricter conditions for early conditional release;
- Review of judicial rigour related to crimes against life;
- Review of judicial practice in relation to parental rights, child custody and access rights;
- Review of the child protection early warning system;
- Enhanced capacity of Victim Support Centres.

The Minister of Justice emphasised that the Istanbul Convention "has nothing to do" with these matters, "the Hungarian legal system ensures more effective and stronger protection to women than the Convention. We do not ratify the Convention, which also supports migration and maintains that people are not born as men or women but there are also social genders."²²¹

In January 2020, the Ministry of Justice published an overview table on its homepage indicating which Hungarian legislative measures correlate, in their view, to the provisions of the Istanbul Convention. The document

²²⁰ Act C of 2012 on the Criminal Code (2012. évi C törvény a Büntetőtörvénykönyvről), available at: http://njt.hu/cgi_bin/njt_doc.cgi?docid=152383.386029.

²²¹ Kiss, S. Á. (2020), 'Judit Varga takes a step towards handling the effects, but she ought to do something with the causes as well' (*Varga Judit tesz egy lépést a hatások kezelése felé, de foglalkozhatna az okokkal is*), 6 January 2020, available at: <https://merce.hu/2020/01/06/varga-judit-tesz-egy-lepest-a-hatasok-kezelese-fele-de-foglalkozhatna-az-okokkal-is/>.

maintains that the Istanbul Convention had already been duly implemented in Hungary without its ratification.²²²

The 'For Women Association' (*Nőkért Egyesület*)²²³, in its statement on the announcements of the Minister of Justice,²²⁴ welcomed the targets set by the Minister of Justice, noting that it has become evident that the too-mild sentences encourage perpetrators and emphasising the importance of the courts recognising when a parent constitutes a risk to the other parent and/or the child/children. However, it emphasised that in order to suppress domestic and partner violence, it is necessary to focus on prevention and the change of attitudes which support the persistence of inequalities between women and men within the family, as abusive relationships are based on the presumption that one partner considers themselves entitled to exercise power over another. The Association maintained that it should be made clear from a very early age that no one has the right to abuse their physical advantage or family members or ex-partners or harass those who refuse to establish a relationship with them. It highlighted the importance of professional intervention on the part of state authorities and of the containment of abusive persons in due time, as the progress and cyclic nature of domestic/partner violence is well documented. It maintained that in order to achieve this, police personnel and related authorities should receive adequate training to understand the nature and progress of domestic/partner violence in order to be able to identify the abused and the abusive person, as well as necessary victim protection measures. The Association advocated the adoption of measures to make state intervention independent of the initiative of traumatised and intimidated victims, who may have limited abilities to enforce their interests. It recommended limiting or abolishing the legal requirements that compel victims to report certain crimes to the police officially before criminal proceedings can be initiated.

²²² Ministry of Justice (2020), Legal measures ensuring the protection of women and the fight against partner violence (*A nők védelmét és a kapcsolati erőszak elleni küzdelmet szolgáló jogi eszközök*), 23 January 2020, available at: <https://www.kormany.hu/hu/jgazsagugyi-miniszterium/hirek/a-nok-vedelmet-es-a-kapcsolat-elleni-eroszak-elleni-kuzdelmet-szolgalo-jogi-eszkozok>; Overview table on the basis of Council of Europe Convention on preventing and combating violence against women and domestic violence, 11 May 2011 (Istanbul Convention) (*Áttekintő táblázat az Európa Tanács nőekkel szembeni erőszak és a kapcsolati erőszak elleni küzdelemről és azok megelőzéséről szóló, Strasbourgban, 2011. május 11-én kelt Egyezménye (Istanbuli Egyezmény) alapján*), available at: https://www.kormany.hu/download/0/71/c1000/Istanbul%20%C3%A1ttekint%C5%91%20t%C3%A1bl%C3%A1zat_200123.pdf.

²²³ For Women Association (*Nőkért Egyesület*) is an NGO operating since 2009 (officially registered since 2013) promoting the equality of genders. Information available at: <https://nokert.hu/tartalom/1390/nokert-egyesulet>.

²²⁴ For Women Association (2020), Statement of the For Women Association on the announcements of Judit Varga (*A Nőkért Egyesület állásfoglalása Varga Judit bejelentéseiről*), 8 January 2020, available at: <https://nokert.hu/sze-20200108-0055/2817/1/nokert-egyesulet-allasfoglalasa-varga-judit-bejelenteseirol>.

The For Women Association promoted the application of GPS technology to control the implementation of barring orders. It also mentioned that within the EU, only Hungary does not have any intervention programmes for perpetrators to prevent the repetition of these crimes and prompt changes in their attitudes and behaviours. The Association urged the Minister of Justice to involve victims and victim support experts in the reform process. It deemed it unacceptable that a perpetrator who had “beaten his partner to jelly” had not been placed into custody,²²⁵ that the police took home the perpetrator who harassed the victim with death threats,²²⁶ and that the authorities did not intervene when a father locked up the children away from the mother for eight months and the mother could see them only through a latch.

In view of the COVID-19 pandemic, Government Decree No. 176/2020 (V.4.) on the different measures to be applied in relation to the right to access and barring under the state of danger (*176/2020. (V. 4.) Korm. rendelet a kapcsolattartásra és a távoltartásra a veszélyhelyzet ideje alatt alkalmazandó eltérő intézkedésekről*)²²⁷ established that epidemiological measures may not hinder the implementation of temporary preventive barring, measures and potential epidemiological involvement of the victim and the abusive person shall be examined. If the abusive person is infected by COVID-19 and cannot secure adequate accommodation and the implementation of related epidemiological measures, the authorities shall place them in a quarantined establishment exclusively accommodating infected, abusive persons (Article 2-8, Government Decree No. 176/2020 (V.4.)). After the expiry of the state of danger, these measures were maintained by Articles 220-224 of Act LVIII of 2020 on the transitional rules related to the termination of the state of danger and on the epidemiological preparedness (*2020. évi LVIII. törvény a veszélyhelyzet megszűnésével összefüggő átmeneti szabályokról és a járványügyi készütségről*).²²⁸

²²⁵ Boros J. (2019), ‘Nobody has slandered me like this before, you’re gonna die for this.’ (*Még senki sem járatott le így, ezért meg fogsz dögleni*), 444.hu, 2 December 2019, available at: <https://444.hu/2019/12/02/meg-senki-sem-jaratott-le-igy-ezert-meg-fogsz-dogleni#>.

²²⁶ Stiller, I. (2019), ‘My twin daughters have been locked up in their father’s flat for 8 months. A mother on the betrayal of institutions’ (*Ikerlányaim 8 hónapja élnek apjuk lakásába zárva. Egy anya az intézményi árujáról*), merce.hu, 11 December 2019, available at: <https://merce.hu/2019/12/11/ikerlanyaim-8-honapja-elnak-apjuk-lakasaba-zarva/>.

²²⁷ Government Decree No. 176/2020 (V.4.) on the different measures to be applied in relation to the right to access and barring under the state of danger (*176/2020. (V. 4.) Korm. rendelet a kapcsolattartásra és a távoltartásra a veszélyhelyzet ideje alatt alkalmazandó eltérő intézkedésekről*), available at: http://njt.hu/cgi_bin/njt_doc.cgi?docid=219360.382620.

²²⁸ Act LVIII of 2020 on temporary rules connected to the expiry of the state of danger and on the epidemiological preparedness (*2020. évi LVIII. törvény a veszélyhelyzet megszűnésével összefüggő átmeneti szabályokról és a járványügyi készütségről*), available at: http://njt.hu/cgi_bin/njt_doc.cgi?docid=220120.386619.

The T/10953 draft of the modification of certain acts in view of the enhanced protection of family member victims of serious crimes involving violence against persons²²⁹ (Draft) (*T/10953 törvényjavaslat a hozzátartozók sérelmére elkövetett súlyos személy elleni erőszakos bűncselekményekáldozatainak fokozottabb védelme érdekében egyes törvények módosításáról*) was submitted to Parliament in June 2020. Article 3 of the Draft would modify Article 38 (5)-(6) of the Criminal Code to exclude the early conditional release of those who committed crimes involving violence against a family member, which may be punishable by eight or more years of imprisonment, unless the judge deems that the protection of society and the prevention of the repetition of the crime may be achieved by of supervision and specific rules of conduct.

Article 4 of the Draft would modify Article 69 (2) c) and d) of the Criminal Code to ensure that if the judge orders the early release of convicts who committed violent crimes against the person in relation to a family member and whose crimes could be punishable by eight or more years of imprisonment, the person in question shall be placed under supervision. The ordering of mandatory supervision applies in the case of those perpetrators who are on probation and whose imprisonment was suspended.

By amending Article 71 (2) b) of the Criminal Code, Article 5 of the Draft would extend the scope of the barring orders applicable by the court or prosecution in the case of suspension, specifically mentioning child protection, child welfare and healthcare institutions concerned and also places of religion visited by the victim, for example. In general, the modification would also prescribe that this barring order shall be issued in cases covered by Article 69 (2) c) and d) of the amended Criminal Code. In cases under Article 69 (2) c), the court shall also order the application of a tracking device if its technological conditions are present.

Article 10 of the Draft would amend Article 313 of Act CCXL of 2013 on the implementation of punishments, measures, certain coercive measures and misdemeanour confinement (*2013. évi CCXL. törvény a büntetések, az intézkedések, egyes kényszerintézkedések és a szabálysértési elzárás végrehajtásáról*),²³⁰ making it possible for the supervisor to consult the

²²⁹ T/10953 draft on the modification of certain acts in view of the enhanced protection of family member victims of serious crimes involving violence against persons (*T/10953 törvényjavaslat a hozzátartozók sérelmére elkövetett súlyos személy elleni erőszakos bűncselekményekáldozatainak fokozottabb védelme érdekében egyes törvények módosításáról*), submitted to Parliament on 9 June 2020, available at: <https://www.parlament.hu/irom41/10953/10953.pdf>.

²³⁰ Act CCXL of 2013 on the implementation of punishments, measures, certain coercive measures and misdemeanour confinement (*2013. évi CCXL. törvény a büntetések, az intézkedések, egyes kényszerintézkedések és a szabálysértési elzárás végrehajtásáról*) available at: http://njt.hu/cgi_bin/njt_doc.cgi?docid=165860.386031.

victim or any other person affected by the special rules of conduct as part of the supervision of the person question.

The Draft was adopted by Act CVIII of 2020 on the modification of certain acts in view of the enhanced protection of family member victims of serious crimes involving violence against persons (*2020. évi CVIII. Törvény a hozzátartozók sérelmére elkövetett súlyos személy elleni erőszakos bűncselekmények áldozatainak fokozottabb védelme érdekében egyes törvények módosításáról*).²³¹

According to the White Ring Hungary (*Fehér Gyűrű Közhasznú Egyesület*, a major NGO supporting victims of domestic/sexual violence),²³² the COVID-19 lockdown, which lasted roughly three months (mid-March 2020-June 2020), led to an increase in incidences of domestic violence, police interventions and divorces. At the same time, however, most state authorities, including all state victim support services, were closed down or inaccessible, apart from the very limited operation of the family support services and the police. The White Ring Hungary contacted 90 persons via email or telephone during the lockdown.²³³

In its response to public data request,²³⁴ the Ministry of Human Resources (*Emberi Erőforrások Minisztériuma*)²³⁵ maintained that the coronavirus-pandemic created a new scenario for the family and child welfare institutions, for service providers and for the families. The Ministry of Human Resources assisted the work of family and child welfare institutions and service providers with professional and practical proposals so that they could develop the framework of their work in line with the specificities of the institutions or services concerned (personal contacts with clients, accessibility of services through telecommunication devices/internet, etc.). In line with the interests and demands of the clients and the service providers, with the duty to provide certain services continuously, with professional norms and methodology and with the relevant government

²³¹ Act CVIII of 2020 on the modification of certain acts in view of the enhanced protection of family member victims of serious crimes involving violence against persons (*2020. évi CVIII. Törvény a hozzátartozók sérelmére elkövetett súlyos személy elleni erőszakos bűncselekmények áldozatainak fokozottabb védelme érdekében egyes törvények módosításáról*), available at: <https://uj.njt.hu/jogszabaly/2020-108-00-00.1>.

²³² The White Ring Hungary (*Fehér Gyűrű Közhasznú Egyesület*) was established in 1989. Its main task is to provide direct and indirect support to victims and relatives of victims of crimes in any legal, financial and psychological way and to defend the interests of victims, available at: <http://fehergyuru.eu/en/home/>. Telephone interview with the Hungarian White Ring Foundation on 7 April 2020.

²³³ Interview with White Ring Hungary, 10 September 2020.

²³⁴ Ministry of Human Resources, Response to public data request, 6 November 2020.

²³⁵ Ministry of Human Resources (*Emberi Erőforrások Minisztériuma*), homepage available at: <https://kormany.hu/emberi-eroforrasok-miniszteriuma>.

decrees and decisions of the National Health Centre, the Ministry of Human Resources issued its Guidelines in March 2020, May 2020 and June 2020.

The relevant Ministry of Human Resources Guidelines issued in March 2020 prescribe that regular contacts with clients shall be maintained via telephone or online, but they do not contain any specific proposals as to the cases of domestic/partner violence.²³⁶ The family and child welfare institutions and service providers fulfilled their compulsory tasks as described by law in line with these guidelines. The coronavirus pandemic resulted in the enhanced use of telecommunication devices in maintaining contacts with the clients.

According to the response of the Ministry of Human Resources to public data request,²³⁷ on the basis of related agreements registered with the Hungarian State Treasury (*Magyar Államkincstár*),²³⁸ the number of children who were newly admitted in temporary children's homes (*gyermekek átmeneti otthona*) and the number of persons requesting temporary care in temporary family homes (*családok átmeneti otthona*) was not higher during the corona lockdown in 2020 than during the same period in 2019. Similarly, data provided by the Directorate-General for Social Affairs and Child Protection (*Szociális és Gyermekvédelmi Főigazgatóság*)²³⁹ shows that the number of children receiving specialised child protection care (*gyermekvédelmi szakellátás*) (taken out of their families by the state) was lower during the lockdown in 2020 than during the same period in 2019.

Number of newly admitted children between March 11 2019-18 June 2019

Temporary family homes	1402
Temporary children's homes	185

Number of newly admitted children between March 11 2020-18 June 2020

Temporary family homes	1214
Temporary children's homes	91

²³⁶ Ministry of Human Resources (*Emberi Erőforrások Minisztériuma*), *Útmutató a koronavírus terjedésének megelőzésére és a kockázatok csökkentésére a szociális alapszolgáltatásokban* (Guidelines in order to prevent the spread of coronavirus and to reduce the risks in view of the basic social services), p. 1. http://tamogatoweb.hu/letoltes2020/2020_03_18_umutato_alapszolgalatasok.pdf.

²³⁷ Ministry of Human Resources, Response to public data request, 6 November 2020.

²³⁸ Hungarian State Treasury (*Magyar Államkincstár*), homepage available at: <http://www.allamkincstar.gov.hu/en/>.

²³⁹ Directorate-General for Social Affairs and Child Protection (*Szociális és Gyermekvédelmi Főigazgatóság*), homepage available at: <https://szgyf.gov.hu/en/>.

Specialised child protection care

1 March 2019 – 30 June 2019.	1480
1 March 2020 – 30 June 2020.	1095

Similarly, according to information provided by the Minister Without Portfolio Responsible for Families (*Családokért felelős tárcanélküli miniszter*),²⁴⁰ the number of persons admitted to crisis centres and secret shelters has shown no significant rise during the lockdown. They emphasised that during the lockdown there were always free places available for the victims.

The number of persons admitted to crisis centres and secret shelters February 2019- July 2019

2019	Women	children	Men	Total
February	26	54	0	80
March	33	61	0	94
April	39	75	0	114
May	37	74	1	112
June	25	41	0	66
July	31	52	0	83
Total	191	357	1	549

The number of persons admitted to crisis centres and secret shelters February 2020 - July 2020

	Women	children	Men	Total
February	55	142	0	197
March	33	56	1	90
April	26	51	3	80
May	31	54	0	85
June	32	63	2	97
July	60	111	0	171

²⁴⁰ Minister Without Portfolio Responsible for Families (*Családokért felelős tárcanélküli miniszter*), Response to public data request, 13 November 2020.

Total	237	477	6	720
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In contrast with information provided by the Ministry of Human Resources and the Minister Without Portfolio Responsible for Families, data provided by the National Police Headquarters (*Országos Rendőrfőkapitányság*) to public data request show a significant increase in the number of related initiated criminal proceedings and in the number of temporary preventive barring orders issued by the Police during the lockdown in 2020 in comparison with the same period in 2019. However, note shall be taken that criminal proceedings are registered with significant delay into the Unified Investigation Authority and Prosecution Statistics (*Egységes Nyomozóhatósági és Ügyészségi Bűnügyi Statisztika / EnyüBs*), which forms the basis of the data provided by the National Police Headquarters on the number of criminal procedures launched in police proceedings. This means that the given data may provide limited information on a specific period, as it may reflect previous developments.²⁴¹

The number of criminal proceedings launched in police procedure in relation to partner violence on the basis of the Unified Investigation Authority and Prosecution Statistics (<i>Egységes Nyomozóhatósági és Ügyészségi Bűnügyi Statisztika / EnyüBs</i>) between 11 March – 18 June 2019-2020²⁴²		
Responsible authority	2019. 11 March - 18 June	2020. 11 March – 18 June
Budapest Police Headquarters	23	32
Baranya County Police Headquarters	3	8
Bács-Kiskun County Police Headquarters	12	11
Békés County Police Headquarters	3	6
Borsod-Abaúj-Zemplén County Police Headquarters	29	44
Csongrád-Csanád County Police Headquarters	10	13
Fejér County Police Headquarters	11	10
Győr-Moson-Sopron County Police Headquarters	14	16
Hajdú-Bihar County Police Headquarters	3	8
Heves County Police Headquarters	11	9
Komárom-Esztergom County Police Headquarters	8	10
Nógrád County Police Headquarters	2	13

²⁴¹ National Police Headquarters, Response to public data request, 18 November 2020, p. 1-4.

²⁴² National Police Headquarters, Response to public data request, 18 November 2020, p. 1-4.

Pest County Police Headquarters	33	43
Somogy County Police Headquarters	11	22
Szabolcs-Szatmár-Bereg County Police Headquarters	21	19
Jász-Nagykun-Szolnok County Police Headquarters	1	3
Tolna County Police Headquarters	8	13
Vas County Police Headquarters	4	13
Veszprém County Police Headquarters	3	8
Zala County Police Headquarters	5	1
Total	215	302

The number of temporary preventive barring orders issued by the Police²⁴³

	11 March 2019 – 18 June 2019	11 March 2020 – 18 June 2020
March	75	125
April	58	142
May	110	125
June	142	163
Total	385	555

According to the response given by the Ministry of Human Resources,²⁴⁴ the still applicable newest Guidelines issued by the Ministry of Human Resources in September 2020²⁴⁵ have not been revoked on account of the state of danger announced in November 2020 by Government Decree of 478/2020 (XI. 3) on the announcement of the state of danger (478/2020. (XI. 3.) *Korm. rendelet a veszélyhelyzet kihirdetéséről*).²⁴⁶ These guidelines do not exclude personal contacts but place emphasis on social distancing and hygiene when the staff of family and child welfare institutions and service providers interact or maintain contacts with clients.

²⁴³ National Police Headquarters, Response to public data request, 18 November 2020, p. 1-4.

²⁴⁴ Ministry of Human Resources, Response to public data request, 7 January 2021.

²⁴⁵ Ministry of Human Resources (*Emberi Erőforrások Minisztériuma*) (2021), Guidelines in order to prevent the spread of coronavirus and to reduce the risks in view of the basic social services and in institutions providing family and child welfare services (*Útmutató a koronavírus terjedésének megelőzésére és a kockázatok csökkentésére a szociális alapszolgáltatásokban, valamint a család és gyermekjóléti szolgáltatást nyújtó intézményekben*), 9 September 2020., available at: http://tamogatoweb.hu/letoltes2020/2020_09_22_eljarasrend_szoc_alap_csgyjsz.pdf.

²⁴⁶ Government Decree of 478/2020 (XI. 3) on the announcement of the state of danger (478/2020. (XI. 3.) *Korm. rendelet a veszélyhelyzet kihirdetéséről*), available at: http://njt.hu/cgi_bin/njt_doc.cgi?docid=222556.391006.

According to further information provided by the Ministry of Human Resources,²⁴⁷ the number of newly admitted children between 4 November 2019- 1 December 2019 was the following:

Temporary family homes	452
Temporary children's homes	70

Number of newly admitted children between 4 November 2020 and 1 December 2020 was the following:

Temporary family homes	140
Temporary children's homes	20

According to information provided by the Minister without Portfolio Responsible for Families²⁴⁸ in view of the newly ordered lockdown in November, the number of persons admitted to crisis centres and secret shelters, between 4 November 2020 and 31 December 2020, was 156. Meanwhile, between 4 November 2019 and 31 December 2019, 217 persons were admitted to crisis centres and secret shelters.

According to the response given by the Ministry of Justice to a public data request on the operation of Victim Support Services during the state of danger (between 11 March 2020 – 18 June 2020), the Victim Support Services/Centres operated continually, and assured personal contacts with clients, though the management of cases unrolled predominantly via telephone (Victim Support Line (*Áldozatsegítő Vonal*)) or email. During the state of danger in 2020, 393 victims turned to the Victim Support Centres, while 257 persons reached out for help to the territorial victim support services (*területi áldozatsegítő szolgálat*). The Victim Support Line received 2,974 calls during the lockdown. The Ministry of Justice in its response to further public data request specified that during the state of danger (between 11 March 2020 – 18 June 2020) of the victims reaching out for help to the Victim Support Centres, 106 persons were victims of partner violence, while 0 victims of partner violence turned to the territorial victim support services.²⁴⁹

According to information provided by the Ministry of Justice, during an identical period in 2019, between 11 March 2019 – 18 June 2019, 698 victims turned to the Victim Support Centres, while 497 persons reached out for help to the territorial victim support services and the Victim Support Line received 2,974 (sic!) calls.²⁵⁰ The Ministry of Justice in its response to further public data request specified that during an identical period in 2019 (between 11 March

²⁴⁷ Ministry of Human Resources, Response to public data request, 7 January 2021.

²⁴⁸ Minister without Portfolio Responsible for Families (*Családokért felelős tárcanélküli miniszter*), Response to public data request, 14 January 2021.

²⁴⁹ Ministry of Justice, Response to public data request, 15 January 2021, V/4/5/2021, p. 2.

²⁵⁰ Ministry of Justice, Response to public data request, 17 November 2020, V/188/2/2020. p. 1-2.

2019 – 18 June 2019) of the victims reaching out for help to the Victim Support Centres 30 persons were victims of partner violence, while 4 victims of partner violence turned to the territorial victim support services.²⁵¹

Regarding the newly ordered lockdown as of November 2020, the Ministry of Justice maintained that the same policies applied in general as to the operation of the Victim Support Centres/Services; however, after the introduction of the curfew restrictions, they tried to avoid personal contact, though it remained possible.²⁵² As of the newly announced state of danger in November 2020, between 4 November 2020 and 31 December 2020, 339 victims turned to the Victim Support Centres, while 159 persons reached out for help to the territorial victim support services. The Victim Support Line received 1,789 calls within this period in 2020. The Ministry of Justice also maintained that, between 4 November 2020 and 31 December 2020, of the victims reaching out for help to the Victim Support Centres 55 persons were victims of partner violence, while 2 victims of partner violence turned to the territorial victim support services.²⁵³

According to information provided by the Ministry of Justice, during an identical period of time in 2019, between 4 November 2019 – 31 December 2019, 348 victims turned to the Victim Support Centres, while 223 persons reached out for help to the territorial victim support services and the Victim Support Line received 1,984 calls.²⁵⁴ The Ministry of Justice also maintained that, between 11 March 2019 and 18 June 2019, of the victims reaching out for help to the Victim Support Centres 37 persons were victims of partner violence, while 2 victims of partner violence turned to the territorial victim support services.²⁵⁵

The National Police Headquarters have not responded yet to the public data request submitted in relation to the newly ordered lockdown as of November 2020.

Chapter 8. Developments in the implementation of the Convention on the Rights of Persons with Disabilities

1. CRPD policy & legal developments

²⁵¹ Ministry of Justice, Response to public data request, 15 January 2021, V/4/5/2021, p. 2.

²⁵² Ministry of Justice, Response to public data request, 15 January 2021, V/4/5/2021, p. 1.

²⁵³ Ministry of Justice, Response to public data request, 15 January 2021, V/4/5/2021, p. 2.

²⁵⁴ Ministry of Justice, Response to public data request, 15 January 2021, V/4/5/2021, p. 1-2.

²⁵⁵ Ministry of Justice, Response to public data request, 15 January 2021, V/4/5/2021, p. 2.

Legal and policy reforms: There have been no new legal norms adopted in 2020 which refer to the CRPD, except for the Act on the foundation of the 2021 budget (inapplicable to 2020),²⁵⁶ and an April Government Decision on the response plan of the National Council on Disability for the implementation of the National Disability Program until 2022.²⁵⁷ The latter lists a wide range of measures to be taken in the years ahead and include all kinds of measures aimed at securing social inclusion of persons living with disabilities, mostly with deadlines in 2021 and 2022. A few measures with deadlines of 31 December 2020 or 1 January 2021 include, for example, the obligation to set up a working group involving relevant advocacy organisations to define the concept of psychosocial disability; or that disability specific trainings should be launched, with the involvement of relevant advocacy organizations, for judges, prosecutors, and judiciaries, for medical experts, guardianship and social care professionals, child protection guardians, and professional supporters and carers in general, and for the proper practical application of supported decision-making, and so on. Whether these plans will be realised by actual policies, will be visible from next year on, although the reporting deadline for most plans is in 2023 (i.e. after the 2015-2022 cycle).

Not a reform, but a legal development is a case which was ultimately decided by the Curia (*Kúria*, Supreme Court of Hungary) stating that not letting in a disabled person into the zoo by scooter, which the person used instead of crutches, is a violation of the prohibition of discrimination²⁵⁸ (see Annex 2).

A further case in relation to rights of persons living with disabilities (although not based on the CRPD) is a judgment related to a social care institution where grave violations of the rights of residents, persons with disabilities, have been found. A NGO dealing with the rights of persons living with mental and psychosocial disabilities requested the disclosure of the names and official addresses of the official guardians of residents of the social care institution, which the institution denied. However, a first instance court ordered the disclosure of the requested public interest data to the NGO.²⁵⁹

Policy initiatives in relation to COVID-19:

²⁵⁶ Hungary, Act LXXVI of 2020 on the foundation of the central budget 2021 of Hungary (2020. évi LXXVI. törvény Magyarország 2021. évi központi költségvetésének megalapozásáról).

²⁵⁷ Hungary, Government Decision 1187/2020. (IV. 28.) on the Response Plan of the implementation of the National Disability Program until 2022 (1187/2020. (IV. 28.) Korm. határozat az Országos Fogyatékosügyi Program végrehajtásának 2022. évig tartó Intézkedési Tervéről).

²⁵⁸ Hungary, Supreme Court (*Kúria*), Pfv.IV.21.804/2018/7, 26 February 2020.

²⁵⁹ Hungary, Buda Area District Court (*Budakörnyéki Járásbíróság*), 7.P.20.346/2019/16, 4 February 2020.

The Ministry for Human Resources (*Emberi Erőforrások Minisztériuma*) adopted a contingency plan on 25 of March for the support of persons living with disabilities in their home and their families during the new Coronavirus pandemic.²⁶⁰ The contingency plan is meant to provide support for persons living with disabilities in their home, and for their families during the pandemic.

However, it transferred most responsibilities of planning, organizing and securing material and mental support – except recruiting volunteers - to local governments, without providing any financial or infrastructural resources.²⁶¹

2. CRPD monitoring at national level

The organ under Article 33(2) CRPD is the National Council on Disability (*Országos Fogyatékosügyi Tanács*).²⁶² The National Council does not seem to have a website.

A general Internet search shows altogether nine results from 2020 for the 'National Council on Disability'. These include the Bill for the 2021 budget act (i.e. not applicable to 2020),²⁶³ an April Government Decision on the response plan of the Council for the implementation of National Disability Program until 2022,²⁶⁴ or a short information material prepared by the National Bank for front desk operators of financial institutions in relation to persons living with disabilities, which is however only a copy of the 2017

²⁶⁰ Hungary, Ministry of Human Resources, Contingency Plan for the support of disabled persons in their home and their families during the new Coronavirus pandemic, 25 March 2020 (*Emberi Erőforrások Minisztériuma, Intézkedési Terv az új koronavírus-járvány időszakában az otthonukban élő fogyatékos személyek és családjaik támogatására*) available at <http://www.meosz.hu/wp-content/uploads/2020/03/otthonukban-elo-fogyatekos-szemelyek-intezkedesi-terv.pdf>.

²⁶¹ Vitrai, B. (2020), 'Intézkedési terv forrás nélkül: kapnak-e támogatást a fogyatékosokkal élők járvány idején' (Contingency plan without resources: do persons living with disability receive support during the pandemic?), *szocio.atlatszo.hu*, <https://szocio.atlatszo.hu/2020/05/09/intezkedesi-terv-forras-nelkul-kapnak-e-tamogatast-a-fogyatekossaggal-elok-jarvany-idejen/>.

²⁶² Hungary, Government Decision 1065/2008 on the request of a body responsible for monitoring the implementation of the Convention on the Rights of Persons with Disabilities (1065/2008. (X. 14.) Korm. határozat a Fogyatékosokkal élő személyek jogairól szóló egyezmény végrehajtását ellenőrző szerv felkéréséről).

²⁶³ Government of Hungary, Bill T/10710 on the Central Budget 2021 of Hungary (*Magyarország Kormánya, T/10710 számú törvényjavaslat Magyarország 2021. évi központi költségvetéséről*), available https://www.parlament.hu/irom41/10710/T_10710_II_fejezeti.pdf.

²⁶⁴ Hungary, Government Decision 1187/2020. (IV. 28.) on the Response Plan of the implementation of the National Disability Program until 2022 (1187/2020. (IV. 28.) Korm. határozat az Országos Fogyatékosügyi Program végrehajtásának 2022. évig tartó Intézkedési Tervéről).

guidelines.²⁶⁵ The 2020 National Reform Programme of Hungary submitted to the European Commission²⁶⁶ includes a paragraph in relation to deinstitutionalisation,²⁶⁷ but no new initiatives from 2020 are reported.

The mentioned April 2020 Government Decision on the response plan of the National Disability Council includes a closing paragraph whereby the functioning of the National Disability Council needs to be reviewed – involving the members of the Council itself as well – in accordance with Art 33 of the CRPD and its Optional Protocol, and the protection and promotion of human rights. This review has to be completed until 31 December 2022.²⁶⁸

The Commissioner for Fundamental Rights (*alapvető jogok biztosa*) visited several institutions during the state of danger declared in relation to the **pandemic**,²⁶⁹ but no specific report could be found because of these visits.

²⁶⁵ Hungary, National Bank (*Magyar Nemzeti Bank*), 'Segédlet a fogyatékosokkal élő, vagy más okból támogatást igénylő ügyfelekkel való hatékony ügyfélszolgálati tevékenység megfelelő kialakításához és végzéséhez' (Hungarian National Bank, Aid to properly design and conduct effective customer service with clients with disabilities or who need support for other reasons), available at <https://www.mnb.hu/letoltes/vegleges-segedlet.docx> or [www.mnb.hu › letoltes › vegleges-segedlet](https://www.mnb.hu/letoltes/vegleges-segedlet)

²⁶⁶ Magyarország Kormánya, Magyarország 2020. évi Nemzeti Reform Programja (Government of Hungary, The 2020 National Reform Programme of Hungary) April 2020, https://ec.europa.eu/info/sites/info/files/2020-european-semester-national-reform-programme-hungary_hu.pdf

²⁶⁷ It says: „On 21 November 2018, a partnership agreement was concluded with six national advocacy organizations representing people with disabilities on a long-term concept for the replacement of social institutional accommodation for people with disabilities. The revised concept also took into account the views of the organizations as well as the experience of institutional change so far. In addition, the National Disability Council, as the highest-level conciliation body, has been continuously discussing the current issues of deinstitutionalisation. The National Board for Coordinating the Deinstitutionalisation (IFKKOT), which consists of state and civil members, has also been following the process since 2011.” (“A fogyatékosokkal élő személyek számára ápolást-gondozást nyújtó szociális intézményi férőhelyek kiváltásával kapcsolatos hosszú távú koncepcióról 2018. november 21-én partnerségi megállapodás megkötésére került sor hat, fogyatékos embereket képviselő országos érdekvédelmi szervezettel. A felülvizsgált koncepcióban a szervezetek véleményét, valamint az eddigi intézménykiváltási tapasztalatokat is figyelembe vették. Emellett az Országos Fogyatékosügyei Tanács, mint a legmagasabb szintű egyeztető testület, folyamatosan tárgyalta a kiváltás aktuális kérdéseit, valamint az állami és civil tagokból álló Intézményi Férőhely Kiváltást Koordináló Országos Testület (IFKKOT) is végigkíséri a folyamatot 2011 óta.”)

²⁶⁸ Hungary, Government Decision 1187/2020. (IV. 28.) on the Response Plan of the Implementation of the National Disability Program till 2022 (1187/2020. (IV. 28.) Korm. határozat az Országos Fogyatékosügyi Program végrehajtásának 2022. évi tartó Intézkedési Tervéről)

²⁶⁹ Hungary, Office of the Commissioner for Fundamental Rights (*Alapvető Jogok Biztosának Hivatala*), 'Az alapvető jogok biztosának intézménylátogatásai a veszélyhelyzetben' (Office of the Commissioner for Fundamental Rights, Visits to institutions by the Commissioner for Fundamental Rights during the state of danger) <http://www.ajbh.hu/veszelyhelyzeti-informaciok/-/content/KvJ6q4LtJlXl/az-alapveto-jogok-biztosanak-intezmenylatogatasai-a-veszelyhelyzetben>.

The Commissioner for Fundamental Rights also conducted inquiries at individual complaints, but not based on the CRPD.²⁷⁰ The CRPD was referred to in a report of the Commissioner for Fundamental Rights in relation to a case of sexual abuse in a home for persons living with disabilities. The Commissioner found irregularities in the way the home was operated and the incident handled.²⁷¹

In 2020, the Commissioner for Fundamental Rights also conducted inquiries in relation to the National Preventative Mechanism-function deriving from the Optional Protocol to the Convention Against Torture (OPCAT-NPM) in several institutions where persons with disabilities live. It has found many irregularities, including some relating to the (lack of) deinstitutionalization processes,²⁷² but all these actions were based on the mandate of the Commissioner under the Optional Protocol to the Convention against Torture, not on the CRPD.

The CRPD Committee found in its 17 September 2020 report that the Hungarian Government still gravely and systematically violates rights of persons living with disabilities in a number of areas, like placement under guardianship, insufficient support for living independently, lack of access to housing, barriers to access inclusive education, limited provision of health care, persistent prevalence of institutionalisation, direct discrimination by law of persons with intellectual and psychosocial disabilities, direct discrimination by law of children with disabilities given that they might be placed in institutions, discrimination by association of mothers to children with disabilities, disregard for the intersectionality of discrimination suffered by women with disabilities, and older persons with disabilities, etc.²⁷³

²⁷⁰ Hungary, Commissioner for Fundamental Rights, Report in the case AJB-577/2020, available: http://www.ajbh.hu/documents/10180/3190211/Jelent%C3%A9s+egy+dunaharaszti+pszichi%C3%A1triai+otthon+m%C5%B1k%C3%B6d%C3%A9s%C3%A9vel+%C3%B6sszef%C3%BCgg%C3%A9sben+577_2020/40780a7f-ad5e-0ccc-8fb4-c7a270626007?version=1.0.

²⁷¹ Hungary, Commissioner for Fundamental Rights, Report in the case AJB-261/2020, available: http://www.ajbh.hu/documents/10180/3190211/Jelent%C3%A9s+egy+fogyat%C3%A9kos+szem%C3%A9ly+int%C3%A9zeti+elhelyez%C3%A9se+%C3%BCgy%C3%A9ben+261_2020/3d137fa1-f2d0-4618-0d37-9cb7d6625544?version=1.0.

²⁷² E.g. Commissioner for Fundamental Rights as National Preventive Mechanism under the Optional Protocol to the Convention Against Torture, Report in the case AJB-518/2020, available at: http://www.ajbh.hu/documents/10180/3190211/OPCAT+jelent%C3%A9s+a+Plat%C3%A1n+Integr%C3%A1lt+Szoci%C3%A1lis+Int%C3%A9zm%C3%A9ny+I%C3%A1togat%C3%A1s%C3%A1r%C3%B3l+518_2020/38880500-b94d-870d-d2ff-353e7589dd22?version=1.0.

²⁷³ Committee on the Rights of Persons with Disabilities, Inquiry concerning Hungary under article 6 of the Optional Protocol to the Convention, CRPD/C/HUN/IR/1, 17 September 2020, available at <http://docstore.ohchr.org/SelfServices/FilesHandler.ashx?enc=6QkG1d%2fPPRiCAqhKb7yhsmg8z0DXeL2x2%2fDmZ9jKJskcOPORsTebSnOJ4CdOWGYL2TRI9Mj9TFm8%2b6vdTpXliWRi4jazyDcl1TkNMIxua0imYcbIMrWfj9gXpUkX%2bH%2bv>.

Annex 1 – Promising Practices

Thematic area	EQUALITY AND NON-DISCRIMINATION Please provide one example of a promising practice to tackle discrimination against older people or LGBTI people such as awareness raising campaigns or ethical codes for healthcare staff held in your country in 2020. Where no such examples are available, please provide an example of an awareness raising campaign held in your country in 2020 relevant to equality and non-discrimination of older people or LGBTI people, preferably one conducted by a national equality body.
Title (original language)	TransVisible – <i>A transz nők gazdasági megerősítése</i> <i>Módszertani innováció a karriertanácsadás területén a transz nők gazdasági megerősítésének elősegítésére</i>
Title (EN)	TransVisible: Economic empowerment of trans women Methodological innovation in career counselling for the economic empowerment of trans women
Organisation (original language)	<i>Háttér Társaság</i>
Organisation (EN)	Háttér Society
Government / Civil society	Civil society
Funding body	Erasmus+ programme of the European Union
Reference (incl. url, where available)	https://en.hatter.hu/node/27853/transvisible-economic-empowerment-of-trans-women
Indicate the start date of the promising practice and the finishing date if it has ceased to exist	January 2019 – September 2020

Type of initiative	Training and methodology development
Main target group	Trans women, career counselling professionals, human resources managers, employers
Indicate level of implementation: Local/Regional/National	National
Brief description (max. 1000 chars)	<p>“The aim of the project is to help the labour market integration of trans women. We will cooperate with professionals in the field of career counselling and human resources managers to enhance legal consciousness and develop and disseminate supporting actions and model programmes to secure equal treatment and opportunities for trans employees.”</p> <p>The goal is to develop methodologies and guidelines and to hold training. (See the call at https://en.hatter.hu/node/27853/transvisible-economic-empowerment-of-trans-women/trans-people-in-the-workplace-presenting)</p> <p>The project is the result of international cooperation, coordinated by SURT from Spain and involving Transgender Equality Network Ireland, <i>Bundesvereinigung Trans*</i> e.V. from Germany and <i>Fundació Universitària Balmes</i> from Spain.</p> <p>“Expected results:</p> <ul style="list-style-type: none"> • A collection of good practices; • A model programme supporting trans employees and jobseekers; • A guide for professionals working in the field of career counselling; • An international seminar and exchange of experience and good practices in Berlin; • Local workshops and conferences to present and disseminate the results of the project.”
Highlight any element of the actions that is transferable (max. 500 chars)	International cooperation that allows sharing of good practices and challenges. Developing methodologies and guides.

	Engaging with key stakeholders (career counselling and human resources management).
Give reasons why you consider the practice as sustainable (as opposed to 'one off activities')	The project fits into the broader strategy of the organisation (supporting visibility and integration of LGBTQI people, training activities), including previous, ongoing and planned activities, such as programmes (surveys, interviews, recommendations, training, workshops, conferences, other events). A further project, also supported by the European Commission and based on international cooperation ("Inclusion4All") will include training for HR professionals, trans, intersex and non-binary employees and those seeking employment. The project includes an awareness-raising campaign.
Give reasons why you consider the practice as having concrete measurable impact	<p>Concrete results: developing methodologies, guidelines and a model programme. Guidelines for professionals to create inclusive workplaces were published in Hungarian and in English as well as an information leaflet on the topic (Hungarian):</p> <ul style="list-style-type: none"> • https://hatter.hu/kiadvanyaink/utmutato-szakembereknek-a-transz-nok-munkaeropiaci-integraciojához • https://hatter.hu/kiadvanyaink/a-professional-guide-to-labour-inclusion-and-economic-empowerment-of-trans-women • https://hatter.hu/kiadvanyaink/transvisible-utmutato <p>Training for stakeholders. Results to be used in the upcoming project ("Inclusion4All", see above).</p>
Give reasons why you consider the practice as transferable to other settings and/or Member States?	The project is international and encompasses collaboration between Member States (Spain, Ireland, and Germany).
Explain, if applicable, how the practice involves beneficiaries and stakeholders in the design, planning, evaluation,	Key stakeholders in the field are targeted in the development, training and dissemination phase of the project. A workshop and conference provided a platform for collecting problems and solutions with HR professionals. Insights from interviews with trans

review assessment and implementation of the practice.	employees on training demands served as a basis for future projects. The participants of workshops, conferences, and training provided feedback through evaluation forms.
Explain, if applicable, how the practice provides for review and assessment.	Review and assessment occurs at various stages, through internal periodic reports, internal review of final report, review by donors, and the public report on the activities of the organisation (http://hatter.hu/sites/default/files/dokumentum/konyvlap/hatter-tevekenysegi-2019.pdf).

Thematic area	<p>RACISM, XENOPHOBIA AND RELATED INTOLERANCE</p> <p>Please provide one example of a promising practice to address racism and xenophobia in the context of the COVID-19 pandemic. Where no such practice exists, please provide one example of a promising practice related to combating racism, xenophobia and related intolerances.</p>
	No promising practice has been identified for this thematic area.

Thematic area	<p>ROMA EQUALITY AND INCLUSION</p> <p>Please provide one example of promising practice in relation to the legal and policy developments in regard to Roma/Travellers (or any group covered by this term as per the Council of Europe definition) in 2020 that relate to the (1) application of the EU Framework on national Roma integration strategies and (2) the preparations for the new post-2020 initiative on Roma equality, inclusion and participation or in relation to any measures in your country in 2020 to address Roma inclusion and prevent discrimination, hate crime and hate speech with a particular focus on COVID-19.</p>
Title (original language)	<i>Párbeszéd a roma nőkért</i>
Title (EN)	Dialogue for Roma women
Organisation (original language)	<i>BAGázs</i>
Organisation (EN)	<i>BAGázs</i>
Government / Civil society	Civil society
Funding body	European Union, Erasmus+ (Erasmus KA3+)
Reference (incl. url, where available)	https://tka.hu/celcsoport/14155/a-dialogue-for-roma-women

Indicate the start date of the promising practice and the finishing date if it has ceased to exist	Started February 2018, awarded in 2020
Type of initiative	Community-building
Main target group	Roma women in Dány (village in Pest county)
Indicate level of implementation: Local/Regional/National	Local
Brief description (max. 1000 chars)	The project sought "to initiate a change in the life of the Dány community, through building and retaining a strong female group", countering "learned helplessness" and preventing the use of drugs, relying on the method developed by the organisation. "The BAGázs method is the basis of the association's professional work, a complex, multi-level community approach, under which programmes are launched for individuals, families and communities, setting goals for the participants which can be tracked and met. The association does not donate, its employees work in the settlements; their training creates the opportunity for credible change in the entire community of the settlement. Each year, they invite and train nearly 100 volunteers, representing various age groups, in order to bring new models into the closed community." The project relied primarily on the life stories and current experiences of local Roma women and specifically sought to facilitate dialogue between them and local institutions.
Highlight any element of the actions that is transferable (max. 500 chars)	Transferability was central to the project as it sought to transfer a model from one village to another (from Bag to Dány). The resulting empowerment has served as an example for other communities, Dány became a target for visits to share knowledge, which is a promising development for transferability.
Give reasons why you consider the practice as sustainable (as opposed to 'one off activities')	The organisation reports that it will remain present locally: "Closing the project doesn't mean the issue is over: our association continues talks with state institutions. We didn't let go of Dány's hand. What connects the settlements - besides hardship - is that part of the community is intent on making a change; they believe that through common work,

	<p>they can change the current situation, which often seems hopeless." From the participants of the project, some continue to work for the organisation, which shows the lasting effect of the engagement. Dialogue with the local police forces and school has continued after the closure of the project.</p>
<p>Give reasons why you consider the practice as having concrete measurable impact</p>	<p>As the organisation continues to work with the community, it reports first-hand experience of the results: "The most significant change brought by the programme is that we have created an atmosphere where the Roma women involved could experience trust and talk about their problems openly for the first time in their lives. They understood that they didn't need to let things just happen around them but that it was also possible to exert pressure on higher levels as a grassroots, self-organised group. Although the female group in this form was discontinued, the former members joined the programmes that run simultaneously within the community: they sewed clothes for our charity shop, participated in a mentor programme supporting employment, and a former group member became the coordinator of the children's programme."</p>
<p>Give reasons why you consider the practice as transferable to other settings and/or Member States?</p>	<p>The approach starts by identifying local needs and seeks to strengthen the community, thus it can inform similar engagement in local communities.</p>
<p>Explain, if applicable, how the practice involves beneficiaries and stakeholders in the design, planning, evaluation, review assessment and implementation of the practice.</p>	<p>Involving beneficiaries (local Roma women) was central to the project, which included the selection of key topics. The involvement of local women helped the project reach women who prefer withdrawal and would normally be inaccessible for outside projects. The targeting of the project also changed as a result of local involvement: instead of the original plan, women over the age of 30 were included. It became apparent that it is often mother-in-laws who are in a decisive position in households and their inclusion is crucial for facilitating change.</p>
<p>Explain, if applicable, how the practice provides for review and assessment.</p>	<p>The project "used the method of the most significant change for impact assessment, where the starting point is personal stories and experiences. The purpose is understanding - through the stories and examples of individual experiences, and through the individual and unique approach of the members of the community. It is important that the processes can</p>

	be discussed and reconsidered. The method shows that things we do make sense and we can continue planning accordingly.”
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Thematic area	INFORMATION SOCIETY, PRIVACY AND DATA PROTECTION Please, provide one example of a promising practice related to any of the topics addressed in the chapter – i.e. in relation to data protection, and/or artificial intelligence systems - in 2020.
Title (original language)	A mesterséges intelligencia etikája
Title (EN)	Ethics of artificial intelligence
Organisation (original language)	Budapesti Műszaki Egyetem
Organisation (EN)	Budapest University of Technology and Economics
Government / Civil society	Academia
Funding body	Budapest University of Technology and Economics (<i>Budapesti Műszaki Egyetem</i>)
Reference (incl. url, where available)	https://www.gtk.bme.hu/blog/szabval-ajanlo-a-mesterseges-intelligencia-etikaja/
Indicate the start date of the promising practice and the finishing date if it has ceased to exist	September – December 2020
Type of initiative	Newly launched elective course to university students
Main target group	University students
Indicate level of implementation: Local/Regional/National	Local

Brief description (max. 1000 chars)	The Budapest University of Technology and Economics (<i>Budapesti Műszaki Egyetem</i>), for the first time in the Fall 2020 semester, launched a new elective course to engineering students titled 'Ethics of artificial intelligence'. The new course aims to initiate discussions among the engineering students on the potential ethical concerns involved in the use of AI. The University wishes to evolve critical thinking of the engineering students to analyse what ethical concerns the introduction of a new AI method in a business environment may raise and how to overcome with these concerns.
Highlight any element of the actions that is transferable (max. 500 chars)	The structure of the new elective course is specifically designed to highlight the ethical perspective of the application of AI to future engineers who will most likely design and implement AI solutions in business environments. The University aims to increase awareness on topics like the accountability and liability of artificial intelligence and the programmers, the obligations of engineers towards society when working with AI, and the relevant guidelines of the Institute of Electrical and Electronics Engineers (IEEE).
Give reasons why you consider the practice as sustainable (as opposed to 'one off activities')	The University's plan is to announce the elective course to engineering students in the future, in all upcoming autumn semesters and to continuously modernise the course outline to include the latest developments and the results of scientific discussions. This continuity can emphasise the importance of the ethical aspects of AI to raise awareness among future engineers. While most awareness campaigns related to the ethical perspective of AI applications are targeting the general population, it is important to focus on the professionals who will most likely develop and apply AI solutions.
Give reasons why you consider the practice as having concrete measurable impact	The number of engineering students who register for the elective course will most likely increase over time resulting in more and more freshly graduated engineers becoming aware of the ethical concerns related to the application of AI technology.
Give reasons why you consider the practice as transferable to other settings and/or Member States?	It would be ideal to include a course on the ethical perspective of AI in the curriculum of all universities that train engineers in order to make the engineers of the future more responsible towards society and to make them understand what dangers and ethical concerns the application of AI may impose on the everyday lives of people.
Explain, if applicable, how the practice involves beneficiaries	Not applicable.

<p>and stakeholders in the design, planning, evaluation, review assessment and implementation of the practice.</p>	
<p>Explain, if applicable, how the practice provides for review and assessment.</p>	<p>The University's plan is to ask for the feedback of the first class in order to see how the course outline and the topics discussed during the course can be further enhanced.</p>

Thematic area	RIGHTS OF THE CHILD Please provide one example of a promising practice relating to the topics addressed in this chapter.
Title (original language)	Ingyenes internet-hozzáférési szolgáltatás biztosítása a digitális oktatással érintett családoknak
Title (EN)	Providing access to the internet for families affected by digital education free of charge
Organisation (original language)	Magyarország Kormánya
Organisation (EN)	Government of Hungary
Government / Civil society	Government
Funding body	Internet service providers
Reference (incl. url, where available)	Hungary, Governmental Decree no. 501/2020 on measures that provide for help to families affected by digital education for the period of the state of danger (501/2020. (XI. 14.) Korm. rendelet a veszélyhelyzet ideje alatt a digitális oktatással érintett családokat segítő intézkedésekről), 15 November 2020, available at: http://njt.hu/cgi_bin/njt_doc.cgi?docid=222737.391450 .
Indicate the start date of the promising practice and the finishing date if it has ceased to exist	1 December 2020 – 8 February 2021
Type of initiative	Free internet
Main target group	Families raising a secondary school student
Indicate level of implementation: Local/Regional/National	National
Brief description (max. 1000 chars)	On 9 November 2020, the Government

<p>Highlight any element of the actions that is transferable (max. 500 chars)</p>	<p>During the second state of emergency declared by the Hungarian Government on 4 November 2020 in response to the second wave of the epidemic,¹ on 15 November 2020, the Government ordered internet service providers to provide access to the internet free of charge for families with a child who has to study online due to the closure of the secondary schools.² The Government ordered digital education in all secondary schools in Hungary on 10 November 2020. The initiative obliges internet service providers in Hungary not to, upon request of a family concerned, charge the monthly internet fees until 8 February 2020.</p>
<p>Give reasons why you consider the practice as sustainable (as opposed to 'one off activities')</p>	<p>The activity is designed to specifically address a problem resulting from a restriction ordered in connection to the containment of the Coronavirus. While in the spring months, during the first wave of the epidemic, there was no support available at a national level for students affected by the digital education, the free internet programme ensures that even poor families who had no access to internet at home can make sure their children can engage in the digital education programmes of the schools.</p>
<p>Give reasons why you consider the practice as having concrete measurable impact</p>	<p>During the emergency measures ordered in the spring months, NGOs and professional bodies raised concerns regarding the lack of sufficient internet access for some poorer families that undermine the success of the digital education. It is expected that the free internet programme will provide for equal chances to all secondary school students.</p>
<p>Give reasons why you consider the practice as transferable to other settings and/or Member States?</p>	<p>The closure of schools is a measure many EU Member States apply as a preventive measure. The lack of adequate infrastructure available for certain families may result in the deterioration of equal chances. While the lack of devices capable to connect to internet remains a concern in Hungary, free access to the internet is certainly a major help for those who could potentially fall out of education due to the closure of schools.</p>
<p>Explain, if applicable, how the practice involves beneficiaries</p>	<p>Not applicable.</p>

¹ Hungary, Governmental Decree no. 478/2020 on the declaration of state of danger (478/2020. (XI. 3.) Korm. rendelet a veszélyhelyzet kihirdetéséről), 4 November 2020, available at: http://njt.hu/translated/doc/J2020R0478K_20201104_FIN.pdf.

² Hungary, Governmental Decree no. 501/2020 on measures that provide for help to families affected by digital education for the period of the state of danger (501/2020. (XI. 14.) Korm. rendelet a veszélyhelyzet ideje alatt a digitális oktatással érintett családokat segítő intézkedésekről), 15 November 2020, available at: http://njt.hu/cgi_bin/njt_doc.cgi?docid=222737.391450.

and stakeholders in the design, planning, evaluation, review assessment and implementation of the practice.	
Explain, if applicable, how the practice provides for review and assessment.	There is no information available in the public domain of review and assessment.

Thematic area	ACCESS TO JUSTICE, INCLUDING RIGHTS OF CRIME VICTIMS Please provide one example of a promising practice relating to the topics addressed in this chapter.
Title (original language)	<i>A társadalmi kohézió erősítése az egyházak és civil szervezetek közösségfejlesztő tevékenységének bővítésével</i> Bűncselekmények áldozatainak complex támogatása
Title (EN)	Strengthening of social cohesion with the expansion of the community development activities of churches and civil organisations Complex support of crime victims
Organisation (original language)	<i>Fehér Gyűrű Közhasznú Egyesület</i>

Organisation (EN)	White Ring Hungary, which is a general crime victim support NGO that provides, in particular, psychological, legal and financial support to victims. ³
Government / Civil society	Civil society
Funding body	State funding and related EFOP projects, e.g.: EFOP-1.3.7-17 Strengthening of social cohesion with the expansion of the community development activities of churches and civil organisations (A társadalmi kohézió erősítése az egyházak és civil szervezetek közösségfejlesztő tevékenységének bővítésével) ⁴
Reference (incl. url, where available)	Homepage available at: http://fehergyuru.eu/en/home/
Indicate the start date of the promising practice and the finishing date if it has ceased to exist	Main activities: as of 1989 (as of the foundation of <i>Fehér Gyűrű</i>) - ongoing EFOP-Project: 2018-2021
Type of initiative	Main activities: complex psychological, legal and financial support to crime victims, in particular to victims of sexual and domestic/partner violence. EFOP-Project: community building, enhancement of cooperation between churches and civil organisations (strengthening social engagement by community building and strengthening of social cohesion with the expansion of the community development activities of churches and civil organisations)

³ White Ring Hungary Public Utility Association (*Fehér Gyűrű Közhasznú Egyesület*) was established in 1989, “its main task is to provide direct and indirect support to victims and relatives of victims of crimes in any legal, financial and psychological way” and to defend the interests of victims. Homepage available at: <http://fehergyuru.eu/en/home/>.

⁴ Fehér Gyűrű, EFOP-projektek (EFOP-projects), available at: <http://fehergyuru.eu/efop-projektek/>; EFOP-1.3.7-17 A társadalmi kohézió erősítése az egyházak és civil szervezetek közösségfejlesztő tevékenységének bővítésével (*Strengthening of social cohesion with the expansion of the community development activities of churches and civil organisations*), available at: <https://www.palyazat.gov.hu/efop-137-17-a-tarsadalmi-kohzi-erstse-az-egyhzak-s-civil-szervezetek-kzssgfejleszt-tevkenysgnek-bvtsvet/>.

<p>Main target group</p>	<p>General activities: crime victims, in particular victims of sexual and domestic/partner violence</p> <p>Community building: EFOP-1.3.7-17 Strengthening of social cohesion with the expansion of the community development activities of churches and civil organisations: socially deprived segments of society, who are prone to become crime victims</p>
<p>Indicate level of implementation: Local/Regional/National</p>	<ul style="list-style-type: none"> - Main activities: national reach - Community building projects: local
<p>Brief description (max. 1000 chars)</p>	<p>Main activities: complex psychological, legal and financial support to crime victims, in particular to victims of sexual and domestic/partner violence. This implies the taking up of cases from the investigation phase till the end of judicial proceedings. Victims of crimes undergo various inter-connected crisis situations, which the complex support activities provided by the White Ring Hungary attempts to address.</p> <p>Related community building project: EFOP-1.3.7-17 Strengthening of social cohesion with the expansion of the community development activities of churches and civil organisations: the main objective of the project, which is to be implemented with the active involvement and cooperation of churches, is to promote the integration of those socially deprived segments of society which often become crime victims falling under the scope of activities of White Ring Hungary. Crime victims getting in contact with White Ring Hungary are often socially deprived themselves and their "crisis-spectrum" encompasses an ever increasing wide range of related (social) issues. The project aims for the sensitisation of local communities, the promotion of equal chances and social inclusion of those in need with various sensitisation and re-integration programmes, and – through this - crisis-prevention/prevention of becoming a victim. The project fits into the complex approach of White Ring Hungary to support crime victims, and their immense experience in addressing crisis situations of socially deprived crime victims is an invaluable asset of the project.</p>

<p>Highlight any element of the actions that is transferable (max. 500 chars)</p>	<ul style="list-style-type: none"> - Complex support provided to crime victims in order to address a wide range of related crisis situations - Community building activities - Cooperation between NGOs and churches providing assistance
<p>Give reasons why you consider the practice as sustainable (as opposed to 'one off activities')</p>	<p>After the expiry of the EFOP-projects the social engagement of the participants and the enhanced cooperation between the actors concerned may ensure the continuation of related community programmes and activities.</p>
<p>Give reasons why you consider the practice as having concrete measurable impact</p>	<p>With the involvement of local church-related communities and charity programmes, accompanying crisis situations may be addressed more effectively at the local level. Various related actors may establish reliable and durable professional/social contacts, which may lay the foundation for a long-term professional cooperation.</p>
<p>Give reasons why you consider the practice as transferable to other settings and/or Member States?</p>	<p>None of the elements of the programme preclude such a transfer: the establishment of an enhanced cooperation between related NGOs, churches, charity organisations, local communities may be achieved in any other Member State.</p>
<p>Explain, if applicable, how the practice involves beneficiaries and stakeholders in the design, planning, evaluation, review assessment and implementation of the practice.</p>	<p>Both the main activities and the related EFOP community building projects are explicitly built upon the active participation, involvement and cooperation of beneficiaries and stakeholders.</p>
<p>Explain, if applicable, how the practice provides for review and assessment.</p>	<p>---</p>

Thematic area	DEVELOPMENTS IN THE IMPLEMENTATION OF THE CONVENTION ON THE RIGHTS OF PERSONS WITH DISABILITIES (CRPD) Please provide one promising practice example of projects or programmes implementing the CRPD or furthering the rights of persons with disabilities.
	No promising practice has been identified for this thematic area.

Annex 2 – Case Law

Thematic area	EQUALITY AND NON-DISCRIMINATION Please provide one high court decision addressing discrimination against older people or against LGBTI people. Where relevant, always highlight any relevance or reference to multiple or intersectional discrimination in the case you report.
Decision date	21 January 2020
Reference details	Curia (Supreme Court, <i>Kúria</i>), court order of 21 January 2020, Kfv.III.37.881/2018/6, full decision available at: http://hatter.hu/sites/default/files/dokumentum/konyvlap/csaladhu-kuria-hatarido.pdf On the background, including the subsequent judgment of the Budapest Municipal Court, see: http://hatter.hu/tevekenysegek/jogsegelyszolgalat/jelentosebb-ugyeink/csaladhu-ugy-2016-2020
Key facts of the case (max. 500 chars)	The government operates a website providing information on family-related programmes and services at “csalad.hu” (family.hu). The page omits reference to rainbow families, as if they do not exist or are not eligible for these services. The government challenged the claim of discrimination, partly on procedural grounds, in that the complaint was filed beyond the statutory deadline. The plaintiff’s side argued that in case of an ongoing violation, the statute of limitation cannot be passed until the violating activity ceases.
Main reasoning/argumentation (max. 500 chars)	In case of a continuing violation, the deadline for initiating a procedure under the Equal Opportunities Law should be counted from when the illegal practice ends. The statute of limitation does not start running as long as the violating practice continues.
Key issues (concepts, interpretations) clarified by the case (max. 500 chars)	Deadline for filing a complaint for continuous discriminatory practices.

<p>Results (sanctions) and key consequences or implications of the case (max. 500 chars)</p>	<p>The Curia sent the case back to the Budapest Municipal Court. The Budapest Municipal Court, in line with the order of the Curia, rejected the procedural challenge, accepted that the complaint was filed within the statutory term limit, and dealt with the substance of the case. It confirmed the decision of the Equal Treatment Authority finding that the government's practice in omitting any reference to rainbow families on család.hu is discriminatory. The government's challenge was unsuccessful and the claim of the Foundation for Rainbow Families, assisted by the Háttér Society, prevailed.</p>
<p>Key quotation in original language and translated into English with reference details (max. 500 chars)</p>	<p><i>"Az Ebktv. 17/A. § (7) bekezdése ugyanis kimondja, hogy az egyenlő bánásmód követelményét biztosító rendelkezés megsértéséért kiszabható bírság megállapítására irányuló eljárás a hatóságnak a jogsértésről való tudomásszerzésétől számított három hónapon belül, de legkésőbb a jogsértés bekövetkezését követő egy éven belül indítható meg. Ha a jogsértő magatartás vagy állapot folyamatos, a határidő ennek befejeződésekor kezdődik. [...] Az Ebktv. – preambulumát is beleértve – egészét áttekintve egyértelműen megállapítható az a jogalkotói szándék, hogy a folyamatosan fennálló jogsértő magatartás vagy jogsértő állapot fenntartása miatt hátrányt szenvedők is hatékony jogvédelemben részesüljenek."</i> [47] és [49] bek.</p> <p>"Article 17/A para. 7 of the Equal Treatment Act declares that the procedure on fines for the violation of equal opportunity obligations can be initiated within three months from the authority becoming aware of the violation but, at the latest, within one year after the violation occurred. If the violating practice or state of affairs is continuous, the deadline starts when the violation ends. ... Considering the entirety of the Act, including its preamble, it can be inferred that the legislator's intent was to ensure effective legal remedies, including for those facing disadvantage as a result of continuous violating acts or of maintaining a violating state of affairs." Paras. [47] and [49].</p>

<p>Thematic area</p>	<p>RACISM, XENOPHOBIA AND RELATED INTOLERANCE. Please provide the most relevant high court decision concerning the application of <u>either</u> the Racial Equality Directive <u>or</u> the Framework Decision on racism and xenophobia, addressing racism, xenophobia and other forms of intolerance more generally.</p>
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Decision date	24 September 2020
Reference details	Pf.I.20.214/2020/10. Debrecen Regional Court (Debreceni ítéltábla)
Key facts of the case (max. 500 chars)	The Debrecen Regional Court (<i>Debreceni ítéltábla</i>) obliged the authority responsible for the sectoral management of education to examine from January 2021 and the subsequent 5 years whether children considered Roma on the basis of perception are disproportionately classified as children with special needs, report on that and the measures taken to eliminate the violation by 31 March of the following year.
Main reasoning/argumentation (max. 500 chars)	The lower court found that this request was not executable and thus did not grant it. The Regional Court on appeal changed this and decided that the measures requested were executable, and thus the responsible authority shall be obliged to undertake those measures (data collection, reporting, and anything necessary for eliminating the unlawful situation).
Key issues (concepts, interpretations) clarified by the case (max. 500 chars)	Indirect discrimination, executable measures in case of violation of personality rights
Results (sanctions) and key consequences or implications of the case (max. 500 chars)	Legal sanctions of violations of personality rights can be ordered in cases of indirect discrimination in a public law relationship as well.
Key quotation in original language and translated into English with reference details (max. 500 chars)	<p>„...az a körülmény, hogy a közvetett hátrányos megkülönböztetés olyan jogviszonyban valósult, amelyet közjogi (jelen esetben közoktatási) jogszabályok szabályoznak, nem jelenti azt, hogy az egyenlő bánásmódhoz fűződő jog megsértése miatt ne lehetne alkalmazni a személyiségi jogsértés bármelyik jogkövetkezményét, ezért ez a tény nem képezhet akadályt a sérelmes helyzet megszüntetése iránti kereset teljesítésének.”</p> <p>“...the fact that the indirect discrimination took place in a legal relationship governed by public law (in this case public education) does not mean that any breach of the right to equal treatment precludes any legal consequences of the breach of personality rights, so that that</p>

	fact could not constitute obstruction of the action for termination of the injurious situation.” (para. [56] of the decision of the Debrecen Regional Court)
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Thematic area	ROMA EQUALITY AND INCLUSION Please provide the most relevant high court decision addressing violations of fundamental rights of Roma and Travellers.
Decision date	12 May 2020
Reference details	Curia (Kúria), Pfv.IV.21.556/2019/22, available at: https://ukp.birosag.hu/portal-frontend/stream/birosagKod/0001/hatarozatAzonosito/Pfv.21556_2019_22//
Key facts of the case (max. 500 chars)	63 plaintiffs of Roma origin sued for compensation for ethnic discrimination (that had resulted in the receipt of lower quality education) and segregation. The fact of discrimination and segregation was established in preceding litigation; here, the courts had to assess how the amount of the damages would be calculated.
Main reasoning/argumentation (max. 500 chars)	The Court accepted that an inherent damage results from segregation and discrimination and that some level of compensation is due, even if no further evidence is provided for the harm suffered. The judgment confirmed that compensation should take the form of a transfer of money, and did not accept the argument that damages should be reduced because a plaintiff contributed to the harm, e.g. by missing too many classes. The Curia argued that the legal framework only allows compensation in kind in case of agreement between the parties and that courts cannot order such compensation against the will of the plaintiff(s).
Key issues (concepts, interpretations) clarified by the case (max. 500 chars)	A minimum level of compensation for damages suffered as a result of discrimination and segregation is due without further proof. Compensation “in kind” is only possible with the agreement of the plaintiff. No subsequent measure can erase the frustration and inferiority experienced. The period when students are most receptive to primary education had passed for the plaintiffs and could not be genuinely remedied, meaning that no restitution is possible.

<p>Results (sanctions) and key consequences or implications of the case (max. 500 chars)</p>	<p>Plaintiffs were awarded close to HUF 100,000,000 (approx. € 280,000) in damages. This was calculated as non-pecuniary damage for receiving lower quality education (HUF 500,000) and for being segregated (HUF 300,000), annually. The Court emphasised that these numbers will not automatically translate to later cases. It specifically rejected arguments that compensation could take the form of special training, as the goal of damages is to provide financial compensation for the harm suffered. The Parliament adopted an amendment that bans monetary compensation in similar cases and only allows “compensation in kind”, i.e. “in the form of education and training service”. (See Chapter 3 of the Report.)</p>
<p>Key quotation in original language and translated into English with reference details (max. 500 chars)</p>	<p><i>“A bíróság tehát nem kötelezheti ítéletben a felpereseket arra, hogy az alperesek által felajánlott képzési lehetőségekkel éljenek. Ilyen tartalmú ítélet jogszabálysértő és egyben végrehajthatatlan lenne.”</i></p> <p><i>“A Kúria szerint a másodfokú bíróság által tanévenként megállapított kártérítési összegek (jogellenes elkülönítés és alacsonyabb szintű oktatás esetén 500.000 forint, míg csak jogellenes elkülönítéssel érintett tanévek esetében 300.000 forint) nem tekinthetők eltúlzottnak. A másodfokú bíróság mérlegelése kellően megindokolt, a per összes körülményének okszerű értékelésén alapult, és figyelemmel volt a nem vagyoni kártérítés összegszerűsége meghatározásánál a bírói gyakorlat szerint általában figyelembe veendő azon szempontokra.”</i> ([33] és [38] bek.)</p> <p>“Therefore the Court’s judgment cannot order plaintiffs to accept the training services offered by defendants. A judgment with this content would be in violation of law and would also be unenforceable.”</p> <p>“According to the Curia, the damages ordered by the appellate court (HUF 500,000 in case of segregation and lower quality education, HUF 300,000 in case of mere segregation, per academic year) cannot be deemed excessive. The consideration of the appellate court was adequately reasoned, was based on a sensible assessment of all factors in the lawsuit and reflected the circumstances to be considered, under the relevant case-law, in determining the amount of non-pecuniary damages.” (paras. 33 and 38.)</p>

Thematic area	INFORMATION SOCIETY, PRIVACY AND DATA PROTECTION Please provide the most relevant high court decision related to the topics addressed in the chapter, i.e. in relation to data protection, and/or artificial intelligence systems.
Decision date	5 June 2020
Reference details	BH 2020. 48. <i>Kúria (Curia, Supreme Court of Hungary) Mfv. 10.397/2018/2.</i>
Key facts of the case (max. 500 chars)	The plaintiff was employed by the defendant. The defendant ordered an internal investigation in order to identify which employee made certain transactions. The defendant engaged an independent company to undertake the investigation, during which the defendant asked for the mobile phone and company laptop used by the plaintiff. The mobile phone was the plaintiff's private property that hosted the defendant's SIM card. While the plaintiff handed over the cell phone voluntarily, he later claimed the defendant had downloaded personal data stored on the phone, including private chats and emails exchanged with family members. As the defendant found terms in conversations stored on the plaintiff's phone like "fraud", "let's cheat", it terminated the plaintiff's employment contract.
Main reasoning/argumentation (max. 500 chars)	The plaintiff argued that voluntary handing over of the mobile phone could not be interpreted as consent for the employer to access their private data. The defendant contested, claiming that the plaintiff had the opportunity to delete personal data from the phone prior to handing it over. The defendant showed a document signed by the plaintiff when handing over the phone to the employer.
Key issues (concepts, interpretations) clarified by the case (max. 500 chars)	The main issue in the case was whether the employer - given the consent of the employee - had the right to monitor the personal life of the employee. The case shed light on an alleged collision between labour law and data protection law. Labour law specifically prohibits the employer from monitoring the personal life of the employee, while data protection law provides for the possibility of the data subject to authorise virtually anybody to access their personal data. The Court had to interpret the two provisions and resolve the alleged conflict.
Results (sanctions) and key consequences or implications of the case (max. 500 chars)	The Court relied on the case-law of the ECtHR (<i>Bogdan Mihai Barbulescu v. Romania</i> no. 61496/08) when deciding on the issue. It stressed the importance of the information given to the employee prior to obtaining their consent to access personal data. This information obligation requires the employer to detail the technical methods that will be applied and the extent to which it will analyse the personal data (stored on the mobile phone) of the

	<p>employee. As the employer can only monitor the employee in relation to the employment relationship, private conversations stored on the phone shall not be accessed without explaining to the employee the reasons these conversations might be relevant to their employment. Failure to provide such detailed information prior to obtaining the employee's consent rendered that consent invalid.</p>
<p>Key quotation in original language and translated into English with reference details (max. 500 chars)</p>	<p>Paragraph 41 of the reasoning of the decision: <i>"A bíróságoknak azt kell megvizsgálniuk, hogy a munkáltató meghatározta-e azokat a módszereket és intézkedéseket, amelyek útján közvetlenül hozzáférhet a munkavállaló személyes kommunikációjának tartalmához. A munkavállaló ellenőrzésének következményeit kell arányba állítani a munkáltató által elérni kívánt, deklarált céllal, és megfelelő biztosítékot kell nyújtani a visszaélésekkel szemben."</i></p> <p>"The courts must examine whether the employer has defined the methods and measures by which it can directly access the content of an employee's personal communications. The consequences of monitoring the employee must be proportionate to the declared goal pursued by the employer and adequate safeguards must be provided against abuse."</p>

Thematic area	<p>RIGHTS OF THE CHILD Please provide the most relevant high court decision relating to the topics addressed in this chapter.</p>
Decision date	9 June 2020
Reference details	<p>BH 2020. 35. Kúria (<i>Curia, Supreme Court of Hungary</i>) Bfv. II. 681/2019.</p>
Key facts of the case (max. 500 chars)	<p>The defendant committed a criminal offence several days before his eighteenth birthday. His arrest and the criminal proceeding was conducted based on the regular procedural rules applicable to adult perpetrators. The defendant was convicted and found guilty by the Court. He challenged the decision, claiming that the judicial panel had not been properly set and that safeguards provided for child perpetrators in the Criminal Procedure Act (CPA) (e.g. the involvement of the legal guardian in the proceeding, limitation on the penalty, rules on hearing the defendant) were not respected.</p>

<p>Main reasoning/argumentation (max. 500 chars)</p>	<p>The defendant argued that the decision in his criminal case was made by a Court Commissioner who had no competency in cases involving a child perpetrator. As the Article 680 of the CPA orders the Chair of the National Judiciary Office (<i>Országos Bírósági Hivatal</i>) to appoint judges who have exclusive jurisdiction to conduct criminal proceedings against child perpetrators, a Court Commissioner without such appointment would have no jurisdiction in the given case.</p>
<p>Key issues (concepts, interpretations) clarified by the case (max. 500 chars)</p>	<p>The Court had to define the point at which the age of the perpetrator must be considered when deciding on the application on the special procedural rules foreseen by the CPA for child defendants. The CPA does not define young perpetrators, but dedicates an entire chapter to the proceedings against them.</p>
<p>Results (sanctions) and key consequences or implications of the case (max. 500 chars)</p>	<p>The Court interpreted the CPA in line with the Criminal Code (CC). The CC provides for a definition of young perpetrators (Article 105(1)) and emphasises the time at which the offence was committed. While the CPA provides for rules against child perpetrators against whom criminal proceedings are underway, it does not overwrite the definition on young perpetrators provided by the CC. Therefore, the Court annulled the decision of the first instance court and ordered a new proceeding.</p>
<p>Key quotation in original language and translated into English with reference details (max. 500 chars)</p>	<p>Paragraph 20. of the reasoning of the decision: <i>"A terhelt a bűncselekmény elkövetésének időpontjában a 18. életévét még nem töltötte be, a Btk. 105. § (1) bekezdése alapján fiatalkorú volt, így vele szemben az eljárást a fiatalkorúakra irányadó rendelkezések szerint kellett lefolytatni annak ellenére, hogy a vádemelés, illetve a büntetővégzés meghozatalának időpontjában 18. életévét már betöltötte.)"</i></p> <p>"At the time of commission of the crime, the defendant had not yet reached the age of 18, therefore, according to Article 105(1) of the Criminal Code, he was a juvenile. The proceedings against him, therefore, had to be conducted in accordance with the provisions governing proceedings against juveniles, despite the fact that he was already 18 years of age at the time of the prosecution or the delivery of the court decision."</p>

<p>Thematic area</p>	<p>ACCESS TO JUSTICE, INCLUDING RIGHTS OF CRIME VICTIMS Please provide the most relevant high court decision relating to the topics addressed in this chapter.</p>
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Decision date	18 February 2020
Reference details	Constitutional Court Decision IV/01717/2018 on a constitutional complaint submitted against the Bhar I.690/2018/12. judgment of the Curia (crime of causing life-threatening bodily harm).
Key facts of the case (max. 500 chars)	<p>The Curia's final judgment was delivered on 12 July 2018 in the case of the former director of the Buda Hospital of the Hospitaller Order of Saint John of God, the so called "alkaline doctor". The Curia upheld the judgment of the Municipal Court of Appeal (<i>Fővárosi Ítéltábla</i>) (22 February 2018) and the perpetrator was sentenced to 11 years of imprisonment for – among others – bodily harm endangering life and violation of personal freedom. He was also banned from exercising his profession.</p> <p><i>Facts of the case, procedure</i></p> <p>Since he could not accept their break-up, in March 2013 the offender went to the apartment of his former partner with his face covered by a helmet, injected her with an aesthetic substance and maimed her with alkaline. The victim suffered permanent bodily harm, as alkaline was poured on her sexual organs, preventing her from leading a full sexual life, even after several operations. The offender never admitted to the crime and the victim could not identify her attacker.</p> <p>At first, charges were dismissed and the investigation was halted by the Prosecutor's Office in 2014. The criminal proceedings continued only after the victim filed a complaint. At first instance, on 4 May 2016, the Municipal Court sentenced the accused to four years' imprisonment and he was banned from exercising his profession for five years for bodily harm causing permanent disability. This was increased to nine years' imprisonment by the Municipal Court of Appeal in 10 March 2017. However, at third instance, in June 2017, the Curia ordered the retrial of the case due to deficiencies in collection of the evidence¹. The Municipal Court of Appeal, in its repeated judgment of 22 February 2018, sentenced the accused to nine years'</p>

¹ Curia, 13 June 2017, Bhar.574/2017.

	<p>imprisonment for bodily harm endangering life and other crimes and he was permanently barred from exercising his profession.</p> <p>The Curia's final judgment was challenged before the Constitutional Court on the following grounds:</p> <ul style="list-style-type: none"> - Unconstitutionality of the application of amended procedural rules on appeal in a case in process, the violation of the right of appeal: the interim provision of the new Act on Criminal Proceedings (Article 870 (3) of Act XC of 2017 on Criminal Proceedings)² made it possible to partly discard the examination of an appeal, which was submitted with the Curia under the former provisions, providing for a more extended review. The new Act on Criminal Proceedings became applicable in the case of appeals initiated before its entry into force. - Violation of the right to fair trial, presumption of innocence, the principle of impartiality of the Court.
<p>Main reasoning/argumentation (max. 500 chars)</p>	<p>The Constitutional Court reiterated that it has no competence to review the statement of facts or re-evaluate the evidence duly established/examined in criminal proceedings earlier concluded by final judgments of lower courts. Rather, it strictly constrained itself to examining those aspects of the case related to the alleged violations of the fundamental rights of the complainant. In this regard, the Constitutional Court concluded that the main concrete objections raised by the complainant related to the statement of facts established by lower courts and the judicial assessment of the evidence presented during the former criminal proceedings and did not affect, in general, the fairness or impartiality of the judicial proceedings.</p>
<p>Key issues (concepts, interpretations) clarified by the case (max. 500 chars)</p>	<ul style="list-style-type: none"> - Delineation of the competence of the Constitutional Court and lower courts in respect of the assessment of the main facts of the case and evidence. - Finality of decisions rendered by lower courts.

² Act XC of 2017 on Criminal Proceedings (2017. évi XC törvény a büntetőeljárásról), available at: http://njt.hu/cgi_bin/njt_doc.cgi?docid=202672.386038

	<ul style="list-style-type: none"> - Interpretation of the right to fair trial, presumption of innocence, the principle of the impartiality of the Court. - Applicability of interim provisions of new legislative acts on criminal proceedings in appeals already submitted under former regulations, right of appeal in criminal proceedings.
<p>Results (sanctions) and key consequences or implications of the case (max. 500 chars)</p>	<p>The Constitutional Court rejected claims as to the unconstitutionality of the Curia's judgment in view of the right to fair trial, presumption of innocence and the principle of the impartiality of the Court and, thus, reinforced, in general, the lower court's competence to establish the statement of facts and evaluate the evidence presented. It also reinforced the legal binding force of the final judicial decisions taken by the Curia/lower courts and it did not void the Curia's final judgment (should that happen, it would have implied the release of the convict). However, the Constitutional Court deemed unconstitutional the application of new procedural rules in an appeal procedure already initiated under the former regulations, before the entry into force of the new Act XC of 2017 on criminal proceedings. In consequence of this, the Curia was ordered to re-examine the case.</p> <p>By rendering the Curia's decision unconstitutional on formal grounds, many considered that the Constitutional Court's decision reopened the whole, formerly completed procedure, causing repeated, immense duress for the victim, suggesting that there may be no end to such procedures and the perpetrators may always find a loophole. The decision of the Constitutional Court was much anticipated and received considerable public attention. The victim said that she was "not surprised" and found it disappointing that while the legal system and attorneys-at-law pay great attention to the defence of the perpetrators, victims' rights remain overlooked. She was also reported to say, ironically: "Hereby, I welcome the year of victim support." During the autumn of 2019, women's rights associations mounted demonstrations demanding that the Constitutional Court consider the implications for victims of violence against women if such a prominent case could not have closure after such a long time.³</p>

³ Index.hu (2020), AB: Felül kell vizsgálni a lúgos orvos ügyét (*CC: the case of the alkaline doctor needs to be reviewed*), 18 February 2020, available at: https://index.hu/belfold/2020/02/18/alkotmanybirosag_lugos_tamadas/

Key quotation in original language and translated into English with reference details (max. 500 chars)

"Para 41: On the basis of the references provided by the complainant, it may not be established that the alleged infringements of procedure on their own or in their totality made the observance of the right to fair trial doubtful from the point of view of constitutional law. The Courts have examined with due thoroughness the observations of the subjects of the procedure in relation to the main facets of the case. They gave an account in their decisions of the aspects significant for the deliberation of the case assessed by them, of the activities related to the procuring of evidence and of the evaluation of the evidence."

"[41] Az indítványozó hivatkozásai alapján nem állapítható meg, hogy az állított eljárási szabálysértések egyenként vagy összességükben alkotmányjogi értelemben a tisztességes eljáráshoz való jog érvényesülését kétségessé tették volna. A bíróságok az eljárásban szereplő alanyoknak az ügy lényegi részeire vonatkozó észrevételeit kellő alapossgal megvizsgálták. Az általuk megvizsgált ügy döntési szempontjait érintő lényeges elemekről, a bizonyítási tevékenységről és a bizonyítékok értékeléséről a határozatokban számot adtak."

"Those objections which maintain that exclusively indirect evidence which were distant from each other both in terms of time and space underscored his conviction, while the investigation authority – despite constant motions to this end - refused the procurement of (occasionally) direct exculpatory evidence (...) also belong to the establishment of the statement of facts and to the assessment of evidence which is, thus, not within the competence of the Constitutional Court. In view of this, the requirements for the acceptance [of the complaint] in relation to the right to fair trial are not fulfilled."

"[42] A tényállás megállapítása, a bizonyítékok értékelése körébe – és ezáltal nem az Alkotmánybíróság hatáskörébe – tartoznak az indítványozó azon kifogásai is, miszerint kizárólag – időben és térben is egymástól távol eső – közvetett bizonyítékok szolgáltak az elítéltetés alapjául, és a terheltet mentő (adott esetben közvetlen) bizonyítékok beszerzését a nyomozó hatóság az állandó védelmi indítványok ellenére tartósan negálta (...). Mindezekre figyelemmel a tisztességes bírósági tárgyaláshoz való joggal összefüggésben nem állnak fenn a befogadás (...) feltételei."

Thematic area	Developments in the implementation of the Convention on the Rights of Persons with Disabilities (CRPD) Please provide the most relevant high court decision making reference to the CRPD or employing the CRPD in their reasoning.
Decision date	26 February 2020.
Reference details	Supreme Court (Kúria) number: Pfv.IV.21.804/2018/7
Key facts of the case (max. 500 chars)	The case concerned a person with disability who is medically advised to use crutches for walking. However, the person instead uses a scooter, because that provides more mobility than the crutches. The person wanted to visit the Zoo, and informed the cashier that he or she (Hungarian is gender-neutral so it cannot be known) wanted to use the scooter as a mobility aid, and not as a sports vehicle. The person was first not allowed to enter, and later, upon entrance, was returned and sent out of the Zoo with the reasoning that the Zoo does not allow bikes, and per analogism, scooters inside. However, the Zoo allows balance bikes to be used by small children. The Zoo argued that the balance bikes are allowed since parents are assumed to be able to look after their small children and catch them if they bike too fast.
Main reasoning/argumentation (max. 500 chars)	The facially neutral ban on bikes as applied to the scooter has a disparate impact on a person with disability, which is a protected characteristic under the Equal Treatment Act. The person with disability made it clear to the Zoo that he or she wished to use the scooter for reasons of the disability. This is to be taken as to make it probable that the person has a protected characteristic. That the Zoo made the decision to disallow the scooter is thus likely discriminatory, which reverses the burden of proof under anti-discrimination law. The Zoo however could not prove that it had rational grounds to disallow the use of the scooter in the circumstances of the case, and this confirms that indirect discrimination took place.
Key issues (concepts, interpretations) clarified by the case (max. 500 chars)	Indirect discrimination, burden of proof, accommodation (although the latter one is not mentioned, it is technically there).

Results (sanctions) and key consequences or implications of the case (max. 500 chars)	Compensation of HUF 500 000. In subsequent cases, courts will likely have regard to analogous needs for accommodation of persons living with disability.
Key quotation in original language and translated into English with reference details (max. 500 chars)	N/A