

Coronavirus COVID-19 outbreak in the EU

Fundamental Rights Implications

Country: Hungary

Contractor: Milieu Consulting SPRL

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1. Measures taken by government/public authorities

The first patient to be diagnosed with the Coronavirus in Hungary was on 4 March 2020. On 11 March 2020, the Government **declared a state of emergency**¹ that is a special legal order specified in the Fundamental Law of Hungary (referred to as ‘state of danger’ [*veszélyhelyzet*] in the Fundamental Law)². The state of danger entitles the Government to issue decrees to suspend the application of certain laws or to derogate from the provisions of laws and to take other extraordinary measures. Such decrees of the Government remain in force for 15 days unless the Government – on the basis of the authorisation of the Parliament – extends the effect of the decrees.

Eötvös Károly Policy Institute (*Eötvös Károly Intézet*), a civil society organisation, criticised the Government for declaring a state of danger. They believe the measures necessary to fight the Coronavirus outbreak did not call for this exceptional legal order and that the state of danger entitles the Government to disrespect almost any fundamental right of the citizen.³

On 20 March 2020, the Minister of Justice submitted a draft legislation to the Parliament on providing authorisation to the Government in the state of danger to derogate from the provisions of laws, to make laws and to take extraordinary measures in the interest of guaranteeing the stabilisation of lives, health, personal and material security of citizens and the economy. The proposed legislation would practically entrust the Government to rule by decree for the full duration of the state of danger without exact time limitation or control. The proposal also suggests the amendment of the Criminal Code to penalise those who interfere with the operation of a quarantine or isolation order and it envisages sentences of up to eight years of imprisonment. Elections and referendums would also be postponed for as long as the state of danger lasts.⁴ Civil society organisations heavily criticise the draft legislation stating a special legal order should not last forever and should be invoked only for a specific period of time that – if necessary – could be extended. Moreover, according to the NGOs, the proposed new criminal offence would potentially violate free speech and would result in the restriction on the media’s freedom to provide information to the public.⁵ On 23 March 2020, the Government could not get the support of the opposition parties in the Parliament, therefore, the draft is not going to be adopted on the next day (24 March 2020). Still, the two-thirds majority the Government enjoys in the Parliament would probably ensure the adoption of the draft legislation in an expedient process that can be done in eight days.⁶

¹ 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://net.jogtar.hu/jogszabaly?docid=A2000040.KOR>.

² Hungary, Ministry of Justice (2019), [Fundamental Law](#) “Article 53 – State of danger”, 13 December 2019, p. 37.

³ Eötvös Károly Policy Institute (*Eötvös Károly Intézet*) (2020), ‘Coronavirus: Risks associated to the introduction of the state of emergency’ (*Koronavírus: A veszélyhelyzet bevezetésének kockázatai*), Facebook post on 11 March 2020, available at: <https://www.facebook.com/eotvoskarolyintezet/>.

⁴ Hungary, Draft Legislation no. T/9790 on the protection against the Coronavirus (*A koronavírus elleni védekezésről*), 20 March 2020, available at: <https://www.parlament.hu/irom41/09790/09790.pdf>.

⁵ Hungarian Helsinki Committee (*Magyar Helsinki Bizottság*) (2020), ‘The unrestricted power is not the cure’ (*Nem a korlátlan hatalom az orvosság*), 22 March 2020, available at: <https://www.helsinki.hu/nem-a-korlatlan-hatalom-az-orvossag/>. Eötvös Károly Policy Institute (*Eötvös Károly Intézet*)(2020), ‘Statement of the Eötvös Károly Policy Institute on the draft legislation on the protection against the Coronavirus’ (*Az Eötvös Károly Intézet állásfoglalása a koronavírus elleni védekezésről szóló törvénytervezetről*), 22 March 2020, available at: <http://ekint.org/alkotmanyossag/2020-03-22/meg-egyszer-a-koronavirus-elleni-vedekezesrol-szolo-torvenytervezetrol-allasfoglalas?fbclid=IwAR2WGLiGJrecvZgCKugmQwu5h7jtMos4SQXiV-EZBYhRDcHMtd14QKSrGvU>.

⁶ Index (2020), ‘The Parliament did not accepted to vote on the adoption of the Coronavirus-law tomorrow’ (*Nem szavazta meg a koronavírus-törvény holnapi elfogadását a Parlament*), 23 March 2020, available at: https://dex.hu/x.php?id=inxcl&url=https%3A%2F%2Findex.hu%2Fbelfold%2F2020%2F03%2F23%2Forban_viktor_parlament_felhatalmazasi_torveny_kormany_rendelet_koronavirus_jarvany_vedekezes%2F.

On the basis of the state of danger, the following measures that have been taken could be considered restrictive to the fundamental rights of the people:

- **Travel ban and home quarantine.** On 11 March 2020, the Government prohibited the entry of citizens of Italy, China, South Korea and Iran.⁷ On 17 March 2020, this ban was extended to all non-Hungarian citizens.⁸ Exception under this rule is only allowed with the permission of the National Police Headquarters (*Országos Rendőr-főkapitányság*) provided that the person concerned undergoes a medical examination that does not result in the suspicion of COVID-19 infection and that the person is listed in the registry of the epidemiological authority.⁹ This may be the only option even to those residing lawfully in Hungary and trying to get back to the country. The Government, however, did not close the borders to ensure Hungarian citizens can get home, nevertheless, Hungarian citizens arriving from Italy, China, Korea, Israel and Iran undergo a medical examination. In case they are diagnosed with the Coronavirus, they are taken into designated quarantine sections of two hospitals in Budapest, while the others must stay in regulated home quarantine for 14 days.¹⁰ In case of the latter scenario, the authorities put a red warning label on the door of the person concerned and prohibit him/her from leaving the house.¹¹ The police regularly check on these people, and the local government has to take care of them in case they are unable to do so (e.g. do the shopping for them).¹² Up to 23 March, the authorities reported more than 100 incidents where people breached the rules of home

⁷ Hungary, Governmental Decree no. 41/2020. on prevention, avoidance of the mass human disease threatening the safety of human health and property, and on the measures taken in the state of danger in order to protect the health of the Hungarian citizens (41/2020. (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), 11 March 2020, Article 2, available at: http://njt.hu/cgi_bin/njt_doc.cgi?docid=218471.380733.

⁸ Hungary, Governmental Decree no. 45/2020. on prevention, avoidance of the mass human disease threatening the safety of human health and property, and on the measures taken in the state of danger in order to protect the health of the Hungarian citizens (II) (45/2020. (III. 14.) 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 (II.)) 14 March 2020, Article 6, available at: http://njt.hu/cgi_bin/njt_doc.cgi?docid=218497.380653.

⁹ Hungary, Governmental Decree no. 41/2020. on prevention, avoidance of the mass human disease threatening the safety of human health and property, and on the measures taken in the state of danger in order to protect the health of the Hungarian citizens (41/2020. (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), 11 March 2020, Article 3/A available at: http://njt.hu/cgi_bin/njt_doc.cgi?docid=218471.380733.

¹⁰ Hungary, Governmental Decree no. 41/2020. on prevention, avoidance of the mass human disease threatening the safety of human health and property, and on the measures taken in the state of danger in order to protect the health of the Hungarian citizens (41/2020. (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), 11 March 2020, Article 3, available at: http://njt.hu/cgi_bin/njt_doc.cgi?docid=218471.380733.

¹¹ Origo (2020), 'Here are the red labels those in a home quarantine receive' (*Ilyen piros lapokat kapnak a házi karanténban élők*), 13 March 2020, available at: <https://www.origo.hu/itthon/20200313-piros-figyelmezteto-lapokat-kapnak-a-hazi-karanténban-levok.html>.

¹² Hungary, Governmental Decree no. 41/2020. on prevention, avoidance of the mass human disease threatening the safety of human health and property, and on the measures taken in the state of danger in order to protect the health of the Hungarian citizens (41/2020. (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), 11 March 2020, Article 3, available at: http://njt.hu/cgi_bin/njt_doc.cgi?docid=218471.380733.

quarantine. In all these cases, misdemeanour proceedings were initiated against them¹³ and people face monetary fines of up to 150,000 HUF (cc. 425€).¹⁴

- **Testing, separation and observation.** Before 17 March, the authorities only tested people if they showed symptoms and their contacts or history led to the conclusion that they had been in contact with the virus (e.g. those who were in contact with previously diagnosed patients, those coming from countries where large numbers of infected people were reported).¹⁵ Starting from 17 March, the authorities also perform tests on people suffering from severe pneumonia.¹⁶ Those diagnosed with the Coronavirus are separated in designated wings of two hospitals in Budapest.¹⁷ These people cannot be visited by anyone other than the medical personnel and the staff members of the authorities. Immediately after the diagnosis, the authorities launch a research on the potential contacts of the infected person. Based on the result of the research, the authorities may also order either home or on-site (hospital) quarantine for the contacts of the infected person for the purpose of observing and isolating them. There were reports from Iranian university students, classmates of the first person diagnosed with the Coronavirus, who were put in a hospital quarantine, not separated from each other, instead, they were placed in the same room for observation; some were afraid of being infected by the others.¹⁸ There were, however, no reports on Hungarian or other citizens being placed in hospital quarantine together. Relatives of a diagnosed patient reported the hospital staff were helpful in delivering packages from the relatives to the infected patients; however, the way a person is diagnosed and then placed in separation in the hospital seemed chaotic to them.¹⁹
- **Closing schools and universities.** As of 12 March 2020, no student can enter the premises of Hungarian universities. The Government asked universities to continue education via distance learning scenarios.²⁰ As a response to that, universities rescheduled the Spring break (March 16-20) that was originally planned to be in the week of Easter to give a week to their lecturers and

¹³ Index (2020), 'The press conference of the Operative Body on Monday live' (*Az Operatív Törzs hétfői sajtótájékoztatója élőben az Indexen*), 23 March 2020, available at: https://index.hu/belfold/2020/03/23/orban_operativ_torz_s_koronavirus_hetfo_sajtotajekoztato_eloben/.

¹⁴ Hungary, Act II of 2012 on misdemeanours, misdemeanour proceedings and misdemeanour registry system (2012. évi II. törvény a szabálysértésekről, a szabálysértési eljárásról és a szabálysértési nyilvántartási rendszerről), 15 April 2012, Article 239, available at: http://njt.hu/cgi_bin/njt_doc.cgi?docid=143166.377040.

¹⁵ Medical online (2020), 'Coronavirus: The procedural rules are updated for general practitioners' (*Koronavírus: aktualizálták a házi orvosoknak szóló eljárásrendet*), 2 March 2020, available at: http://medicalonline.hu/praxis/cikk/koronavirus_aktualizaltak_a_haziorvosoknak_szolo_eljarasrendet.

¹⁶ Index (2020), 'They perform the laboratory test on those suffering from severe pneumonia' (*A súlyos tüdőgyulladásban szenvedőknél is elvégzik a laborvizsgálatot*), 17 March 2020, available at: https://index.hu/belfold/2020/03/17/koronavirus_tudogyulladas_laborvizsgalat/.

¹⁷ Medical online (2020), 'Coronavirus: The procedural rules are updated for general practitioners' (*Koronavírus: aktualizálták a házi orvosoknak szóló eljárásrendet*), 2 March 2020, available at: http://medicalonline.hu/praxis/cikk/koronavirus_aktualizaltak_a_haziorvosoknak_szolo_eljarasrendet.

¹⁸ HVG (2020), 'For hours, the Iranian students in quarantine did not know one of them had a positive test' (*Órákig nem tudták a karanténba zárt iráni diákok, hogy egyikük tesztje pozitív lett*), 9 March 2020, available at: https://hvg.hu/itthon/20200309_Orakon_at_nem_tudtak_a_karantenba_zart_irani_diakok_hogy_egyikuk_tesztje_pozitiv lett.

¹⁹ Index (2020), 'The mother of a student of Toldy Grammer School has no fever anymore and she is treated for pneumonia' (*Láza már nincs, tüdőgyulladással kezelik az egyik Toldys diák fertőzött édesanyját*), 17 March 2020, available at: https://index.hu/belfold/2020/03/17/toldy_gimnazium_koronavirus_fertozes/.

²⁰ Hungary, Governmental Decree no. 41/2020. on prevention, avoidance of the mass human disease threatening the safety of human health and property, and on the measures taken in the state of danger in order to protect the health of the Hungarian citizens (41/2020. (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), 11 March 2020, Article 4(b), available at: http://njt.hu/cgi_bin/njt_doc.cgi?docid=218471.380733.

professors to work on e-learning scenarios.²¹ The ban was extended to pupils and students of public schools (primary and high schools) as of 16 March.²² The Government ordered public schools to provide for distance learning to pupils and students.²³ Local governments were entitled to decide whether they wished to close nurseries and kindergartens.²⁴ Most local authorities used this power and shut these institutions down on 16 March.²⁵ Nurseries, kindergartens and primary schools, however, offer the possibility to provide for childcare for those children whose parents are unable to organise supervision for their children.²⁶ The Government, stressed this option could only be exceptional and only small groups of children could be accepted by these institutions. The Government urged parents to find other solutions to supervise children and not to entrust the usually old and therefore endangered grandparents with this task, however, no measures were put in place to allow parents to stay at home.²⁷ While most universities used some form of e-learning previously as part of a blended learning scenario, the vast majority of elementary schools and high schools did not rely on this option in the past. The public television, therefore, now broadcasts educational programmes on the most common subjects (e.g. literature, grammar, history, maths) to different age groups in the morning and in the early afternoon.²⁸ Those who cannot ensure supervision over their children may work in a home office setting provided that their employer agrees with it; however, it is not a legal obligation for the employer to allow this.²⁹

- **Prohibition on public events and gatherings.** On 11 March 2020, the Government prohibited any events and gatherings with more than 100 people indoor or more than 500 people outdoor. This restriction was extended on 16 March 2020, and now no public events and gatherings can be held. This affects sports events, cultural events, scientific events, protests, congregations or any forms of public gatherings indoor and outdoor.

²¹ 24.hu (2020), 'Universities announce the early Spring break in a row' (*Sorra jelentik be az egyetemek az előrehozott tavaszi szünetet*), 11 March 2020, available at: <https://24.hu/belfold/2020/03/11/egyetemek-koronavirus-tavaszi-szuket-oktatasi-szuket/>.

²² Hungary, Governmental Decision no. 1102/2020 on introducing a new work order in the public education institutions due to the Coronavirus (*1102/2020. (III. 14.) Korm. határozat a koronavírus miatt a köznevelési és szakképzési intézményekben új munkarend bevezetéséről*), 14 March 2020, Article 1(a), available at: http://njt.hu/cgi_bin/njt_doc.cgi?docid=218513.380693.

²³ Hungary, Governmental Decision no. 1102/2020 on introducing a new work order in the public education institutions due to the Coronavirus (*1102/2020. (III. 14.) Korm. határozat a koronavírus miatt a köznevelési és szakképzési intézményekben új munkarend bevezetéséről*), 14 March 2020, Article 1(b), available at: http://njt.hu/cgi_bin/njt_doc.cgi?docid=218513.380693.

²⁴ Hungary, Governmental Decree no. 45/2020. on prevention, avoidance of the mass human disease threatening the safety of human health and property, and on the measures taken in the state of danger in order to protect the health of the Hungarian citizens (II.) (*45/2020. (III. 14.) Korm. rendelet az élet- és vagyónbiztonságot veszélyeztető tömeges megbetegedést okozó humánjárvány megelőzése, illetve következményeinek elhárítása, a magyar állampolgárok egészségének és életének megóvása érdekében elrendelt veszélyhelyzet során teendő intézkedésekről (II.)*), 14 March 2020, available at: http://njt.hu/cgi_bin/njt_doc.cgi?docid=218497.380653.

²⁵ Index (2020), 'More local governments decided on closing nurseries and kindergartens' (*Több kerületi önkormányzat maga döntött az óvodák és bölcsődék bezárása mellett*), 13 March 2020, available at: <https://index.hu/belfold/2020/03/13/ovoda-bezaras-onkormanyzat-koronavirus-magyarorszagon/>.

²⁶ Hungary, Governmental Decision no. 1102/2020 on introducing a new work order in the public education institutions due to the Coronavirus (*1102/2020. (III. 14.) Korm. határozat a koronavírus miatt a köznevelési és szakképzési intézményekben új munkarend bevezetéséről*), 14 March 2020, available at: http://njt.hu/cgi_bin/njt_doc.cgi?docid=218513.380693.

²⁷ Origo (2020), 'Do not let grandparents to supervise children!' (*Ne a nagyszülők vigyázzanak a gyerekekre!*), 14 March 2020, available at: <https://www.origo.hu/itthon/20200314-nagyszulokre-ne-hagyjuk-a-gyerekeket.html>.

²⁸ Index (2020), 'The culture channel of the public television is turned into school TV' (*Iskolatévé lesz a közmédiákulturális csatornájából*), 15 March 2020, available at: <https://index.hu/kultur/media/2020/03/15/mtva-m5-csatorna-oktatasi-tartalmak/>.

²⁹ HR Portal (2020), 'Coronavirus: There is chaos in labour law' (*Koronavírus: teljes a káosz a munkajogban*), 13 March 2020, available at: <https://www.hrportal.hu/hr/koronavirus-teljes-a-kaosz-a-munkajogban-20200313.html>.

- **Restrictions on the operation of commercial units.** As of 17 March 2020, no person (other than employees) can be present in the shops (excluding grocery stores, pharmacies, tobacco stores, petrol stations) between 3pm and 6am. This restriction, however, does not apply to picking up ordered food and paying for it.³⁰ As a consequence of this measure, many restaurants and grocery stores now offer the possibility to order online and to either pick up the product in front of the store or ask for home delivery. By March 17, most home delivery services related to food products were fully booked for the upcoming two-three weeks.³¹ On 16 March, the Government announced they have been working on action plans on how to save workplaces and on how to help various sectors of the economy affected by the situation.³² On 18 March, the Prime Minister announced the government would order a moratory on debt payment for private individuals and businesses until the end of the year.³³ On 19 March, the military visited 71 companies that were identified as vital for providing the most important services to the people in a state of danger situation. These companies include energy companies, the stock exchange, pharmaceutical companies, transportation companies and telecommunication companies. The government has not decided to place these companies under state supervision yet; however, the military's presence there certainly indicates this intention.³⁴
- **Measures to protect the elderly.** On 16 March 2020, the Government asked the elderly (those over 70 years of age) to stay at home. In case an elderly person does not have close relatives available to take care of them (e.g. buying groceries or pharmaceutical products), the local governments must provide for care.³⁵ Still, the Operative Body (*Operatív Törzs*) – in its daily press conferences – often complains about older people still being active in the streets, shops and public transport.³⁶ On 14 March, the Government suspended the application of the pension

³⁰ Hungary, Governmental Decree no. 46/2020. on prevention, avoidance of the mass human disease threatening the safety of human health and property, and on the measures taken in the state of danger in order to protect the health of the 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, Article 3, available at: http://njt.hu/cgi_bin/njt_doc.cgi?docid=218547.380736.

³¹ Index (2020), 'Supermarket chains cannot take more orders for home delivery' (*Szinte egyáltalán nem tudnak már házhozszállítást vállalni az áruházláncok*), 17 March 2020, available at: <https://index.hu/gazdasag/2020/03/17/tulterheltek-a-boltok-elhuzodhat-mire-helyre-all-az-online-elelmiszers-zallitas-magyarorszagon/>.

³² Origo (2020), 'Viktor Orbán speaks today in the Parliament' (*Orbán Viktor is felszólal ma az Országgyűlésben*), 16 March 2020, available at: <https://www.origo.hu/itthon/percrolpercre/20200316-akoronavirushelyzetrol-szol-az-orszaggyules-is.html>.

³³ Kormany.hu (2020), 'We will suspend the obligation to pay the debts' (*Felfüggesztjük a hitel tőke- és kamatfizetési kötelezettséget*), 18 March 2020, available at: <https://www.kormany.hu/hu/a-miniszterelnok/hirek/felfuggesztik-a-hitelek-toke-es-kamatfizetesi-kotelezettseget>.

³⁴ Index (2020), 'We have half of those critical companies visited by the military' (*Megvan azon kritikus cégek fele, ahova bement a honvédelem*), 19 March 2020, available at: <https://index.hu/gazdasag/2020/03/19/megvan-azon-kritikus-cegek-fele-ahol-atvette-az-iranyitast-a-honvedelem/>.

³⁵ Hungary, Governmental Decree no. 46/2020. on prevention, avoidance of the mass human disease threatening the safety of human health and property, and on the measures taken in the state of danger in order to protect the health of the 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, Article 2, available at: http://njt.hu/cgi_bin/njt_doc.cgi?docid=218547.380736.

³⁶ The Hungarian Government's Official Information Website on the Coronavirus (2020), 'Unfortunately, there are still many elderly present in the streets, stores and in public transport' (*Sajnos még mindig sok idős embert látunk az utcákon, boltokban, tömegközlekedésen*), 18 March 2020, available at: <https://koronavirus.gov.hu/cikkek/sajnos-meg-mindig-sok-idos-embert-latunk-az-utcacon-boltokban-tomegkozlekedesben>.

rules on medical doctors for the duration of the state of danger in order to ensure the availability of competent medical personnel even if they are over 65 years of age.³⁷ Still, the next day, the Ministry of Human Capacities (*Emberi Erőforrások Minisztériuma*) ordered medical doctors over 65 years of age not to establish direct contact with patients suffering from any disease and to consult with them over the phone.³⁸ For all other vulnerable groups (people in prisons, people in refugee camps and transit zones, people in hospices and people in other institutions), there has been no special protective measures ordered or known to have been applied. There have been no issues reported on access to testing and healthcare for people residing in prisons, transit zones, refugee camps, hospices or in other institutions. Also, there have been no reports on decreasing support provided by NGOs due to the Coronavirus.

- **Suspending medical treatment and postponing surgeries.** The Government ordered hospitals to suspend medical treatment and postpone surgeries in case they are not vital or urgent in order to save on blood supply.³⁹ Hospitals urge people who do not have severe medical conditions to reach out to the doctors over the phone instead of showing up in person.⁴⁰ Those suffering from chronic diseases may consult their doctors in a distance format and the doctor may prescribe their medication using an electronic prescription.⁴¹ So far, the Government did not apply measures to control the prices of products in high demand (e.g. masks, sanitisers). There have been no reports on access to testing or treatment for migrants, asylum seekers, Roma or other vulnerable groups.

2. Impact of the outbreak on certain national or ethnic communities

The Prime Minister of Hungary, prior to deciding on the declaration of state of danger, drew a link between illegal migration and the Coronavirus outbreak.⁴² This approach was already reflected in practice earlier than this statement, as the submission of claims for asylum in the two transit zones at the southern borders of Hungary (Röszke and Tompa) had been suspended as of 2 March 2020. The Government explicitly stated it was a direct consequence of the Coronavirus outbreak, and that the

³⁷ Hungary, Governmental Decision no. 1103/2020 on suspending the principles on pension for those working in the healthcare sector as stipulated in Governmental Decision no. 1700/2012) (*1103/2020. (III. 14.) Korm. határozat a közszférában alkalmazandó nyugdíjpolitikai elvekről szóló 1700/2012. (XII. 29.) Korm. határozat egészségügyi dolgozókra való alkalmazásának felfüggesztéséről*), 14 March 2020, available at: http://njt.hu/cgi_bin/njt_doc.cgi?docid=218514.380695.

³⁸ Index (2020), 'Starting from Monday, doctors and nurses over 65 years of age should not meet patients' (*Hétfőtől a 65 feletti orvosok és ápolók ne találkozzanak betegekkkel*), 15 March 2020, available at: https://index.hu/belfold/2020/03/15/kasler_miklos_jarobeteg_szakellatas_hatvanot_even_feluli_orvosok/.

³⁹ Index (2020), 'Hospitals are given blood only for emergency surgeries' (*Csak a sürgősségi műtétekhez kapnak vért a kórházak*), 14 March 2020, available at: https://index.hu/belfold/2020/03/14/ovsz_surgossegi_mutet_verkeszitmeny/.

⁴⁰ Index (2020), 'More hospitals introduce strict policies due to the state of danger' (*Több kórház is komoly szigorításokat vezet be a veszélyhelyzet miatt*), 16 March 2020, available at: https://index.hu/belfold/2020/03/16/koronavirus_magyarorszagon_korhaz_mukodesi_korlatozas/.

⁴¹ Hungary, Decree of the Minister of Human Capacities no. 10/2020 on the amendment of certain health care decrees necessary because of the state of danger (*10/2020. (III. 14.) EMMI rendelet a kihirdetett veszélyhelyzet miatt szükséges egyes egészségügyi tárgyú miniszteri rendeletek módosításáról*), 14 March 2020, Article 3, available at: <https://www.google.com/url?sa=t&rct=j&q=&esrc=s&source=web&cd=1&cad=rja&uact=8&ved=2ahUKEwigYg73qHoAhVyx4sKHfiqAdQQFjAAegQIAhAB&url=https%3A%2F%2Fmagyarkozlony.hu%2Fdokumentumok%2F9421b74af54379d07ba8934a5fe3180c7f62d0be%2Fletoltes&usq=AOvVaw2kjf1ALElCHifZiuAHuK5x>.

⁴² Index (2020), 'Orbán: There was a clear link between illegal migration and the coronavirus outbreak, 11 March 2020', available at: <https://dailynewshungary.com/orban-there-was-a-clear-link-between-illegal-migration-and-the-coronavirus-outbreak/>.

Government wants to protect the 321 asylum seekers accommodated in the two transit zones and the Hungarian citizens in the country given that many asylum seekers are either coming from Iran or crossed Iran during their travels.⁴³ As the transit zones have been the only designated points to submit claims for asylum, currently, there is no possibility for asylum seekers to ask for asylum in Hungary.⁴⁴

Prior to banning university students from the premises of universities on 12 March 2020, the University of Debrecen issued a policy under which students, specifically those arriving from China, Iran, Korea and Italy were asked not to attend the classes for two weeks after they had returned from these countries. The university stressed students not attending classes would not face any negative consequence and recommended them to stay in their apartments.⁴⁵

The first two patients diagnosed with the Coronavirus were Iranian students of two higher educational institutions in Hungary. Other than the students infected by the virus, their classmates (mostly Iranian nationals) were also placed in a hospital quarantine to isolate them and to observe whether they develop symptoms.⁴⁶ The authorities often reported on the allegedly aggressive and non-cooperative behaviour of the Iranian students (e.g. threatening hospital staff, leaving the designated hospital room), therefore, comments in the social media often labelled Iranians and – in general – Arabic people disrespectful to European social values.⁴⁷ The authorities expelled 15 Iranian students (two were expelled on 13 March and another 13 were expelled on 16 March) from the territory of Hungary and initiated criminal proceedings against them in relation to the criminal offence of violation of epidemic control regulations⁴⁸. While the execution of the expel orders has been suspended due to the travel restrictions effective in many countries in Europe, the criminal proceedings can be conducted and concluded even in the absence of the offenders. For now, the Iranian students subject to deportation are in alien-police custody.⁴⁹ The Hungarian Helsinki Committee (*Magyar Helsinki Bizottság*) finds the expel orders

⁴³ Infostart (2020), 'Transit zones shut down for illegal migrants' (*Bezár a tranzit-zóna az illegális migránsok előtt*), 1 March 2020, available at: <https://infostart.hu/belfold/2020/03/01/bezar-a-tranzit-zona-az-illegalis-migransok-elott>.

⁴⁴ Hungary, Article 7 of Act XX of 2017 on amending laws on restriction of rules of the asylum procedures conducted at the border (*2017. évi XX. törvény a határőrizeti területen lefolytatott eljárás szigorításával kapcsolatos egyes törvények módosításáról*), 20 March 2017, available at: https://net.jogtar.hu/jr/gen/hjegy_doc.cgi?docid=A1700020.TV×hift=ffffff4&xtreferer=00000001.TXT

⁴⁵ Hajdupress (2020), 'Coronavirus – Measures of the University of Debrecen' (*Koronavírus: a Debreceni Egyetem intézkedései*), 5 March 2020, available at: <http://www.hajdupress.hu/cikk/koronavirus-a-debreceeni-egyetem-intezkedesei>.

⁴⁶ HVG (2020), 'For hours, the Iranian students in quarantine did not know one of them had a positive test' (*Óráig nem tudták a karanténba zárt iráni diákok, hogy egyikük tesztje pozitív lett*), 9 March 2020, available at: https://hvg.hu/itthon/20200309_Orakon_at_nem_tudtak_a_karantenba_zart_irani_diakok_hogy_egyikuk_tesztje_pozitiv lett.

⁴⁷ The expert's own observation based on browsing comments related to articles shared on Facebook between March 7-12 2020.

⁴⁸ Hungary, Act C of 2012 on the Criminal Code (*2012. évi C. törvény a Büntető Törvénykönyvről*), 1 July 2013, Article 361, available at: <https://net.jogtar.hu/jogszabaly?docid=a1200100.tv>. „Any person who:

a) infringes the rules of quarantine, epidemiological supervision or control ordered for preventing the importation or dissemination of an infectious disease subject to quarantine obligation;

b) infringes the rules of quarantine, epidemiological supervision or control ordered at the time upon the outbreak of a disease;

c) breaches the measures adopted by the plant health authority or epidemiological measures introduced for the prevention of the spreading - within or across the border - of infectious animal diseases or pests which are harmful to vegetation, or for the eradication of such;

is punishable for misdemeanour by custodial arrest.”, available at: <https://net.jogtar.hu/jogszabaly?docid=a1200100.tv>

⁴⁹ The Hungarian Government's Official Information Website on the Coronavirus (2020), 'They expelled two Iranian university students who breached quarantine restrictions and behaved aggressively to nurses' (*Kiutasítottak két iráni egyetemistát, akik megszegték a karantént és agresszíven viselkedtek az ápolókkal*), 13 March 2020, available at: <https://koronavirus.gov.hu/cikkek/kiutasítottak-ket-irani-egyetemistat-akik-megszegték-karantent-es-agressziven-viselkedtek-az>. Index (2020), 'The Iranian university students who behaved outrageously in the

outrageous and life threatening. According to the Committee, the reasoning of the expel orders are incoherent and unclear as to what exactly the Iranian students did in the quarantine. Moreover, the Committee believes deporting the Iranian students back to their home country would seriously put their lives in danger given the current Coronavirus situation in Iran. The Committee now represents the students and challenged the expel orders in court. For the duration of the court procedure, deportation is pending.⁵⁰

There have been no reports or any special measures targeting Roma settlements in relation to the Coronavirus outbreak.

3. Impact on privacy and spread of disinformation

The Government set up a website that aims to provide authentic information in relation to the Coronavirus outbreak and the measures the Government takes in order to keep it under control. The website collects the relevant news, informs about new restrictions and measures and provides for a database that shows how many people were diagnosed, died, healed and are in quarantine in Hungary. The website also provides information on the procedure on how to reach out for medical assistance if needed.⁵¹

The National Authority for Data Protection and Information Freedom (*Nemzeti Adatvédelmi és Információszabadság Hatóság*) issued guidelines on processing data related to the Coronavirus epidemic. The Authority issued its guidelines as per the request of healthcare professionals and employers. The Authority elaborates on what measures are expected from employers during the epidemic (e.g. pandemic/business continuity action plan, providing information to employees, urging employees to report any alleged contact with the virus etc.), how healthcare professionals must comply with the data protection requirements (e.g. providing information to the patient put under epidemiological measures, keeping records of these patients).⁵² So far, there has been no breach of personal data reported in Hungary in relation to the Coronavirus epidemic. No reports on disclosure or leakage of the identity of patients in the media could be identified.

To ensure extra personnel will be available if needed, on 16 March 2020 the Government ordered the listing of full-time students studying in medical and health care related programmes of high schools and universities. The data controllers (universities and high schools) are obliged to transmit the personal data of these students to the Police with high priority and without charging any fees.⁵³

quarantine were expelled from Hungary' (*Kiutasították Magyarországról a karanténban balhéző iráni egyetemistákat*), 13 March 2020, available at: <https://index.hu/belfold/2020/03/13/irani-egyetemistak-koronavirus-karanten-szent-laszlo-kitiltas/>, Index (2020), '13 Iranian university students were expelled' (*13 iráni egyetemistát utasítottak ki*), 16 March 2020, available at: <https://index.hu/belfold/2020/03/16/ujabb-irani-egyetemistakat-utasitottak-ki/>.

⁵⁰ Hungarian Helsinki Committee (*Magyar Helsinki Bizottság*) (2020), 'Expelling the Iranian students is unlawful and life threatening' (*Az iráni diákok kiutasítása jogellenes és életveszélyes*), 18 March 2020, available at: <https://www.helsinki.hu/az-irani-diakok-kollektiv-kiutasitasa-jogellenes-es-életveszelyes/>.

⁵¹ Information website on the Coronavirus, available at: <https://koronavirus.gov.hu>.

⁵² 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.

⁵³ Hungary, Governmental Decree no. 46/2020. on prevention, avoidance of the mass human disease threatening the safety of human health and property, and on the measures taken in the state of danger in order to protect the health of the Hungarian citizens (III.) (46/2020. (III. 16.) 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, Article 13, available at: http://njt.hu/cgi_bin/njt_doc.cgi?docid=218547.380736.

Fake news was created and spread in social media on a coming city-wide quarantine and lock-down in Budapest.⁵⁴ The law enforcement bodies investigated the case and found the perpetrator. A criminal proceeding was initiated against him in relation to the criminal offence of scaremongering.⁵⁵ The authorities stress in all statements and communications that they look for these perpetrators and that there will be criminal consequences of scaremongering in all instances.⁵⁶

⁵⁴ Police.hu (2020), 'Not only "made" but distributed the rumour' (*Nemcsak "gyártotta", terjesztette is a rémhírt*), 15 March 2020, <http://www.police.hu/hu/hirek-es-informaciok/legfrissebb-hireink/bunugyek/nemcsak-gyartotta-terjesztette-is-a-remhirt>.

⁵⁵ Hungary, Act C of 2012 on the Criminal Code (*2012. évi C. törvény a Büntető Törvénykönyvről*), 1 July 2013, Article 337, available at: <https://net.jogtar.hu/jogszabaly?docid=a1200100.tv>, „Any conduct of uttering or publishing before the public at large a statement one knows to be false or with a reckless disregard for its truth or falsity at the scene of some emergency by which to violate public order or disturb the public peace at a place of public danger is guilt of a felony punishable by imprisonment not exceeding three years.”.

⁵⁶ Mandiner (2020), 'The government fights against those making profit on the Coronavirus and against scaremongers' (*A kormány fellép a koronavíruson nyereszkesedők és a rémhírterjesztők ellen*), 3 March 2020, available at: https://mandiner.hu/cikk/20200303_a_kormany_fellep_a_koronaviruson_nyereszkesedok_es_remhirterjesztes_ellen.