

European Union Agency for Fundamental Rights (FRA), selection of relevant and recent passages from published reports related to Hungary

fra.europa.eu

March 2021, Vienna

References to Hungary are marked in **bold**. NB: any footnotes in the original texts have been omitted from this overview. Furthermore, many reports contain relevant graphs and figures, which haven't been included in this document.

Contents

Data Explorers and Tools	3
Annual Reports	4
Fundamental Rights Report 2020 (June 2020).....	4
2. Equality and non-discrimination.....	4
3. Racism, xenophobia and related intolerance.....	4
4. Roma integration.....	4
5. Asylum, visas, migration, borders and integration.....	5
6. Information society, privacy and data protection.....	5
7. Rights of the Child.....	5
8. Access to Justice.....	5
9. Developments in the implementation of the Convention on the Rights of Persons with Disabilities.....	6
Fundamental Rights Report 2019 (June 2019).....	6
1. Implementing the Sustainable Development Goals in the EU: a matter of human and fundamental rights.....	6
2. EU Charter of Fundamental Rights and its use by Member States.....	7
3. Equality and non-discrimination.....	7
4. Racism, xenophobia and related intolerance.....	7
5. Roma integration.....	7
6. Asylum, visas, migration, borders and integration.....	8
7. Information society, privacy and data protection.....	9
8. Rights of the child.....	9
9. Access to justice.....	10

10. <i>Developments in the implementation of the Convention on the Rights of Persons with Disabilities</i>	11
Thematic Reports	11
Crime, safety and victims' rights – Fundamental Rights Survey (February 2021).....	11
Antisemitism: Overview of anti-Semitic incidents recorded in the European union 2009-2019 (September 2020).....	11
Strong and effective National Human Rights Institutions – challenges, promising practices and opportunities (September 2020).....	12
What do fundamental rights mean for people in the EU? Fundamental Rights Survey (June 2020)	13
A long way to go for LGBTI equality (May 2020).....	14
Criminal detention conditions in the European Union: rules and reality (December 2019).....	15
Second European Union Minorities and Discrimination Survey - Migrant women - selected findings (September 2019).....	16
Protecting migrant workers from exploitation in the EU: workers' perspectives (June 2019).....	16
Roma women in nine EU Member States (April 2019).....	16
Experiences and perceptions of antisemitism – Second survey on discrimination and hate crime against Jews in the EU (December 2018).....	17
Combating child poverty: an issue of fundamental rights (October 2018).....	17
Hate crime recording and data collection practice across the EU (June 2018).....	18
Under watchful eyes: biometrics, EU IT systems and fundamental rights (March 2018).....	18
Migration to the EU: five persistent challenges (February 2018).....	20
Challenges facing civil society organisations working on human rights in the EU (January 2018)...	21
Second European Union Minorities and Discrimination Survey - Main results (December 2017)...	23

Data Explorers and Tools

In addition to the relevant passages from recent FRA publications that are presented in this submission, valuable information can be found in the **data explorers** on FRA's website (available at <https://fra.europa.eu/en/publications-and-resources/data-and-maps>), which allows the comparison of results from some of FRA's research for all EU Member States, including **Hungary**.

- [Fundamental Rights Survey](#) (last updated December 2020)
- [Forced return monitoring systems – State of play in EU Member States](#) (last updated July 2020)
- [EU LGBTI Survey data explorer](#) (last updated May 2020)
- [Minimum age requirements related to rights of the child in the EU](#) (last updated October 2018)
- [Second European Union Minorities and Discrimination Survey \(EU MIDIS II\) data explorer](#) (last updated December 2017)
- [Mapping child protection systems in the EU](#) (last updated August 2015)
- [Indicators on the right to political participation of people with disabilities](#) (last updated April 2015)
- [Mapping victims' rights and support in the EU](#) (last updated April 2014)
- [Violence against women survey data explorer](#) (last updated March 2014)

In addition to the data explorers, the FRA website also offers the [European Union Fundamental Rights Information System \(EFRIS\)](#). EFRIS is a Human Rights Gateway, bringing together data and information from existing human rights databases, and enables viewing and analysis of relevant assessments of fundamental rights in the EU.

Finally, the FRA website also includes the following **databases**:

- The [Criminal Detention Database 2015-2019](#), which combines in one place information on detention conditions in all EU Member States;
- [Anti-Muslim hatred Database 2012-2019](#), which provides information on significant international, European and national case law and rulings, UN human rights body decisions, reports, findings by human rights and equality bodies and organisations relating to hate crime, hate speech and discrimination against Muslims, as well as relevant research, reports, studies, data and statistics on these issues.

Annual Reports

Fundamental Rights Report 2020 (June 2020)

<https://fra.europa.eu/en/publication/2020/fundamental-rights-report-2020>

2. Equality and non-discrimination

“Promising Practice: The **Hungarian** National Equal Treatment Desk Officers’ Network launched an awareness-raising campaign to mark its 10th anniversary. It aims to popularise the network and encourage victims to report discrimination and rely on legal procedures. It includes public displays on bikes, trains, local media, 12,000 billboards and social media, as well as a presence at festivals and local events.” (p. 40)

3. Racism, xenophobia and related intolerance

“By November 2019, 14 States had adopted or endorsed the [non-legally binding working definition of antisemitism adopted by the International Holocaust Remembrance Alliance]: Austria, Belgium, Bulgaria, Czechia, France, Germany, Greece, **Hungary**, Lithuania, the Netherlands, Romania, Slovakia, Sweden and the United Kingdom.” (p. 62)

“In 2019, Estonia, **Hungary** and Spain published instructions and guidelines for criminal justice personnel for identifying, recording, investigating and prosecuting hate crimes. (p. 64)

“Promising practice: In 2019, several EU projects funded by the Rights, Equality and Citizenship Programme 2014-2020 developed multilingual tools and guidance for policymakers at national, regional and local level to address hate crime. These include:

- [...]
- Facing All The Facts, with partners in Greece, **Hungary**, Ireland, Italy, Spain and the United Kingdom
 - European report – Connecting on hate crime: Recording and data collection – Emerging themes
 - national reports
 - bias indicator courses” (p. 69)

“As part of its close monitoring of the implementation of the Racial Equality Directive, the European Commission continued with infringement proceedings concerning discrimination against Roma children in education, which have been ongoing in Czechia, **Hungary** and Slovakia.” (p. 71)

“CERD raised its concerns about the persistence of segregation in education that Roma children face in Hungary. (p. 71)

4. Roma integration

“The European Commission continued infringement proceedings concerning discrimination against Roma children in education in Czechia, **Hungary** and Slovakia in 2019.” (p. 86)

“**Hungary** took a range of anti-segregation measures in 2019. These include establishing working groups in school districts to provide advice in educational matters. The Federation of National Self-Governments can also delegate one member to this working group.” (p. 87)

“In **Hungary**, action on healthcare for Roma is part of a broad long-term social support programme for the 300 most disadvantaged settlements with a total combined population of 270,000, most of them of Roma origin. The ‘Presence programme’ complements the work of existing public services. The Interior Ministry’s main partners are civil society and religious organisations, coordinated by the Commissioner of the Prime Minister. The programme started in the first 31 settlements in 2019.” (p. 93)

“In Bulgaria, Croatia, **Hungary**, Serbia and Slovenia Roma benefit from large-scale horizontal programmes by national employment agencies and other public entities for training, career orientation, developing job seeking skills, etc.” (p. 94)

5. Asylum, visas, migration, borders and integration

“**Hungarian** law continues to apply special rules to address mass migration, which require all asylum applicants to be escorted to the Serbian side of the border fence. The ECtHR found that there was an insufficient basis for the Government’s decision to establish a general presumption concerning Serbia as a safe third country and that **Hungary** failed to discharge its procedural obligation under Article 3 of the Convention to assess the risks of treatment contrary to that provision, before removing two asylum applicants to Serbia.” (p. 118)

6. Information society, privacy and data protection

“Data protection supervisory authorities (SAs) spent considerable resources in 2019 on training data protection professionals. [...] In addition to providing training and information material, some SAs developed IT tools to help data controllers meet their obligations, as in **Hungary** and Portugal.” (p. 144)

7. Rights of the Child

“Encouragingly, in Bulgaria and **Hungary**, the [at risk of poverty or social exclusion (AROPE)] rates for children dropped substantially in 2018, decreasing by around 8 percentage points.” (p. 166)

“The European Semester paid more attention to issues related to child poverty in 2019 than in previous years. Specific references to child poverty appeared in the recitals to the country-specific recommendations (CSRs) to seven Member States. [...] However, no CSR targeted child poverty as such, although general CSRs on poverty, income support or improvements of the social safety net also affect child poverty. Such CSRs on more general issues that potentially have an impact on child poverty were addressed to Bulgaria, Croatia, Estonia, **Hungary**, Latvia, Lithuania, Portugal, Romania and Spain.” (p. 169)

“Member States continued to incorporate the **Audiovisual Media Services Directive** into national law during 2019. **Hungary** has already done so. Its amended legislation entered into force on 1 August 2019. It establishes detailed rules on the protection of children, including new powers for the media authority to enforce the use of age verification tools or similar technical measures.” (p. 173)

8. Access to Justice

“The European Commission urged nine Member States (Czechia, Estonia, Germany, **Hungary**, Italy, Malta, Poland, Portugal and Sweden) to finish incorporating the Victims’ Rights Directive into national law. It sent them letters of formal notice on 25 July 2019.” (p. 188)

“**Hungary** lacks the infrastructure to provide support to victims of domestic and partner violence, argues the VICATIS report, published in 2019. According to the report, “in reality there is practically no efficiently operating victim support service where the victims [of domestic violence] could turn to. For most victims [of domestic violence], there is no safe place in the system providing care”.” (p. 192)

“The ratification process of the [Istanbul Convention] also stalled in Bulgaria, Czechia, **Hungary**, Latvia and Lithuania.” (p.195)

“Nevertheless, challenges to the independence of judiciaries continued to pose concerns in Poland, **Hungary** and Malta in 2019.” (p. 196)

“In 2019, the Council held two hearings on the situation in **Hungary**. These covered, among others, the issue of judicial independence, in follow up to the European Parliament’s reasoned proposal from 2018, in accordance with Article 7 (1) of the TEU (see FRA’s *Fundamental Rights Report 2019* for more details on the reasoned proposal).” (p. 198)

In August 2019, GRECO published its report on preventing corruption of members of parliament, judges and prosecutors in **Hungary**. It concluded, among others, that the country failed to implement its recommendations related to the independence of the judiciary, namely the powers of the President of the National Judicial Office both to intervene in the process of appointing and promoting candidates for judicial positions and to re-assign ordinary judges without their consent as well as the immunity of ordinary judges and public prosecutors to functional immunity.” (p.198)

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

“In 2019, the CRPD Committee continued to review Member States’ progress in implementing the Convention on the Rights of Persons with Disabilities. It published concluding observations on Estonia, France and **Hungary**, and a list of issues concerning Croatia, while Denmark submitted its state report.” (p.216)

Fundamental Rights Report 2019 (June 2019)

<https://fra.europa.eu/en/publication/2019/fundamental-rights-report-2019>

1. Implementing the Sustainable Development Goals in the EU: a matter of human and fundamental rights

“The Eurostat report highlights the importance of the Justice Scoreboard, through which the EU monitors the efficiency, quality and independence of national justice systems. [...] However, the Eurostat report does not reflect developments regarding the rule of law in **Hungary** and Poland, in relation particularly to national legislation and measures affecting the independence of the judiciary, which triggered the European Parliament’s and the European Commission’s use of the procedures provided in Article 7 of the Treaty of the European Union (TEU). Relevant proceedings are still in progress.” (p.19)

“Article 7 of the TEU allows the Council of the European Union to determine that there is a clear risk of a serious breach by a Member State of the values referred to in Article 2. Triggering Article 7 can ultimately even lead to the suspension of the concerned Member States’ voting rights within the Council. Such a decision requires a unanimous finding by the Council of the EU that there has been a

breach of the EU's founding values. Such a procedure is currently pending vis-à-vis **Hungary** and Poland." (p. 26)

2. EU Charter of Fundamental Rights and its use by Member States

"A clear increase in requests for preliminary ruling mentioning the Charter can be observed. The increase was especially noticeable in Spain (14 requests), Poland (8 requests), and **Hungary** (7 requests). As in past years, the Charter articles most often referred to in these requests are Article 47 and Article 21 (non-discrimination)." (p. 47)

3. Equality and non-discrimination

"In **Hungary**, an LGBTI group was barred from organising events at a public space run by a state-owned non-profit firm. Similarly, an LGBTQ umbrella organisation was refused permission by a prestigious university and its non-profit partner to hold an event on the university premises. In all cases the Equal Treatment Authority (ETA) found direct discrimination on the grounds of sexual orientation and sexual identity. The ETA's decisions have been upheld in court." (p. 67)

"In **Hungary**, the Regional Court of Appeal affirmed that an American-Hungarian same-sex couple have the right to have their marriage, which was contracted abroad, recognised as a registered partnership in **Hungary**. The Hungarian court referred to the ECtHR judgment in *Orlandi*." (p. 69)

4. Racism, xenophobia and related intolerance

"2018 CNN poll among more than 7,000 respondents from the general population in Austria, France, Germany, **Hungary**, Poland, Sweden and the United Kingdom found that one in three adults (28 %) say Jewish people have too much influence in finance and business across the world, compared with other people. The Brussels Institute of the Action and Protection Foundation, a Hungarian Jewish cultural organisation, criticised the findings on **Hungary** and the poll's research method" (p. 90)

"Upon request from the Member States, FRA, together with the Organization for Security and Co-operation in Europe (OSCE) Office for Democratic Institutions and Human Rights (ODIHR), offers technical assistance to national authorities to improve their ability to record and collect hate crime data and thus provide better support to victims, through national workshops. Between December 2017 and the end of 2018, such workshops took place in Estonia, **Hungary**, Lithuania, Poland, Portugal and Slovakia, and more are already scheduled for 2019." (p. 94)

"Meanwhile, infringement proceedings concerning discrimination against Roma children in education have been ongoing in Czechia, **Hungary** and Slovakia." (p. 96)

"Training for police officers is an important tool in minimising the risk of unlawful profiling. Several countries – including Finland, **Hungary**, Italy, Portugal, Slovakia and Slovenia - have implemented educational measures and training aimed at raising human rights awareness among law enforcement officials." (p. 99)

5. Roma integration

"Regarding Roma inclusion, since 2012 the European Commission has issued country-specific recommendations for Bulgaria, Czechia, **Hungary**, Romania and Slovakia, which the Council of the EU has endorsed." (p.112)

“At EU level, infringement procedures concerning discrimination against Roma children in education have been ongoing in Czechia, **Hungary** and Slovakia.” (p.113)

“In **Hungary**, according to the Roma Civil Monitor, the local government in Miskolc continued the forced eviction of Roma. In 2018, the EU pilot case on the forced eviction of Roma in Miskolc was closed by a decision of the European Commission on 10 December 2018, based on the Commission’s finding that the information given by the Hungarian authorities showed that the situation had been resolved satisfactorily.” (p.113)

“Over several years, FRA conducted a project on Local Engagement for Roma Inclusion (LERI). [...] In several localities where the project focused on community development activities as a way to improve inter-community relations, these in effect also worked to counter anti-Gypsyism and discrimination. This was the case, for example, in Aghia Varvara in Greece, Mátraverebély in **Hungary**, and Rakytník and Hrabušice in Slovakia.” (p.117)

6. Asylum, visas, migration, borders and integration

“Hungarian law entitles the authorities to escort all migrants in an irregular situation apprehended in **Hungary** to the outer side of the border fence, whereas they are obliged to do so with those who express the intention to apply for asylum.” (p. 131)

“Greece, **Hungary**, and recently Italy enacted legislation to enable the authorities to examine asylum applications at the border while asylum applicants are obliged to remain there (either restricted to a geographical area as in Greece or confined to the transit zone, as in **Hungary**). [...] Such approach could under certain conditions be an effective way to deal with abusive, manifestly unfounded or manifestly well-founded applications. However, the practices in Greece and **Hungary** show that it is very challenging to set up processing centres at land or sea borders that respect the rights protected by the EU Charter of Fundamental Rights.” (p. 132)

“In 2018, **Hungary** continued to implement its policy of processing asylum applications in the two transit zones at the border fence with Serbia. Individuals in an irregular situation who are apprehended anywhere inside the country and wish to request international protection are escorted to the outer side of the border fence. From there, they need to seek admission into the transit zone to lodge an application for international protection. The infringement procedure initiated by the European Commission against **Hungary** asserts that several aspects of this approach do not comply with the EU asylum and return *acquis*. These include the failure to provide effective access to asylum procedures and the indefinite detention of asylum applicants in transit zones without respecting the applicable procedural guarantees under EU asylum law. In December 2018, the European Commission referred the case of Hungary to the CJEU.” (p.132-133)

“In **Hungary**, a legislative package called “Stop Soros”, amending the Aliens, Asylum and Police Acts as well as the Criminal Code, introduced various measures mostly affecting NGOs. These include ‘border security restraining orders’ (határbiztosítási távoltartás), a new measure entailing prohibition of entry and stay of individuals subject to certain criminal proceedings in a designated area of the country (in the 8-km-wide zone from the border), which also affects civil society representatives; and the criminalisation of “aiding and supporting illegal migration” with custodial arrest or, in aggravated circumstances, imprisonment up to one year for certain conduct, such as providing material support to migrants in an irregular situation; organisations or individuals operating within the 8-km zone near the border; or providing assistance on a regular basis. The European Commission initiated infringement procedures against certain provisions of the “Stop Soros” legislation. **Hungary** also enacted a “special tax related to migration”, primarily affecting

NGOs, which amounts to 25 % of the donations and financial support they receive for their activities, irrespective of the origin of the funds. (p. 134)

7. Information society, privacy and data protection

“But the GDPR goes further, as Article 80 (2) allows Member States to provide in their national legislation that not-for-profit organisations may also lodge complaints independently of a data subject’s mandate. This is one of the “specification clauses” of the GDPR, meaning that Member States may choose to implement this article or not. A few countries, including Belgium, Germany, **Hungary** and Slovakia, include that possibility in their national legal frameworks incorporating the GDPR, according to FRA’s data collection”. (p. 155)

On 23 April 2018, the European Commission presented a proposal for a Directive on the protection of persons reporting on breaches of Union law. At that stage, only 10 EU countries (France, **Hungary**, Ireland, Italy, Lithuania, Malta, the Netherlands, Slovakia, Sweden and the United Kingdom) had comprehensive laws protecting whistleblowers.” (p. 155)

8. Rights of the child

“In 2012, 28.1 % of children in the EU-28 were at risk of poverty or social exclusion; the rate dropped to 24.9 % by 2017. There are substantial differences between Member States. The [at risk of poverty or social exclusion (AROPE)] rate in 2017 ranges from around 15 % for children in Czechia, Denmark, Finland and Slovenia to more than 30 % in Spain, Lithuania, **Hungary** and Italy, 36 % in Greece, and almost 42 % in Bulgaria and Romania.” (p. 179)

“The majority of the voluntary national review (VNR) reports that EU Member States have submitted since 2016 include such references [linking social sustainability with the fight against poverty, including child poverty]. For example, the reports by Belgium, Cyprus, **Hungary**, Latvia, Lithuania, Malta, Poland, Portugal and Spain contain comprehensive overviews and detailed information on their actions in fighting child poverty.” (p. 182)

“In **Hungary**, the authorities continued to assign child protection guardians only to unaccompanied asylum seeking children under the age of 14, who are placed in a children’s home in Fót, near Budapest. Unaccompanied children seeking asylum over 14 years of age were still placed in the Röszke transit zone under guardianship by an ‘ad-hoc guardian’ until their asylum claims are decided upon. Such children do not need the guardians’ consent if they decide to leave the transit zone through the one-way exit to Serbia.” (p. 184)

“In its most recent report on the situation in transit zones in **Hungary**, the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT) recommended putting an end to the accommodation of unaccompanied children – including those aged 14 to 18 – and to transfer all unaccompanied children to an appropriate (semi-) open establishment. If exceptionally children are held with their parents in a transit zone, their stay should be for the shortest possible period of time, and every effort should also be made to avoid splitting up the family.” (p. 186)

“FRA’s past research on child-friendly justice has identified a number of challenges in areas that the [Procedural Safeguards] directive covers. For example, Article 18 enshrines the child’s right to legal aid. Even though all EU Member States provide for legal aid for child suspects/offenders without an explicit minimum age requirement, in the majority of Member States (17) legal aid is dependent on income requirements. Belgium, Bulgaria, Denmark, Estonia, **Hungary**, Latvia, Lithuania, the

Netherlands, Romania, Sweden and the United Kingdom provide legal aid for children without any income requirements.” (p. 187)

“By the end of 2018, only five Member States – Finland, **Hungary**, Latvia, Luxembourg and Slovakia – had taken action to incorporate the Procedural Safeguards Directive into their national legislation. In **Hungary**, a new criminal procedural act entered into force on 1 July 2018; it implements most provisions, such as the right to information, the right of the child to have the holder of parental responsibility informed, assistance by a lawyer and rules on specific treatment.” (p. 187)

“EU Member States also focused on the training of professionals, as Article 20 of the [Procedural Safeguards] directive requires. They particularly provided guidance on the effective defence of child suspects, as in **Hungary** and Romania.” (p. 188)

9. Access to justice

“The rule of law situation in the area of justice and judicial independence raised or continued to cause concerns in several other EU Member States in 2018. In particular, the European Parliament took the unprecedented step of calling on the Council to adopt a decision under Article 7 (1) of the TEU against **Hungary** and determine the existence of a clear risk of a serious breach by **Hungary** of the EU’s founding values. This was the first time that the European Parliament had taken the initiative of recommending that Article 7 be activated, in view of a serious threat to the rule of law, democracy and fundamental rights in a Member State. The European Parliament’s key concerns relate to several aspects of the rule of law, including the functioning of the constitutional system, the independence of the judiciary, and corruption. In response to the European Parliament’s action, **Hungary** lodged an application to initiate proceedings before the CJEU on 17 October 2018, challenging the European Parliament’s resolution to trigger the procedure against **Hungary**. In particular, the Hungarian government is challenging the result’s validity, claiming that abstentions should have been counted in the vote but were not. The case before the CJEU is still pending.” (p.204)

“At the national level, during 2018, legislative measures were adopted or entered into force in almost two thirds of the Member States. They were largely to better implement and reflect the Victims’ Rights Directive (2012/29/EU). These Member States are Belgium, Croatia, Czechia, Estonia, Greece, **Hungary**, Ireland, Italy, Lithuania, Malta, the Netherlands, Portugal, Romania, Slovakia, Slovenia, Spain and Sweden.” (p. 206)

“**Hungary** also organised special training courses throughout 2018. The Deputy State Secretariat for Judicial Methodology-based Governance published a handbook on Victim Support in Practice, which provided a separate chapter on victims of trafficking, as a special clientele, and a detailed guide on how to use the recently launched online-based Identification, Assistance and Support Service for Victims of Trafficking in Human Beings. Subsequently, various training sessions, such as the course on Victim Support in Human Trafficking organised by the Hungarian National Police, were held to promote the use of this online-based service. The Education and Training Centre for Police also provided practical training for members of the police on the procedure to follow when investigating crimes related to partner violence.” (pp. 207-208)

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

“On the initiative of the Civil Coalition in **Hungary**, the Thematic Working Group responsible for the Rights of Persons Living with Disabilities of the Human Rights Roundtable held six meetings in 2017 and 2018 on the better implementation of CRPD in five areas: education, social and supporting services, civil and political rights, employment, health care. Following these meetings, the Thematic Working Group adopted a package of proposals to promote the rights of persons with disabilities, which was forwarded to the National Disability Council and the Inter-ministerial Committee on Disability Issues. These consultations enabled the proposals of NGOs to be reflected in the new action plan to the National Disability Programme.” (p. 232)

Thematic Reports

Crime, safety and victims' rights – Fundamental Rights Survey (February 2021)

<https://fra.europa.eu/en/publication/2021/fundamental-rights-survey-crime>

“The extent of harassment experiences varies greatly between the countries. In the EU, the 12-month rate of harassment ranges from one in 10 in **Hungary** (9 %), Cyprus and Italy (both 11 %), and Malta (12 %); to nearly one in two in France (46 %), Germany and Austria (both 43 %), and the Netherlands (40 %).” (p. 53)

“Spain has the highest percentage (34 %) of people who would be very willing to intervene if they saw a woman or a man hit their partner, and in several other countries some one in five people would be very willing to intervene, compared with 7 % in **Hungary**, 8 % in the Netherlands and 9 % in Latvia. (p. 94)

“Among EU Member States, Austria, Denmark, Germany and Sweden are among the five Member States with the highest scores for each of the three actions (willingness to intervene, call the police, give evidence in court), indicating high expressed willingness to take action. [...] Bulgaria, **Hungary** and Portugal are among the five Member States with the lowest scores for each of the three actions.” (p. 95)

“In all countries in the survey, people would be more willing to intervene if they saw a man hitting a woman than a woman hitting a man. The difference in results between the two situations ranges from 30 percentage points or more in Greece, Latvia and Lithuania to 10 percentage points or less in Belgium, Cyprus and **Hungary**.” (p. 98)

“The use of avoidance strategies varies between countries. One in four people or more in Czechia, France, Ireland and the United Kingdom avoid certain situations or places often or all the time for fear of assault or harassment (one or more of the three listed situations). In contrast, fewer than one in 10 in Croatia, Cyprus, Finland, **Hungary** and the Netherlands consider it necessary to avoid certain situations or places.” (p. 107)

Antisemitism: Overview of anti-Semitic incidents recorded in the European union 2009-2019 (September 2020)

<https://fra.europa.eu/en/publication/2020/antisemitism-overview-2009-2019>

This annual overview provides an update of the most recent figures on antisemitic incidents, covering the period 1 January 2009 – 31 December 2019, across the EU Member States, where data are available. Data for **Hungary** can be found on pp. 51-52.

“In contrast, the lowest mean values of comfort with having a Jewish person as a neighbour were indicated in Slovakia, **Hungary**, Lithuania, Romania and Poland.” (p. 9)

““In 2019, the governments of Cyprus, Czechia, France, Greece, **Hungary** and Luxembourg adopted or endorsed the [International Holocaust Remembrance Alliance (IHRA) working definition of antisemitism].” (p. 93)

Strong and effective National Human Rights Institutions – challenges, promising practices and opportunities (September 2020)

<https://fra.europa.eu/en/publication/2020/strong-effective-nhris>

“EU law requires Member States to have a number of bodies on human rights-related issues that are independent. This includes, in addition to equality bodies, data protection supervisory authorities. The Court of Justice of the European Union has underscored the importance of independence in judgments related to data protection authorities in three EU Member States (Austria, Germany and **Hungary**).” (p. 45)

“Leadership tenure is in particular relevant if parliament is involved in selecting the NHRI’s leadership. The leadership tenure exceeds that of the parliament for NHRIs in 17 of the 30 states covered (Austria, Belgium, Bulgaria, Croatia, Cyprus, Czechia, Estonia, **Hungary**, Latvia, Netherlands, Poland, Romania, Slovenia, Spain, Sweden – and in North Macedonia and Scotland, where the NHRIs’ leadership is appointed by government).” (p. 47)

“In 15 countries covered by this report, institutional leaderships enjoy such [functional] immunity (Croatia, Cyprus, Czechia, Greece, **Hungary**, Ireland, Latvia, Netherlands, North Macedonia, Poland, Portugal, Romania (ombuds institution), Serbia, Slovenia and Spain).” (p. 48)

“Ensuring pluralism in leadership is more challenging in the case of ombuds institutions. For such NHRIs, advisory bodies are even more relevant. NHRIs with advisory bodies for all aspects of their work exist in Austria, Croatia, Estonia, Finland, Poland, Slovenia, Spain and Sweden. Advisory bodies with a more targeted scope are in place in Czechia (disabilities), Estonia (disabilities and rights of the child), **Hungary** and Portugal (related to NPM competences) and Serbia (disabilities, older people, gender equality).” (p. 50)

“FRA’s analysis of the data collected for this report from 33 institutions (34 were addressed) is based on a questionnaire and shows that the general trend between 2011 and 2019 seems to be that of a slight increase in the overall budgets of the NHRIs, at least nominally. The data from the NHRIs show, however, that in a number of countries, including Cyprus, Greece, **Hungary**, Spain and the United Kingdom, there were budget cuts. In most cases these were moderate and due to economic circumstances. In **Hungary**’s case, the 2020 NHRI budget has been increased to reach the 2011 level, before the budget cuts.” (p. 51)

“Comparing available data between 2011 and 2019 on the NHRIs reveals that in most cases – with the exception of the Commissioner for Fundamental Rights in **Hungary** and the Romanian Institute for Human Rights – there has been an increase in the number of staff.” (p. 52)

“The findings of FRA’s questionnaire sent to NHRIs show that almost all institutions address their annual reports to parliaments; however, these reports are not always subject to parliamentary discussion, which limits their visibility and impact. Such a discussion is obligatory only in the case of 12 NHRIs (Austria, Croatia, Finland’s Parliamentary Ombudsman and Human Rights Centre, Greece, **Hungary**, Lithuania, Malta – according to its proposed founding regulation, North Macedonia, Portugal, Romania’s ombuds institution, Serbia, Slovenia and Spain). (p. 56)

“**Hungary’s** NHRI, the Office of the Commissioner for Fundamental Rights, does not have local or regional offices, and potential complainants may be unable to reach its premises in Budapest or may struggle with formulating petitions. As a solution, the NHRI has instituted county visits, during which NHRI staff travel to a specific part of the country. Ahead of the visits, the NHRI ensures that there are complaints boxes at strategic locations. In this way, the NHRI can offer a greater number of citizens across the country the chance to submit complaints and receive assistance.” (p. 62)

“Lastly, some NHRIs engage with local authorities through outreach and making regular contact through visits. An example of this is **Hungary’s** Commissioner for Fundamental Rights, which has no regional offices and engages in regular county visits during which the institution liaises with local municipal authorities and uses their premises as temporary headquarters.” (p. 65)

“NHRIs’ experience shows that national authorities may consult NHRIs when preparing or reviewing their SDG strategies, policies and action plans (e.g. Romania); include NHRIs in bodies that observe SDG implementation (Slovakia); include them in stakeholder consultations when preparing their voluntary national reporting, issuing general opinions, highlighting the human rights standards and the most important recommendations for the SDGs (**Hungary**); or establishing collaboration between statistical offices and NHRIs (Denmark, **Hungary** and Scotland).” (p. 86)

“FRA enquired about the extent to which NHRIs covered by this report have the powers to intervene in proceedings before constitutional or equivalent-level courts at national level. The aim was to clarify whether an NHRI has this potential, in law or practice and, if in law, if it is explicit or even an obligation under the NHRI’s mandate. In 11 of the 30 countries, no mandates for intervention in constitutional court proceedings existed. The NHRIs in three countries had the potential to do so in practice (Belgium, Denmark, France and **Hungary**). Sixteen of the NHRIs surveyed have a mandate that allows them to intervene but does not oblige them to do so (Austria, Czechia, Estonia, **Hungary**, Ireland, Italy, Latvia, Netherlands, North Macedonia, Portugal, Romania’s ombuds institution, Slovakia, Slovenia and all three United Kingdom organisations).” (p. 87)

What do fundamental rights mean for people in the EU? Fundamental Rights Survey (June 2020)

<https://fra.europa.eu/en/publication/2020/fundamental-rights-survey-trust>

“People in the EU overwhelmingly feel that ‘human rights are important for creating a fairer society’. 88 % of people in the EU-27 ‘strongly agree’ or ‘tend to agree’ that human rights are important for creating a fairer society in the country where they live). On average, in the EU-27, this high agreement is shared by people irrespective of their gender, age, education or job status. Compared with other countries, the lowest levels of agreement with the statement are found in **Hungary** (76 %), Czechia (80 %), Romania and Poland (both 81 %) – however, even in these countries, some four in five people ‘strongly agree’ or ‘tend to agree’ that human rights are important for creating a fairer society.” (p. 20)

“When asked whether ‘everyone in their country enjoys the same basic human rights’, about half (52 %) of people in the EU-27 ‘strongly agree’ or ‘tend to agree’ that this is the case. [...] Highest levels of agreement with this statement can be found in the Netherlands and Sweden (both 79 %), Denmark (78 %) and Luxembourg (72 %). The lowest agreement is found in Cyprus (12 %), Croatia (23 %), **Hungary** and Spain (both 34 %), and Malta (35 %).” (p. 21)

“Other countries where less than half of people consider the protection of rights of minorities as being of high importance for democracy are Bulgaria, **Hungary** and Slovakia. Yet, as FRA’s survey research on the experience of Roma – the main ethnic minority group in Czechia, Bulgaria, **Hungary** and Slovakia – has shown, experiences of discrimination and harassment are high among Roma in these four countries.” (p. 34)

“Among the EU Member States, the perception that NGOs and charities are never or only rarely able to operate free from government influence is the most widespread in **Hungary**, Croatia, Slovakia, Romania and Latvia – with one in four people or more thinking that this is the case.” (p. 40)

“The answers of a majority of people (71 %) suggest most people in the EU are not themselves affected by political intimidation during election campaigns. Considering also those who selected a value in the middle of the seven-point scale measuring concern – that is, looking at those Member States where a large number of people indicate a ‘medium’ level of concern [for political intimidation] – **Hungary**, Romania and Germany stand out in this regard.” (p. 41)

“Some one in four people in the EU (27 %) believe that, in their country, judges are never able to do their job free from government influence or they can do so only rarely. This perception is most widespread in North Macedonia (65 %), and among EU Member States in Croatia, Slovakia, Bulgaria and **Hungary**, with more than one in three people in each country thinking that judges never or only rarely can do their job without government influence.” (p. 42)

“In **Hungary**, Slovakia, Croatia and Latvia, over 60 % of people say that people in the country at least sometimes have to give a gift or do someone some other type of favour to get better treatment in public hospitals.” (p. 56)

[A long way to go for LGBTI equality \(May 2020\)](https://fra.europa.eu/en/publication/2020/eu-lgbti-survey-results)

<https://fra.europa.eu/en/publication/2020/eu-lgbti-survey-results>

A country sheet with the results for **Hungary** is available at:

https://fra.europa.eu/sites/default/files/fra_uploads/lgbti-survey-country-data_hungary.pdf

(also annexed to this submission)

“The highest rates of respondents describing the most recent [hate motivated physical] incident as a sexual attack are in Cyprus, Sweden and Austria (53 %, 49 % and 47 %, respectively). By contrast, only 15 % of respondents in Poland, 15 % in **Hungary** and 19 % in Romania perceived the most recent incident as involving a sexual attack. (p. 41)

“Few harassment cases are reported to the police irrespective of Member State. But there are notable differences between Member States in the rate of respondents who report physical or sexual attacks to the police. For example, 22 % of respondents in the Netherlands and in the United Kingdom said they reported to the police the most recent incident of physical or sexual attack that took place because they are LGBTI. In contrast, only 4 % of respondents in Romania and 5 % in **Hungary** indicated doing so.” (p. 46)

“The results show large differences between Member States. For example, 40 % or more of respondents in Poland, Bulgaria, Romania, Croatia, Lithuania, **Hungary** and France indicate that they often or always avoid certain places or locations for fear of being assaulted, threatened or harassed. By comparison, under 20 % of respondents do so in Denmark, Luxembourg, Austria and Finland.” (pp. 48-49)

Criminal detention conditions in the European Union: rules and reality (December 2019)

<https://fra.europa.eu/en/publication/2019/criminal-detention-conditions-european-union-rules-and-reality>

“The related issues of insufficient living space and overcrowding have been consistently raised by the ECtHR in its case law over the years, often in relation to violations of Article 3 of the ECHR (inhuman and degrading treatment). In some cases, its decisions have led to legal reforms at national level (e.g. in **Hungary** and Poland) or changes in the prison administration practices (e.g. in Italy). [...] On 10 March 2015, the ECtHR delivered a pilot judgment in *Varga and others v. Hungary*, resulting mainly from the detection of a structural problem of widespread overcrowding in Hungarian detention facilities. The ECtHR concluded that the limited personal space available to all six detainees in the case (the plaintiffs), aggravated by the lack of privacy when using the toilet, inadequate sleeping arrangements, insect infestation, poor ventilation and restrictions on showers or time spent away from their cells, had amounted to degrading treatment as per Article 3 of the ECHR. As a result of the judgment, **Hungary** amended its Penitentiary Code, and introduced a special type of mechanism for raising complaints concerning inhuman conditions of detention, effective from 1 January 2017. According to the new rules, the prisoner and their attorney may lodge a complaint in writing against the conditions of detention that violate fundamental rights (addressed to the head of the detention facility). It must be investigated within 15 days, and upon a finding that the complaint was well-founded, the decision must contain measures to end the inhuman conditions.” (p. 20)

“In addition, while most Member States have legislation in place ensuring access to hot showers, such legislation does not always specify the frequency of the access that should be provided. [...] In contrast, some EU Member States have provisions in national legislation that exceed the minimum requirements of frequency as established by the European Prison Rules, and stipulate that detainees should have access to hot showers at least three or four times a week, or even on a daily basis (e.g. Finland, France, Greece, **Hungary** and Portugal).” (p. 24)

“Some EU Member States pay attention to specific groups, and their national legislation contains specific provisions ensuring more frequent access to hot showers for women, sick prisoners or prisoners who carry out physically demanding work. In **Hungary**, female prisoners are also entitled to use hot water between the daily showers in a sink located in the cell.” (p. 24)

“The insufficient protection of privacy with regard to sanitary facilities is repeatedly highlighted by NPMs. They indicate serious problems regarding the proper separation of sanitary areas in at least 14 EU Member States (including Austria, Belgium, Bulgaria, Cyprus, Estonia, France, Germany, Greece, Lithuania, **Hungary**, Italy, Latvia, Poland and Spain).” (p. 25)

“All Member States have requirements in place that stipulate a person arriving at a facility must be examined. However, the rules and practice may vary in terms of how promptly the initial examination takes place. For example, prison standards in Ireland explicitly state that all prisoners

are to be medically assessed upon reception into prison, which will involve a clinical assessment within the first 24 hours. This 24-hour requirement seems to be prevalent in most Member States; however, in **Hungary**, all prisoners have to go through a general medical check-up within 72 hours of their reception.” (p.34)

“There are special rules regarding pregnant women in some Member States. For example, in **Hungary** pregnant women should be transferred to a hospital upon discovering their pregnancies, to conduct a check on the mother and the child. After such a check, either the woman is sent back to prison or her imprisonment is suspended. If the pregnant woman’s sentence is not suspended, four weeks prior to the expected date of birth, the mother is transferred to hospital.” (p. 35)

“However, inter-prisoner violence is addressed in a repressive manner as a disciplinary or criminal offence in some Member States (e.g. in Bulgaria, Cyprus, Estonia and **Hungary**), with no provisions for other (including preventive) measures.” (p. 40)

Second European Union Minorities and Discrimination Survey - Migrant women - selected findings (September 2019)

<https://fra.europa.eu/en/publication/2019/second-european-union-minorities-and-discrimination-survey-migrant-women-selected>

“Nevertheless, as FRA reported, nationality-based discrimination against third-country nationals is prohibited in Belgium, Bulgaria, Cyprus, Finland, France, **Hungary**, Ireland, Italy, the Netherlands, Portugal, Romania and the United Kingdom.” (p.31)

“Furthermore, the Standard Eurobarometer (89) of spring 2018 found that, in 20 EU countries, at least half of respondents have a negative feeling about immigration from outside the EU. The share of respondents who feel this way is highest in countries with small numbers of immigrants, such as Slovakia (83 %), **Hungary** (81 %), and the Czech Republic and Latvia (both 80 %).” (p.43)

Protecting migrant workers from exploitation in the EU: workers’ perspectives (June 2019)

<https://fra.europa.eu/en/publication/2019/protecting-migrant-workers-exploitation-eu-workers-perspectives>

“According to the latest EU Commission report on the implementation of the Employers Sanctions Directive, only 10 Member States (Austria, Germany, Greece, Spain, **Hungary**, Italy, Luxembourg, Slovakia, Slovenia and Sweden) had introduced by law the possibility of granting permits of limited duration, linked to the length of the relevant national proceedings, to third-country nationals in an irregular situation who are victims of severe labour exploitation, and the possibility of defining the conditions under which the duration of this permit may be extended until the migrant in an irregular situation has received any back payment.” (p. 85)

Roma women in nine EU Member States (April 2019)

<https://fra.europa.eu/en/publication/2019/roma-women-nine-eu-member-states>

“On the other hand, in two of the other Member States surveyed, young Roma women aged 16-24 lag behind young Roma men in their self-assessment of their writing skills [in the national language]:

in Portugal (49 % compared to 65 %) and **Hungary** (71 % compared to 84 %). (p. 14)

“The EU Framework for National Roma Integration Strategies requires that all Roma children complete at least primary school. Eurostat data for the general population show that in 2013 in the EU, on average practically every child (98 %) aged 7 years attended primary education. When it comes to Roma, the results of this survey show that the goal of the EU Framework for Roma integration has not been achieved. The gap to the general population is pronounced in the nine countries, except in **Hungary** and in Spain. Between 73 % and 91 % of Roma children attend primary school at the age of seven, when they should be enrolled in primary school like all children across all countries surveyed.” (p. 16)

“In Czechia, Greece and **Hungary**, there is little or no difference in [the experiences of long-term activity limitations] between Roma women and men.” (p. 25)

“The survey also asked respondents if they agree that “having a job is the best way for a woman to be an independent person [...] In Bulgaria, **Hungary**, Slovakia and Spain a similar share of Roma women and men disagree, or strongly disagree, that a job is the best way for a woman to be independent” (p. 32)

“More women than men said that they had experienced discrimination [because of their ethnic origin, or skin colour, when looking for work] in Czechia, Spain and Portugal. In Greece, the share of men (70 %) reporting such incidents far exceeds that of women (55 %), while in **Hungary** 36 % of Roma men have felt discriminated against when looking for work in the five years before the survey, compared with 28 % of Roma women.” (p. 35)

Experiences and perceptions of antisemitism – Second survey on discrimination and hate crime against Jews in the EU (December 2018)

<https://fra.europa.eu/en/publication/2018/experiences-and-perceptions-antisemitism-second-survey-discrimination-and-hate>

A country sheet with the results for **Hungary** is available at:

https://fra.europa.eu/sites/default/files/fra_uploads/fra-2019-2nd-survey-on-discrimination-and-hate-crime-against-jews-in-eu-ms-country-sheet-hungary_en.pdf (also annexed to this submission)

Combating child poverty: an issue of fundamental rights (October 2018)

<https://fra.europa.eu/en/publication/2018/combating-child-poverty-issue-fundamental-rights>

“The EU average, however, does not reflect important national disparities. These disparities mirror the different impacts of the economic crisis on each country and of the policy responses implemented in each case by the authorities. In Romania (49.2 %) and Bulgaria (45.6 %), almost half of all children were at risk of poverty or social exclusion in 2016. More than 30 % of children were at risk of poverty or social exclusion in countries such as Greece (37.5 %), **Hungary** (33.6 %), Italy (33.2 %), Spain (32.9 %) and Lithuania (32.4 %). The lowest percentages of children at risk of poverty or social exclusion in 2016 were registered in Denmark (13.8 %), Finland (14.7 %) and Slovenia (14.9 %).” (p. 15)

“In households without children, the EU average of severe housing deprivation is only 3 %. Again, the differences between Member States are quite prominent: Romania (29 %), **Hungary** (24 %) and Latvia (21 %) have the highest number of families with children living in severe housing deprivation.” (p. 18)

“Awards for Family-Friendly Workplaces: The Ministry of Labour and Social Affairs of **Hungary** holds an annual competition for family-friendly workplaces, to recognise companies and institutions that have introduced measures to promote a better work-life balance for employees. The award is broken down into five categories according to the size and type of enterprises. Applications are submitted and then evaluated by a jury, which is made up of representatives from the employment ministry, the family ministry, the employment office, trade unions, employers’ associations and civil society organisations.” (p. 32)

“Family-related benefits are crucial, as they ensure that families have sufficient income for children to grow up in a safe and healthy environment with their basic needs covered. Some Member States [including **Hungary**] have not increased benefits in line with living costs in recent years.” (p. 33)

[Hate crime recording and data collection practice across the EU \(June 2018\)](https://fra.europa.eu/en/publication/2018/hate-crime-recording-and-data-collection-practice-across-eu)

<https://fra.europa.eu/en/publication/2018/hate-crime-recording-and-data-collection-practice-across-eu>

This report provides detailed information on hate crime recording and data collection systems across the EU, including any systemic cooperation with civil society. Data for **Hungary** can be found on pp. 57-59.

“The comparative analysis of the legal framework shows that 13 Member States [...], treat bias motivation as a general aggravating circumstance; 7 provide for specific aggravating circumstances regarding certain substantive offences [...] ; 3 have a combination of both general and specific [...] ; and 5 have no such provision (Estonia, **Hungary**, Ireland, the Netherlands, Poland.)” (p. 103)

“Twenty-two Member States have included “sexual orientation” as a protected characteristic: Austria, Belgium, Croatia, Cyprus, Denmark, Estonia, Finland, France, Greece, **Hungary**, Ireland, Lithuania, Luxembourg, Malta, the Netherlands, Portugal, Romania, Slovakia, Slovenia, Spain, Sweden and United Kingdom.” (p. 103)

“Sixteen Member States include “disability” as a protected characteristic: Austria, Belgium, Croatia, Finland, France, Greece, **Hungary**, Lithuania, Luxembourg, Latvia, the Netherlands, Portugal, Romania, Slovenia, Spain and the United Kingdom.” (p. 104)

“Thirteen Member States have included “gender identity” as a protected ground: Austria, Croatia, Cyprus, France, Greece, **Hungary**, Malta, Portugal, Romania, Slovakia, Slovenia, Spain and the United Kingdom.”(p. 104)

“Examples of other substantive hate crime offences are [...] violence towards the member of a community (**Hungary**) [...]” (p. 104)

[Under watchful eyes: biometrics, EU IT systems and fundamental rights \(March 2018\)](https://fra.europa.eu/en/publication/2018/under-watchful-eyes-biometrics-eu-it-systems-and-fundamental-rights)

<https://fra.europa.eu/en/publication/2018/under-watchful-eyes-biometrics-eu-it-systems-and-fundamental-rights>

“EU Member States are also obliged to include facial image and fingerprints in a chip in residence permits and passports. Regarding the latter, in 15 Member States [including **Hungary**] the fingerprints are stored in a database and in 13 Member States in a chip in the passport only. Fingerprints of EU citizens are not stored in databases.” (p. 26)

“Several people interviewed who had transited other Member States mentioned that they had received contradictory information from the **Hungarian** authorities. One asylum applicant from Afghanistan explained that he gave his fingerprints because the **Hungarian** authorities had stated that collecting his fingerprints was only for security purposes, and because any person who declined to give their fingerprints would be deprived of their liberty until they complied with this obligation. It was only after he arrived in Sweden and provided his fingerprints again that he discovered the implications on the asylum procedure. The interviewee felt deceived. A Kurdish asylum applicant described a similar experience: the **Hungarian** authorities told him that providing fingerprints would not affect which country considered his asylum case and that he would be able to carry on with his journey.” (p. 33)

“Incomplete information appeared to be more frequent when authorities registered individuals as persons who irregularly crossed the EU external border but who were not immediately registered as asylum applicants. This was either because the person did not apply or because according to national procedures, the formal registration of an asylum application happens at a later stage. Testimonies collected from Germany, Greece, **Hungary**, Italy and Spain indicate that at this first stage, the person may be told that fingerprints will be used for purposes of public security and identification. Furthermore, they indicate that there is no mentioning that fingerprints included in Eurodac for a person apprehended as a migrant in an irregular situation are of relevance for the Dublin procedure.” (pp. 33-34)

“Allegations or reports of incidents involving the use of force to take fingerprints for Eurodac emerged from several EU Member States in FRA’s research. Experts consulted were concerned about the risk of re-traumatisation because of forced fingerprinting, particularly in the case of children. Several asylum seekers interviewed told that they had been subject to the use of force along the route, or that they had witnessed this happening to others in Austria, Bulgaria, **Hungary**, Greece, Italy and Poland, as the following examples show. [...] Several asylum applicants reported witnessing the use of force in **Hungary** during June 2015. After seeing the police beatings, they unwillingly accepted to give their fingerprints.” (p. 53)

“Civil society actors have also reported on the use of force. [...] Also in 2015, the Berlin Centre for Torture Victims reported that 58.5 % of the patients had expressed humiliating and/or inhuman coercive measures when officers collected fingerprints. These included patients who had travelled through Bulgaria, **Hungary** and Italy. During the period when an increased number of people crossed the border, asylum seekers experienced the use of force in **Hungary** and were beaten for refusing to provide fingerprints, according to Amnesty International. Some asylum seekers interviewed by MigSzol reported similar experiences. In addition, asylum seekers were denied water until they agreed to provide their fingerprints, according to Aida and the Hungarian Helsinki Committee.” (p. 54)

“Practice also varies as to what is included in log files. **Hungary**, for instance, has a register of all Eurodac data transfer transactions and of the authorities accessing data, including the collection and insertion of fingerprints. The register contains the following information: personal identification data of the person whose fingerprints are collected, inserted and searched for comparison; reference number attached to the transfer; date of the data transfer; and a list of the data transferred. In each case, the result of the search is stored. The list is shared with the Hungarian national data protection

authority, which monitors access to verify whether the purpose of the search was genuine. Under GDPR, the national data protection authority (DPA) should have access to the records for oversight purposes, whereas the regular monitoring of compliance with the data protection rules is one of the tasks of the data protection officer (DPO). A DPO must be designated where a public authority or body carries out the processing.” (p. 64)

“A visa applicant who has an entry ban can still be issued a visa with limited territorial validity. Such a visa is only valid in the Member State that issued the visa. More than half of EU Member States refuse a visa application without further investigation, if the person has an entry ban (Austria, Belgium, Bulgaria, the Czech Republic, Denmark, Finland, Germany, Greece, **Hungary**, Lithuania, Luxembourg, Poland, Portugal and Spain).” (pp. 79-80)

Migration to the EU: five persistent challenges (February 2018)

<https://fra.europa.eu/en/publication/2018/five-persistent-migration-challenges>

“While fewer people arrived and applied for asylum in the EU overall, this was not the case in all EU Member States. The number of asylum applications fell in some countries and increased in others. For example, in 2017, asylum applications decreased in Austria, Bulgaria, Denmark, Finland, Germany, **Hungary**, the Netherlands, Poland and Sweden.” (p. 2)

“**Hungary** launched a ‘border hunting programme’, which included the training of volunteers to become police officers to assist the authorities with guarding the borders. A new ‘smart technology’ fence was erected at the Serbian border, capable of delivering small electric shocks to migrants and armed with heat sensors, cameras, and loudspeakers that blare warnings, in several languages, to not cross the border.”(p. 6)

“Médecins Sans Frontières (MSF) reported that most migrants who visited their mental health clinics in Serbia in the first half of 2017 had experienced physical violence by police or border authorities in Bulgaria, Croatia and **Hungary**. In **Hungary**, several reports were published on police violence against people attempting to cross or having crossed the border fence.” (p. 6)

“**Hungary** frequently returned persons apprehended within eight km of the border, including vulnerable people, to the Serbian side of the fence, where they had to wait until they could submit their asylum claims in one of the two transit zones.” (p. 7)

“The lower number of arrivals prompted the closure of reception centres in some EU Member States. Closures were reported in Denmark, Finland, Germany, **Hungary** and Sweden. In **Hungary**, reception centres were closed due to the country’s extended border policy, pursuant to which all asylum seekers – except children below 14 years of age – were escorted to the outer side of the border fence to wait for admission to the transit zones.”(p. 8)

“Ombuds institutions, NGOs and other stakeholders reported that reception conditions were inadequate in at least some facilities in France, Greece, **Hungary**, Italy and Spain. [...] In **Hungary**, in the transit zones in Tompa and Röske, asylum seekers – including children above the age of 14 – are accommodated in shipping containers and surrounded by high razor fences, where they are under constant monitoring. The authorities gradually banned access to most civil society organisations undertaking protection work.” (p. 9)

“EU Member States may decide on the admissibility of an application for international protection or its substance in border or transit zones, provided the decision is taken within a reasonable time.

Using such an approach, **Hungary** gradually limited admissions to the transit zones at its border with Serbia to an average of a handful of persons per day in each of the two transit zones. Many people, including vulnerable persons, waited for their admission in Serbia for months – some up to a year.” (p. 12)

“In many EU Member States, however, despite the decreasing numbers, standards of reception facilities for children did not improve and conditions remained critical. For example, in **Hungary**, insufficient psychological and psychiatric care was provided to children, despite their traumatic experiences. Children complained about violence and intolerant behaviour by the authorities. Instead of being placed in facilities with child-specific services, children over 14 were transferred to the transit zones at the border with Serbia, where they had to stay until their asylum claims were processed.” (p. 14)

“Asylum-seeking children in the hotspots in Greece and in parts of France, **Hungary** and Spain had no or limited access to education.” (p. 15)

“In **Hungary**, guardians were only assigned to unaccompanied children under the age of 14.” (p. 15)

“In parts of France and in **Hungary**, children were reportedly not given the benefit of the doubt concerning their age and treated as adults. In **Hungary**, age assessment procedures consisted purely of medical examinations.” (p.16)

“Inadequate conditions were observed in certain detention and/or pre-removal facilities in Bulgaria, Denmark, France, Germany, Greece, **Hungary**, Italy and Spain.” (p. 19)

“Inhumane treatment by the authorities was reported in some detention centres in **Hungary**, Italy and Spain. In the Nyírbátor asylum detention facility, **Hungary**, NGOs reported in 2016 that asylum seekers were handcuffed and taken to medical appointments on a leash. Detainees in Nyírbátor reported humiliating treatment and occasional physical violence by armed security guards.” (p. 20)

“EU Member States efforts to speed up asylum processing and make returns more effective may prompt an increased use of immigration detention, possibly also affecting children. [...] According to FRA research in 2016, high numbers of children were detained in Bulgaria, Greece, **Hungary**, Poland and Slovakia.” (p. 20)

Challenges facing civil society organisations working on human rights in the EU (January 2018)

<https://fra.europa.eu/en/publication/2018/challenges-facing-civil-society-organisations-working-human-rights-eu>

“In **Hungary**, after the introduction of a new Civil Code, registered CSOs were required to go through a lengthy and resource-intensive process of amending their founding documents, which included deleting references to legal acts that had lost force.” (p. 22)

“In **Hungary**, there were civil society reports that public officials, especially in small towns, continued to use libel and defamation laws to silence criticisms from citizens and journalists; there were allegedly several dozen cases per year in which public officials pursued both criminal and civil charges (often simultaneously) against individuals for criticising officials or their policies.” (p. 24)

“In July 2016, police banned a demonstration of 100 individuals planned by the Facebook group ‘For a Democratic **Hungary**’ to take place on 24 July at the prime minister’s residence. Police based their

decision on the protection of privacy rights of the residents of the area. An appeal of the police ban submitted to the Budapest Metropolitan Administrative and Labour Court failed.” (p. 25)

“The UN Special Rapporteur on Human Rights Defenders has noted reports that in **Hungary**, demonstrations by human rights activists promoting the rights of the Roma and of lesbian, gay, bisexual, transgender and intersex communities are held in a climate of fear and are strictly controlled for safety reasons. The Special Rapporteur also noted reports of indirect intimidation of teachers and trade unionists from Miskolc, who organised a national protest in Budapest on 13 February 2016.” (p. 25)

“In **Hungary**, proposed assemblies have been prevented by the courts based on the opinion of the counter-terrorism centre, without specific substantiation of the reasons for the decisions in question.” (p. 26)

“CSOs in some countries – such as Croatia, **Hungary** and Poland – have reported that, while funding increased in the period 2011–2016, its distribution lacked transparency. In **Hungary**, between 2011 and 2016 (and even before then), organisations involved in litigation and advocacy in the fields of domestic violence, women’s rights and gender equality did not receive any direct government funding other than the 1 % contributions from personal income tax.” (p. 30)

“In a few EU Member States, CSOs benefit from lottery revenues (Croatia, the Czech Republic, Finland and **Hungary**).” (p. 30)

“Individual and corporate donors have taken a more active role in countries where the tax percentage rule allows for donations to CSOs (the Czech Republic, Estonia, Germany, **Hungary**, the Netherlands, Poland, Romania, Slovakia and Spain).” (p. 31)

“Administrative requirements relating to reporting on the spending of grants are often not proportionate to administrative resources, or on some occasions to the (relatively small) amounts of funding. [...] **Hungary** required NGOs with a public interest status to switch to double-entry bookkeeping.” (p. 32)

“Currently, **Hungary** is the only EU Member State that has – with the aim, among others, of combating money laundering – introduced legislation obliging CSOs to declare themselves as ‘organisations in receipt of foreign funding’ for donations received from abroad above a certain threshold. Private funding obstacles also apply to donors. Such obstacles have included changes in tax laws, added administrative burdens, as well as difficulties in cross-border financial flows even within the EU.

The **Hungarian** law on foreign-funded NGOs, adopted on 13 June, introduced new obligations for certain categories of NGOs receiving annual foreign funding above HUF 7.2 million (approximately € 24,000) to register and label themselves in all their publications, websites and press material as ‘organisations supported from abroad’. Such NGOs are also required to report specific information on the funding they receive from abroad to the Hungarian authorities, including when a donor provides funding above HUF 500,000 in a given year, detailing data concerning the donor and each donation. These data are included in a special registry, which is then made available to the public. The concerned organisations face sanctions if they fail to comply with the new registration, reporting and transparency obligations.

“The Council of Europe Commissioner for Human Rights, the Council of Europe’s Parliamentary Assembly (PACE) and the Venice Commission all criticised (earlier versions of) the draft law for violating the freedom of association. Foundations as well as many CSOs have opposed the

introduction of foreign funding restrictions and other limitations on civil society in **Hungary**, and the constitutionality of the law has been challenged by a group of CSOs before the Hungarian Constitutional Court. In July 2017, the European Commission instituted infringement proceedings in relation to this law, taking the view that **Hungary** is failing to fulfil its obligations on the free movement of capital (Article 63 TFEU), as the law indirectly discriminates and disproportionately restricts donations from abroad to civil society organisations. The Commission also maintained that the law violates the right to freedom of association and the right to protection of private life and personal data enshrined in the EU Charter of Fundamental Rights.” (p. 35)

“The Commissioner for Human Rights of the Council of Europe noted that in **Hungary**, inspections took place in 2014 as a result of a governmental publication of a list of NGOs which had received financial support from EEA and Norway Grants. Those NGOs were referred to as ‘paid political activists’ aiming to ‘enforce foreign interests’ in **Hungary**. The government cited national sovereignty and security as justification for the measures targeting civil society groups. The UN Special Rapporteur on the situation of human rights defenders indicated that Hungarian government officials had acknowledged that the investigation was ‘political’, and that the enormous amount of time and resources spent on the futile scrutiny of civil society could have been put to better use. A group of UN Special Rapporteurs expressed their criticism regarding the above mentioned legislative changes both in a communication sent to the government of **Hungary** and in a subsequent press release.” (p. 35)

“Civil society experts state that, on several occasions, consultations have come at such a late stage that input cannot or will no longer be taken into account. [...] **Hungary** and Poland have also had several instances of no notice or short notice for consultations.” (p. 43)

“There have also been cases of alleged harassment by the state. In **Hungary**, in 2014, in the midst of a controversy around the possibility of a new body distributing EEA and Norway grants, three members of the consortium responsible for the operation of the EEA/Norwegian NGO Fund were audited by the national audit office. Four fund distributors had their tax number suspended during the audit.” (p. 48)

“In terms of specific rhetoric, a range of different types may be distinguished, but a number of common themes emerge. [...] On 14 and 15 August 2013, newspapers published articles stigmatising Ókotárs and 13 other NGOs receiving EEA grants, calling them NGOs “serving foreign interests”. On 8 April 2014, Mr János Lázár, Head of the Prime Minister’s Office in **Hungary**, wrote to the Norwegian Government claiming that funds for NGO programmes were distributed to NGOs related to an opposition party, and also questioned the independence of Ókotárs. On 30 April 2014, another senior official from the Prime Minister’s Office called the Consortium “party-dependent, cheating nobodies”.” (p.49-50)

Second European Union Minorities and Discrimination Survey - Main results (December 2017)

<https://fra.europa.eu/en/publication/2017/second-european-union-minorities-and-discrimination-survey-main-results>

A country sheet with the results for **Hungary** is available at:

https://fra.europa.eu/sites/default/files/fra_uploads/fra-2019-eu-midis-ii-summary-results-country-sheet-hungary_en.pdf (also annexed to this submission)