

JOINT SUBMISSION BY THE EUROPEAN ROMA RIGHTS CENTRE AND THE ROSA PARKS FOUNDATION CONCERNING HUNGARY

INTRODUCTION

Bearing in mind the observations and recommendations from the 2016 UPR on Hungary, and the subsequent [2019 Concluding Observations from UNCERD](#), this joint submission will address the systemic and structural discrimination and racism faced by Roma; the continued racial segregation in the educational system; anti-Roma hate speech and paramilitary groups targeting Roma; issues around reproductive rights and access to health care for Romani women; as well as the wider context of the undermining of the rule of law and fundamental freedoms, and the continued intimidation of human rights defenders by state authorities over the past five years.

REPRODUCTIVE RIGHTS OF ROMANI WOMEN IN HUNGARY

The following information is excerpted from the [2020 Cause of Action Report on the Reproductive Rights of Romani Women in Hungary](#).

Healthcare and corruption in Hungary: In a 2019 report, the Parliamentary Commissioner for Fundamental Rights (the Ombudsman) found that the practice of public paediatric clinics charging a fee to those parents who stay overnight with their hospitalised children to be unlawful. The Euro Health Consumer Index 2018 ranked Hungary as second only to Albania regarding the prevalence of “under-the-table payments” to doctors.

Regional and structural inequalities: Romani mothers told ERRC of difficulties when the nearest obstetric clinic is 20-30 kilometres away, both travel costs and travel time constrain access, especially when “the opening hours of obstetrical clinics do not take into account public transport schedules, meaning that it is virtually impossible to arrive at the obstetrician’s appointment on time and return home the same day travelling by public transport”. An added difficulty for expectant mothers with young children and no babysitting support, was having to take their children with them on public transport when they travel to the city for prenatal check-ups.

Moreover, there are **significant regional disparities in the distribution of health care services** in Hungary, and the Romani population is disproportionately affected by the shortcomings (including the high number of vacant general/paediatric practitioner positions in the disadvantaged regions of the country). A previous investigation by the ERRC, *Ambulance Not on the Way*, revealed the phenomenon of denying emergency aid to Roma in several Central Eastern European countries, including Hungary.

Other recurring themes were **neglectful treatment and verbal harassment**. Romani women recounted being verbally abused, racially disparaged and even threatened by staff in one particular public hospital in Miskolc, where the phrase “You stinky Gypsy!” was used as a common form of ‘addressing’ Romani women. Interviewees who were extremely young at the time of giving birth recounted being slapped in the face and thighs for screaming during delivery. After one midwife slapped a 16-year-old in the face in the delivery room, she told her: “Shut up, you stupid Gypsy! If you do not calm down, you will get more slaps!”

Segregation and isolation during delivery: The Act on Healthcare includes a provision that women are entitled to be accompanied during childbirth by a person of their choice. However, the presence of Romani women’s companions in the labour room was often objected to, and focus group participants claimed that the hospital staff use excuses, such as: “companions cannot enter the labour room during the night”, “companions are not allowed to enter during the early stage of labour”, etc.

Interviewees who reported that they had been mistreated in a hospital stated explicitly that they would not take any steps. A 38-year old women, mother of four, claimed that she had never intended to file any kind of formal complaint since **she thought that it would be useless to challenge the system because “nothing would change”**.

Litigation Case 1: In February 2016, a Romani woman gave birth in was subjected to verbal harassment and discrimination on the basis of ethnicity by hospital staff while giving birth at a Hungarian public hospital. The national Equal Treatment Authority found the hospital had violated the claimant’s dignity and right to equal treatment based on ethnicity.

On 15 December 2016, the Authority ruled that the hospital had violated the claimant’s dignity and right to equal treatment based on ethnicity, given the statement “you gypsies give birth only for the money”. The Authority ordered the hospital to pay a public fine of 500,000 HUF (approx. 1,700 USD) and to make the decision public for 60 days on the hospital’s website.

The Authority found that the hospital’s investigation was not fair and unbiased given that: the doctor who harassed the claimant also undertook the subsequent hospital investigation; and, at that doctor’s request, the hospital staff concerned had formulated their version of the facts together. Conversely, the claimant had presented consistent, persuasive testimony, and was able to distinguish between those who were only present at the event and those who had discriminated against her. [The Authority also took into consideration](#) that, while in labour, the claimant was in an especially sensitive situation that rendered her more vulnerable, and that the hospital failed to submit any documentation regarding the hospital investigation of the allegations.

After the publication of the Equal Treatment Authority’s decision, [the claimant told the ERRC](#): “The hospital challenged my credibility. I am happy that my truth was finally revealed. I cannot prevent this happening to other Romani women, but I’m sending them the message now to dare to stand up for their rights, to know their rights, and to cease this humiliating, inhuman treatment against them.”

Litigation Case 2: The ERRC found that the maternity unit of a public hospital in Miskolc charged the women’s birth companions HUF 3,000 (then approx. 10 EUR) for so-called ‘visitor attire’ (a disposable suit, to be worn in the labour room for hygienic reasons). For families living in deep poverty, this is an extra cost they cannot afford.

The ERRC filed an actio popularis civil lawsuit, claiming the policy of the hospital in Miskolc amounts to direct discrimination based on pregnancy/maternity and on social/economic status (these are protected grounds in the Hungarian anti-discrimination legislation), and indirect discrimination based on Romani ethnicity.

The first instance court, the Regional Court of Miskolc, ruled in favour of the ERRC on the 15th of October 2018, ordered the hospital to pay a fine of 5 Million HUF (cca. 17,000 EUR), and to cease the unlawful practice of charging a fee for the mandatory hygienic attire for the companions of birthing women. This judgment of the Miskolc Regional Court was upheld on appeal by the Debrecen Court of Appeal on the 24th of January 2019, although the fine was decreased to 2 Million HUF (cca. 6,800 EUR). The reasoning of the Court of Appeal’s judgment stressed that the enjoyment of a patient’s right cannot be made conditional on payment; thus the practice of the hospital was unlawful.

The Hungarian Supreme Court has ruled in favour of Romani mothers who were discriminated against in the maternity ward of a hospital in Miskolc. This final judgment from the highest court of Hungary confirms two previous judgements. [Communicating its judgment on 26th August 2020](#), the court agreed with the ERRC’s arguments that this practice directly discriminates against mothers living in poverty, and indirectly discriminates against Romani mothers who are disproportionately affected and often forced to give birth alone. The hospital was ordered to cease the practice and pay a public fine of 2 million HUF.

DISCRIMINATION AGAINST ROMANI CHILDREN

An estimated 36.1% of children aged 0-17 years old are at risk of poverty and social exclusion and 30% of at-risk children are separated from their families for financial reasons. As the coalition [Opening Doors for Europe's Children](#) stated, support services in the community remain severely under-resourced and are often non-existent, especially in rural, remote and poor areas where needs are the highest. Local authorities tend to refer clients to institutional care – under the financial authority of national Government – rather than invest in community-based services. In many instances, staff in the care homes are “underqualified, staff numbers fluctuate, supervision of staff is needed and the burnout rate is high. Given the low standard of care, children often run away. The prevalence of violence and substance abuse are also widespread.”

[According to FRA research](#), for Hungary, the rates of household members at risk of poverty were 15% for non-Roma and 75% for Roma. A disturbingly high share of the Roma population still lacks tap water in their dwellings (38% of Roma compared to 3% of general population). Other indicative data concerning the situation of young Roma in Hungary, 24% of young Roma experienced verbal harassment while in school. The NEET rates were 11% for the general population and 51% for Roma. In a global context, the NEET rate for young Roma in Hungary is higher than Palestine (31.6 %); Bangladesh (28.9%); and Yemen (44.8%).

Romani children continue to be discriminated in all spheres of life: they continue to be living in social and economic exclusion, in segregated and inadequate housing, they attend segregated schools, are often victims of misdiagnosis and channelled into special education, and are overrepresented amongst children in state care due to widespread discrimination and stereotypes against Roma. Romani girls are often face multiple and /or intersectional forms of discrimination, in particular in the field of education and sexual and reproductive healthcare. Romani girls are also overrepresented among victims of human trafficking.

While the Hungarian government is aware of all of the above, there are no targeted policy measures taken against the discrimination of Romani children. The mainstream measures that aim to promote social inclusion lack any targeted focus on Roma and mainly consist of positive (affirmative) measures that fail to challenge the systematic nature of social exclusion and discrimination. For those mainstream measures introduced under the auspices of the National Social Inclusion Strategy, the lack of impact assessment and monitoring makes it impossible to track and to measure their impact on Roma.

SEPARATION FROM PARENTS - ROMANI CHILDREN IN STATE CARE

Research conducted for the ERRC by The Chance for Children Public Benefit Association (*Gyerekesély Közhasznú Egyesület*) in Nógrád County, Hungary once again confirmed that Romani children are vastly overrepresented in the care system. Key findings of the [Romani Children in state care](#) research include the following:

- Although they make up under 20% of Nógrád county's population, Romani children make up over 80% of those in care. The data gathered in the research showed a strong correlation between deep poverty, severe deprivation, and the entry of children into the care system.
- Even though, in line with the basic principles of Hungary's Child Protection Act, children cannot be removed from their family solely for material reasons, the poverty of the affected families was clearly a significant reason for most removals. In many cases, removal could have been prevented by providing comprehensive support and appropriate services to impoverished families.
- The characteristics of the affected families, in terms of ethnic origin and number of children, also indicate that deep poverty and severe material deprivation strongly correlate with the placement of children in State care. The children of Romani families are at an extremely high risk of poverty and are strongly overrepresented within the county's professional child protection service. Two thirds of the families have at least one of the examined “social problems” and one fifth of the families are “severely deprived”.

- The main justifications given for removing Romani children from their families were neglect, endangerment, and “parental unsuitability”. The vast majority of children in care – most of whom maintain strong contact with their parents – never return home. Thus, the main issue is not bad relationships between parents and children, but rather environmental circumstances (insufficient income, lack of employment, unsuitable housing conditions, and lack of services) that cannot be mitigated by the families’ efforts alone.
- The system is officially colour-blind, and professionals do not believe there is any need for official recognition of the child’s ethnic identity. Yet in interviews, they frequently attributed the removal of children to reasons they see as connected with the children’s “Romani origin”, such as lack of understanding, distrust, non-cooperative behaviour of parents. It is clear that ethnicity plays a massive role, with significant consequences for many of the county’s Romani families.

SCHOOL SEGREGATION

School segregation of Romani children shows no signs of abating, and approximately 45% of Roma children attend schools or classes in Hungary where all or the majority of their classmates are also Roma. No specific measure had been adopted to decrease segregation of Romani children based on these strategies; combating racial segregation is neither a priority nor a long-term goal for the Hungarian government. The central authority responsible for schools since 2013 expressed its position towards integration in a lawsuit on segregation of Romani children, maintaining that it is not its duty to promote integration in a proactive manner and to monitor segregation in schools.

Growing evidence from studies indicates that the rising number of private church-run schools has triggered segregation. In places where “*white flight*” from schools takes place, a newly-founded church school which receives three times more funding than state schools, becomes an attractive option for middle class parents.

Taking advantage of the legal status that exempted them from the law, cases of church-maintained school segregation of Roma students in ended in lengthy lawsuits. However, a modification of the law in July 2017, stipulated that “The organisation of education based on religious or other ideological conviction according to the definition of Article (2) may not lead to unlawful segregation.” The impact on church practice remains to be seen.

The ratio of students obtaining a baccalaureate diploma is 75 per cent among non-Roma students, and 24 per cent among the Roma students. Vocational schools have become a typical form of further education for disadvantaged and severely disadvantaged students. There are virtually no paths leading from vocational schools to vocational grammar schools and grammar schools, where a baccalaureate diploma can be earned, which is a process that clearly reinforces segregation within the structures of education. The reduction of the mandatory school age to 16 is an “inhibiting” measure, as it increased dropout rates tremendously. The vast majority of Roma young people (living within a segregated area) do not usually choose a profession, rather they choose a school which is close by and is willing to admit them

Despite the ruling of the European Court of Human Rights in [Horváth and Kiss v. Hungary in 2013](#), Romani children continue to be channelled to special schools in Hungary. The Hungarian government has failed to date to implement the Court’s judgment. The extent of local litigation challenging segregation practices, the constant appeals against court judgments and the footdragging by the authorities clearly demonstrate the depths of resistance from the government to meet its ‘positive obligation to undo a history of segregation’ as stipulated in the Horváth and Kiss judgment.

The Chance for Children Foundation (CFCF) brought an *actio popularis* claim against the Ministry. By the time the first instance decision was delivered after 9 years of litigation, altogether 28 schools were included in the claim out of which 13 schools were still operating in a segregated manner. CFCF requested the court to order the Ministry to elaborate desegregation plans, prohibit the launching of new first classes in the segregated schools, redraw accordingly the school districts, monitor the implementation of the desegregation plan and start collecting perceived ethnic data. While the court of first instance delivered a progressive decision approving all of CFCF's claims on 18 April 2018, an ambiguous ruling by Metropolitan Appeals Court in February 2019 rendered the earlier decision ineffective, by simply instructing the Ministry to give an order to the school districts to elaborate a desegregation plan, but did not prohibit the launching of new first classes, nor did it oblige the Ministry to monitor the implementation of the desegregation plans.

As regards testing methods and misdiagnosis, the authorities' failure to provide data and the lack of targeted inspection led to a judgement in September 2020 in the Heves misdiagnosis case that established that the respondents - including the Ministry responsible for education - have failed to prove that the practice to misdiagnose Roma children has ceased to exist, therefore Roma children are constantly discriminated against when channeled into special education while having normal mental abilities.

The Gyöngyöspata Ruling (2020): In late 2019, the Debrecen Court of Appeal that the Hungarian state should pay 80 million HUF in compensation to Romani families in the town of Gyöngyöspata in a school segregation case. [The prime minister](#), in a succession of provocative broadcasts from February 2020, through state-controlled media, declared that the court's decision "violated the people's sense of justice", and announced a 'national consultation' on the case. He stigmatized the local Roma as workshy, their children as violent, unruly and un-educatable, and dismissed "the whole thing as a provocation", fomented by Soros organizations. Orbán stated that "there is a boundary that a Hungarian will never cross, or believes cannot be crossed. That boundary is giving people money for nothing." However, plans to hold a national consultation on the issue were sidetracked by the pandemic.

On the 15th May, Hungary's Supreme Court (Kuria) upheld the earlier court ruling that pecuniary damages must be paid to the families. In response, [Viktor Orbán said](#), "It's unacceptable for a majority to feel ill at ease in their own towns, or country, and it won't happen while I am premier. This is a country of natives, after all, this is our country." He asserted that such cases are funded and used by Soros-funded rights groups to "grab money and attack the majority"; that the ruling was unfair, and that legislation was being prepared to prevent any such cases coming to court in the future. In July 2020, the minister's commissioner, [László Horváth](#) confirmed that a recent legal amendment supported by 'a great majority in parliament' will guarantee that courts do not order financial compensation in similar cases, and "no more money-making segregation lawsuits will be possible".

Another direct reaction to the ruling was that from September 2020, **school guards** – tasked with maintaining order, entitled to use physical coercion, and armed with handcuffs, police baton and pepper spray – have been deployed – according to information provided by the [Educational Authority](#) – in mainly segregated schools, where the majority of pupils are Roma.

Violence against Romani children: On March 4, 2020, the ERRC reported that the director of the Nekcsei Demeter Primary School in Gyöngyöspata was under investigation by the Heves County Police Department for physical assaulting a young pupil, "battery against a person incapable of defending himself." The director subsequently resigned, but is still teaching at another school in a nearby village.

[Adél Kegye](#), the lawyer representing the family on behalf of the ERRC said: *"This case is representative of the climate in which Roma in this country are forced to attend education: segregated from their non-Roma peers, with an inferior quality education, and now from time to time they are also subjected to physical brutality and verbal abuse, as has happened here in Gyöngyöspata."*

RACIAL PROFILING, HARASSMENT AND FORCED EVICTIONS

[According to NGO reports](#), local police apply discriminatory fining practices in numerous settlements – mainly in north-eastern Hungary – with respect to local petty offences. Reports state that local police are imposing fines primarily on Roma when they are committing petty offences, mostly relating to riding bicycles (lack of bicycle accessories required by law such as a bicycle bell, front light and rear reflector). Paying the fines requires a considerable effort from the perpetrators, most of whom are unemployed and living on social benefits.

Perpetrators who are unable to pay the fines are sent to prison. Although the individual measures by the police were arguably lawful, the sanctioning practice of the police indicates ethnic disproportionality that could not be reasonably justified and was based on ethnic profiling, a form of racial discrimination.

Law enforcement units of the Council of Miskolc, also conducted intrusive home inspections in areas of the city where there is a considerable Roma population over a period from 2014. The declared purpose of the inspections was to observe and protect council property, to review whether inhabitants are registered at their addresses, whether they are collecting rubbish and maintaining order around the house.

The inspections were clearly targeting Roma. According to the inhabitants, although fines were imposed only in few cases, the inspections were frequent, very humiliating, and intimidating. The Ombudsman conducted an investigation in relation to these inspections and identified several violations of fundamental rights, and established that the investigations constituted harassment and they were discriminatory, and recommended to discontinue such inspections.

Alongside the inspections mentioned above, since 2014 the Municipality of Miskolc issued evictions orders to evict mostly Roma from the so-called “Numbered streets”, a social housing area in Miskolc. [The authorities’ intention was to clear out the area from Roma](#) in the process of renovating a nearby football stadium. About half of the inhabitants left the settlement by 2015, and a number of houses have been destroyed by the authorities. [In spring 2017](#), the destruction has continued, another 80 houses were destroyed by the authorities. The Miskolc local government’s aim is to demolish the whole settlement, despite the decision by the Equality Body and the fine imposed on the local government to stop the evictions and adopt a plan to provide adequate alternative accommodation to the inhabitants.

Forced eviction in the time of Covid-19: On October 6, 2020, the eviction of five Romani families from their apartments, marked a definitive end to the moratorium on evictions during the pandemic. [The eviction of five Romani families in the northeastern town of Nyíregyháza](#), which left 17 people homeless, was condemned by Vice-president of the local Roma minority self-government, László Glonczy, who criticized the municipality for its failure to engage in constructive dialogue on debt repayment, and described putting families with young children out on the streets during a pandemic as ‘outrageous’.

Hate speech and intimidation

[In its 2019 report on Hungary, UN CERD](#) called on the authorities to prohibit organisations that promote and incite racial hatred. The same week came the announcement of the formation of a fascist militia called the National Legion (*Nemzeti Légión*).

Laszlo Toroczka, head of the far right Our Homeland Movement (*Mi Hazánk*), said the new paramilitary group would primarily focus on the “preservation of traditions”, self-defense and teaching basic military skills. Toroczka added that while his new gang “is not the legal successor to the Magyar Gárda”, it “wants to continue its idealism and altruism”.

The intent is clear, this militia aims to harass and intimidate Roma under the pretext of fighting ‘Gypsy crime’. It seeks to revive the climate of fear in Roma communities that peaked during the serial killings by neo-Nazis in 2008-2009 and continued with the riotous assemblies by the Magyar Gárda and other far-right paramilitary groups in town such as [Gyöngyöspata](#) and [Devecser](#) up until 2012.

Toroczkai's party (*Mi Hazánk*) broke away from Jobbik, disenchanted with Jobbik's attempts to rebrand itself as a patriotic party by outwardly shedding the racism, fascism and homophobia that resonated strongly with 20%-plus of Hungarian voters. *Mi Hazánk* adheres to such core values and ran candidates in the European elections. Their manifesto was a mix of anti-migrant Islamophobia, hostility to the 'mixing' that dilutes Christian culture, and nonsense about "preserving values and glorious spiritedness inherited from the ancient Hungarians of the steppes" and the new notion of the Northern Civilization, stretching from Kamchatka to Reykjavík.

As for the racist take on the so-called 'Gypsy Question', the [Mi Hazánk manifesto stated](#), "It has to be declared that the integration of Gypsies, as old immigrants, has not been successful and their baby booming threatens the national budget." Drastic interventions promised include "the need to fight against all aspects of Gypsy delinquency and the problem should be settled by strengthening the police and supporting voluntary self-defense associations ... Limiting childbearing for only subsistence purposes is of key importance to the future of Hungary."

Following a fatal double stabbing in Budapest, the neo-Nazi "Mi Hazánk Mozgalom" called on its supporters to gather outside the offices of the National Roma Self-Government for a rally against "gypsy crime" on 28 May 2020. In defiance of regulations banning protest gatherings, the Mi Hazánk supporters converged with thousands of far-right ultras in the city centre streets, chanting racist anti-Roma slogans, with many giving fascist salutes.

Litigation concerning far-right intimidation of Roma: In a judgment in the case of [Király and Dömötör v. Hungary](#) issued on 17 January 2017, the European Court of Human Rights (ECtHR) found that the Hungarian State violated Article 8 of the Convention in the wake of violent incidents in the village of Devecser, during an anti-Roma demonstration attended by nine far-right groups and members of *Jobbik*. The applicants were awarded EUR 10,700 each in damages.

The demonstrators marched on the Roma neighbourhood chanting "Gypsy criminality", "Gypsies, you will die", and "We will burn your house down and you will die inside", "We will come back when the police are gone", and other obscenities. According to the court report "Sporadically, quasi-military demonstrations of force occurred, involving military-style uniforms, formations, commands and salutes." Some demonstrators, equipped with sticks and whips, covered their faces and dismantled the police cordon between the mob and the Roma houses. Then they threw pieces of concrete, stones and plastic bottles into the gardens egged on by the baying mob.

The court found that the applicants were left without effective legal protection against an openly anti-Roma demonstration, the aim of which was no less than the organised intimidation of the Roma community, including the applicants, by means of a paramilitary parade, verbal threats and speeches advocating a policy of racial segregation. And in a particularly [damning final sentence](#): "The Court is concerned that the general public might have perceived such practice as legitimisation and/or tolerance of such events by the State."

The [UN report](#) also expressed deep alarm "at reports that public figures in the State party, including at the highest levels have made statements that may promote racial hatred, in particular as part of the Government's anti-immigrant and anti-refugee campaign started in 2015."

ERRC remains especially concerned at the direct role played by the Prime Minister, since the last UN Periodic Review, in making statements that 'may promote racial hatred', most recently in response to the court rulings concerning the families of in Gyöngyöspata (see above), reaching a nadir in the 2018 election campaign.

Hate speech from the prime minister: In its [fifth monitoring cycle Report on Hungary](#), ECRI expressed concerns that "by not responding to intolerant discourse, the authorities are complicit in legitimising it and aggravating intolerance towards vulnerable groups in the general population." ECRI called on the Hungarian authorities to address these alarming trends as a matter of urgency.

Suffice to remark, this call went unheeded, and to such an extent that UN High Commissioner for Human Rights, [Zeid Ra'ad al-Husseini](#), denounced Viktor Orbán as one of Europe's xenophobes and racists who have "cast off any sense of embarrassment". Repudiating objections from the Hungarian government, [the Commissioner](#) described a speech where Orbán spoke of not wanting "our" colour mixed with others, as "a clear-cut statement of racism ... an insult to every African, Asian, Middle Eastern or Latin American woman, man and child."

He described Orbán's racist rhetoric as "increasingly delusional", explaining that he has "managed to portray Muslims and Africans as an existential menace to Hungarian culture – a threat he alleges is masterminded by the Hungarian-American financier George Soros." Further he described the cultivation of a siege mentality among majority populations as a marker of today's ethno-populism: "It creates a sense of overwhelming grievance, with an indicated outlet for that rage. And it shores up power."

Days later, on the 2018 election campaign trail in the city of Miskolc, a [video](#) was uploaded to Orbán's own Facebook page where warning of the dangers of foreign migrants, he referred to Roma as people from the outside who immigrated en masse into this city. Officials confirmed that the prime minister was indeed referring to Miskolc's Roma community, which has long endured segregation, discrimination and forced evictions. In [another speech](#), the prime minister equated Hungary's Roma with Syrian refugees: "*Hungary's historical given is that we live together with a few hundred thousands of Roma ... This is what we inherited. This is our situation, this is our predetermined condition ... We are the ones who have to live with this, but we don't demand from anyone, especially not in the direction of the west, that they should live together with a large Roma minority*".

On the [15 March national holiday in 2018](#), Orbán declared that Hungary and Europe stand at the "epicentre of a civilisational struggle" because the continent faces an invasion where "Africa wants to kick down our door". He told his followers that one single error is enough, "if the dam bursts and the water floods in," he said, "the cultural conquest will become irreversible." Echoing the 'replacement theory' of white supremacists, Orbán spoke of the threat posed by "Strangers from other parts of the world who do not speak our language, do not respect our culture, our laws and our ways of life. People who want to replace what is ours with what is theirs."

In the same speech, Orbán promised to exact [moral, political and legal revenge](#) against enemies who are "different to us", who are covert, base and crafty. In terms widely interpreted as antisemitic, he claimed Hungarians now face an enemy that is "not national but international; does not believe in working but speculates with money; does not have its own homeland but feels it owns the whole world."

STIGMATIZING AND INTIMIDATING HUMAN RIGHTS DEFENDERS

[A recent FRA report](#) found that within the EU, the main challenges to ensuring a safe space for civil society are acts of intimidation and violence by non-state actors and smear campaigns. In some EU member states, such non-state actors have been actively encouraged by inflammatory rhetoric from prominent politicians, even prime ministers who attempt to frame human rights defenders as 'mercenaries', and 'enemies of the people'.

Hungary remains the prime example of what FRA described, the decade-long attacks on civil society organisations in Hungary by the Orbán regime has been [exhaustively documented](#) and widely condemned.

In 2016, the [UN Special Rapporteur](#) called on the Government of Hungary to refrain from stigmatising and intimidating human rights defenders, and ensure that they can conduct their work in an enabling legal and administrative environment. What followed was an escalation by the government to stigmatize and intimidate human rights defenders. [Between May 2016 and February 2017](#), the Prime Minister, MP Szilárd Németh, Vice President of the Parliament's National Security Committee, and other spokesman made a series of high profile attacks on NGOs, variously describing them as threats to the nation that had to be 'rolled back' and 'swept out'.

On 7 April 2017, [governing party MPs submitted](#) to the Hungarian Parliament Bill T/14967 on the Transparency of Organizations Receiving Foreign Funds. The Bill was adopted on 13 June 2017. In June 2017 a law was adopted by parliament requiring non-governmental organisations receiving at least HUF 9 million in grants from outside Hungary to register in a special registry and label themselves as a “foreign-funded organisation” on their website. and publications. In June 2020, the Court of Justice of the European Union (CJEU) ruling that these restrictions are are stigmatizing, harmful, and in breach of EU law. In February 2021, the [EU sent formal notice to Hungary](#) giving it two months to comply with the ruling or face fines.

There remains considerable scepticism that this will herald any change in the attitude or behavior of the ruling party, especially in light of the continued failure of the EU to take any effective action to defend NGOs against these authoritarian excesses over the past ten years.

COVID-19 EMERGENCY AND THE RULE OF LAW

As far as human rights and the rule of law is concerned in the time of pandemic, the raft of emergency measures adopted by the Hungarian government proved to be the most controversial in Europe, and a textbook example of the warning issued by [UN Special Rapporteur Fionnuala Ní Aoláin](#) of the dangers of executive overreach in a state of exception; how extraordinary powers made available to government under emergency legislation can become part of the ordinary, normal legal system, rendering the protection of rights “increasingly fraught and difficult.”

In a special debate on the 14th May, prompted by Orbán’s Enabling Act, the [European Parliament](#) adopted a statement describing Hungary’s measures are “incompatible with European values.” Provisions in the bill included an attack on the rights of transgender people; and the Hungarian government issued more than 100 decrees, most of which were unrelated to the pandemic, including the imposition of sectoral taxes and the removal of significant financial resources from local communities that partially fell in the hands of the opposition in the 2019 municipal elections.

In mid-June, Orbán’s government announced its intention to rescind the extraordinary measures. Critics condemned the move as a political sleight of hand, claiming that the legislation will cement into everyday use the sweeping powers claimed by Orbán to fight the virus, and “create a legal basis for the use of newer extraordinary and unlimited government powers.” In a rapid analysis published by the [Helsinki Committee](#), the Hungarian Civil Liberties Union and Amnesty International, this move by the government was described as “nothing but an optical illusion: if the Bills are adopted in their present form, that will allow the government to again rule by decree for an indefinite period of time, this time without even the minimal constitutional safeguards.”