

2025 Rule of Law Report - targeted stakeholder consultation

Fields marked with * are mandatory.

Introduction

The annual Rule of Law Report lies at the centre of the Annual Rule of Law Cycle, which acts as a preventive tool, deepening multilateral dialogue and joint awareness of rule of law issues. So far, five editions of the Rule of Law Report have been published since 2020.

As every year, the Commission would like to invite the stakeholders to provide contributions to the 2025 Rule of Law Report. On the basis of these contributions and on-going developments, further targeted questions may be shared at a later stage of preparation of the 2025 Rule of Law Report, in particular in the context of country visits, or bilateral contacts.

The Commission invites stakeholders to provide contributions which include:

- (1) information on measures taken to implement the recommendations addressed to the Member State in the 2024 Rule of Law report, as well as developments with regard to the points raised in the respective country chapter and**
- (2) any other significant developments since January 2024^[1] and up to the date of submission falling under the ‘type of information’ outlined below.**

The input should consist of a short summary, if possible in English, covering the areas referred to below. Legislation or other documents may be referenced with a link. Contributions should focus on significant developments since the last Rule of Law Report both as regards the legal framework and its implementation in practice.

If you would like to provide further specific **input related to the single market dimension in the Rule of Law report**, you can also respond to the additional targeted consultation available [here](#).

^[1] Unless the information was already submitted in the input for the previous Rule of Law Reports.

Type of information to be included:

Under each of the four pillars, the replies should include references to the following types of information:

A) Legislative developments

- Newly adopted legislation
- legislative drafts currently discussed in Parliament
- legislative plans envisaged by the Government

B) Policy developments

- Implementation of legislation
- evaluations, impact assessment, surveys
- white papers/strategies/actions plans/consultation processes
- follow-up to reports/recommendations of Council of Europe bodies or other international organisations
- important administrative measures
- generalised practices

C) Developments related to the judiciary / independent authorities

- important case law by national courts
- important decision/opinions from independent bodies/authorities
- state of play on terms, nominations and expired mandates for high-level positions (e.g. Supreme Court, Constitutional Court, Council for the Judiciary, Prosecutor General, heads of independent authorities included in the scope of the request for input[2])

D) Any other relevant developments

- National authorities are free to add any further information, which they deem relevant; however, this should be short and to the point.

Please also indicate whether the developments reported are linked to the implementation of reforms and investments under the RRP, where applicable. To simplify your answers to the questionnaire, **if there are no developments, it is sufficient to indicate this** and the information covered in the contributions for the previous Rule of Law Reports does not need not be repeated.

[2] Such as: media regulatory authorities and bodies, national human rights institutions, equality bodies, ombudsman institutions, supreme audit institutions and, where they exist, transparency authorities.

About you

* I am giving my contribution as

- ☐ Academic/research institution
- ☐ Business association
- ☒ Civil society organisation/NGO
- ☐ International organisation
- ☐ Judicial association or network
- ☐ Media organisation or association
- ☐ Public authority or network of public authorities

☐ Other

* Organisation name

250 character(s) maximum

Hungarian Atheist Association

Main Areas of Work

- ☒ Justice System
- ☐ Anti-corruption
- ☐ Media Pluralism
- ☐ Checks and Balances
- ☒ Other

If "Other", please specify

advocacy, equality, representation

Please insert an URL towards your organisation's main online presence or describe your organisation briefly:

500 character(s) maximum

<https://www.facebook.com/magyar.ateista.tarsasag/> ; ateizmus.hu

Transparency register number

Check if your organisation is in the transparency register. It's a voluntary database for organisations seeking to influence EU decision-making

659951195834-95

* Country of origin

Please indicate the country of origin of your organisation

- ☐ Austria
- ☐ Belgium
- ☐ Bulgaria
- ☐ Croatia
- ☐ Cyprus
- ☐ Czechia
- ☐ Denmark
- ☐ Estonia
- ☐ Finland
- ☐ France
- ☐ Germany
- ☐ Greece
- ☒ Hungary
- ☐ Ireland
- ☐ Italy

- ☐ Latvia
- ☐ Lithuania
- ☐ Luxembourg
- ☐ Malta
- ☐ Netherlands
- ☐ Poland
- ☐ Portugal
- ☐ Romania
- ☐ Slovak Republic
- ☐ Slovenia
- ☐ Spain
- ☐ Sweden
- ☐ Other - please specify

First name

Gáspár

Surname

Békés

Email Address of the organisation

info@ateizmus.hu

*** Publication of your contribution and privacy settings**

You can choose whether you wish for your contribution to be published and whether you wish your details to be made public or to remain anonymous.

- ☐ Anonymous - Only your type of respondent, country of origin and contribution will be published. Organisation name, URL, transparency register number, first name and surname given above will not be published. **To maintain anonymity, please refrain from mentioning the name of your organisation and any details from which your organisation can be identified in the rest of your contribution.**
- ☒ Public - Your personal details (name, organisation name, transparency register number, country of origin will be published with your contribution).
- ☐ No publication - Your contribution will not be published. Elements of your contribution may be referred to anonymously in documents produced by the Commission based on this consultation.

☒ I agree with the personal data protection provisions.

[Specific privacy statement targeted stakeholder consultation 2025 rule of law report.pdf](#)

Questions on horizontal developments

In this section, you are invited to provide information on general horizontal developments or trends, both positive and negative, covering all or several Member States. In particular, you could mention issues that are common to several Member States, as well as best practices identified in one Member State that could

be replicated. Moreover, you could refer to your activities in the area of the four pillars and sub-topics (an overview of all sub-topics can be found below), and, if you represent a Network of national organisations, to the support you might have provided to one of your national members.

Overview topics for contribution

[List of topics - 2025 Rule of Law Report.pdf](#)

Please provide any relevant information on horizontal developments here

5000 character(s) maximum

Questions for contribution

Under each pillar, you are invited to provide information on measures taken to implement the recommendations addressed to the Member State in the 2024 Rule of Law report, as well as developments with regard to the points raised in the respective country chapter of the 2024 Rule of Law Report and any other significant developments since January 2024 and up to the date of submission[3]. Please always include a link to and reference relevant legislation/documents (in the national language and/or where available, in English). **Significant developments** can include challenges, positive developments and best practices, covering both legislative developments or implementation and practices.

Information provided in reply to the first question under each pillar, related to the follow-up to the recommendations, does not need to be repeated in subsequent parts of the questionnaire, but can be cross-referenced in the subsequent questions, where relevant. All other questions are not limited to the recommendations, but as in previous years, cover the entire scope of the Report.

[3] Unless already covered in the input for the previous Rule of Law Reports.

Member State/enlargement country covered in contribution [only one choice possible]

If you wish to submit information concerning several Member States/enlargement countries, please fill in the questionnaire separately for each country. There is no limit to the number of contributions submitted by a single participant.

- ☐ Albania
- ☐ Austria
- ☐ Belgium
- ☐ Bulgaria
- ☐ Croatia
- ☐ Cyprus
- ☐ Czechia
- ☐ Denmark
- ☐ Estonia
- ☐ Finland
- ☐ France
- ☐ Germany

- ☐ Greece
- ☒ Hungary
- ☐ Ireland
- ☐ Italy
- ☐ Latvia
- ☐ Lithuania
- ☐ Luxembourg
- ☐ Malta
- ☐ Montenegro
- ☐ Netherlands
- ☐ North Macedonia
- ☐ Poland
- ☐ Portugal
- ☐ Romania
- ☐ Serbia
- ☐ Slovakia
- ☐ Slovenia
- ☐ Spain
- ☐ Sweden

I. Justice System

Please provide information on measures taken to follow-up on the recommendations received in the 2024 Report regarding the justice system (if applicable)

5000 character(s) maximum

A. Independence

Appointment and selection of judges, prosecutors and court presidents (incl. judicial review)

(The reference to 'judges' concerns judges at all level and types of courts as well as judges at constitutional courts)

5000 character(s) maximum

Irremovability of judges, including transfers, (incl. as part of judicial map reform), dismissal and retirement regime of judges, court presidents and prosecutors (incl. judicial review)

5000 character(s) maximum

Promotion of judges and prosecutors (incl. judicial review)

5000 character(s) maximum

Allocation of cases in courts

5000 character(s) maximum

Independence (including composition and nomination and dismissal of its members), and powers of the body tasked with safeguarding the independence of the judiciary (e.g. Council for the Judiciary)

5000 character(s) maximum

Accountability of judges and prosecutors, including disciplinary regime and bodies and ethical rules, judicial immunity and criminal/civil (where applicable) liability of judges (incl. judicial review)

5000 character(s) maximum

Judges' accountability is severely limited as presented by a recent court case.

Judges of the Metropolitan Regional Court (the appeals' court) have issued an objectively biased and unlawful ruling in an administrative lawsuit (1.Kf.700.245/2023/6.) concerning discriminatory termination based on political opinion.

The plaintiff (member of the Hungarian Atheist Association) was fired from Budapest City Hall in 2021 after an intensive, government-backed hate campaign against the plaintiff, during which the vice-prime minister asked the mayor of Budapest to fire the plaintiff. The plaintiff was an environmental expert at city hall, who wrote articles promoting children's freedom of religion or belief, criticizing church practices. City hall fired the plaintiff in two days after the request. A lawsuit was launched by the plaintiff for discriminatory termination related to political opinion.

Judges Regina Antal, Péter Bíró and Zsófia Kecskés have overturned two rulings of the Budapest-Capital Regional Court which have determined that the plaintiff was fired unlawfully. The judges have solely based their ruling on arguments introduced by themselves after the trial has ended, arguments which have not been made by the defendant during any point in the trials, nor was the connected evidence mentioned; these arguments alleged that the plaintiff committed a criminal act, thus providing grounds for termination, even though the article referenced by the judges made it clear that no crime or even physical act took place, and thus no crime was even attempted (and even if the act was carried out, it would not have been a crime). No criminal proceeding took place to validate their claim.

The plaintiff lost his administrative case after the courts have rejected all of the defendant's actual arguments. As he was accused of committing a criminal act, which he neither planned, nor did he execute, his rights to a fair trial, to presumption of innocence and non-discrimination were directly violated, as were his rights to freedom expression, belief and press indirectly through the ruling. The ruling is a final decision with no possibility of appeal.

A complaint request against the ruling was filed at the Curia (supreme court), but it was rejected without examination.

A complaint request against the Curia's decision was filed at the Constitutional Court, which is still under review.

A complaint was filed by the plaintiff on 2024.05.23. to the National Office for the Judiciary detailing the serious breaches of conduct. The complaint was dismissed with the justification that it should have been made during the trial, before a verdict was issued, despite the fact that it was made clear that the offenses were committed after the trial, in exclusively the verdict.

A criminal complaint for defamation was also launched by the plaintiff, which has been rejected without a trial (Bpk.1486/2024/5.) by the Budapest 2nd and 3rd District Court. An appeal was launched, which was rejected by the Metropolitan Regional Court (the same court, where the judges were employed), without any reflection to the arguments and evidence presented. Both courts have declared that the complaint was unfounded as no element of the crime were present. This was decided even though accusations of criminal conduct merit defamation according to well-established precedence by the Curia and the Constitutional Court, which were referenced. In addition, the courts have claimed that judges are immune from criminal defamation lawsuits, however disregarded (not rebutted) cited precedence established by the Curia and Constitutional Court which limit such immunity in several ways, demonstrating a clear disregard for the rule of law.

Independence/autonomy of the prosecution service

5000 character(s) maximum

Independence of the Bar (chamber/association of lawyers) and of lawyers

Significant developments capable of affecting the perception that the general public has of the independence of the judiciary

5000 character(s) maximum

Curia/supreme court determines that the discrimination of nonbelievers is justified

The vice-president of the Hungarian Atheist Society has launched a complaint against the Central Statistics Office at the Commissioner for Fundamental Rights of Hungary (Ombudsman) regarding the 2022 census, as the question pertaining to worldviews was phrased in a suggestive way ("What is your religion?"), and while religious respondents could specify their denominations, nonreligious ones could not define their own category and had to simply select "not belonging to a religion or church"; in addition, an Atheist field was added to the religious section, despite that fact that it is not a religion. The Ombudsman rejected the complaint, which was followed by a lawsuit. This was rejected by Budapest-Capital Regional Court (verdict no. 103.K.703.418/2023/6.). A complaint was filed at the Curia (supreme court), which was accepted for review, then rejected by the court (case no. Kfv.III.37.492/2024/5.). The Curia has ruled that Atheists were not discriminated against even though the Fundamental Law of Hungary clearly states that all citizens have the right to profess their religion or belief, which Atheists were not able to do in a manner that was scientifically and ethically viable. Even the court acknowledged that the addition of Atheism to the religious section was wrong, and resulted in corrupted data collection. The court has added that the "reasonable discrimination" was allowed by the ECHR, which is what has taken place according to their interpretation, as the law regulating the census only required the collection of data on religion, not belief, and the list of religions is finite, whereas the list of nonreligious beliefs is not. The former is a categorically false statement, as the preceding law on the census contained the same text, yet the previous census contained a separate field for Atheism. The latter is also evidently false, as neither list is finite, nor would this be a valid justification. Most importantly, if the law on the census would have been the issue, the Curia could have referred the case to the Constitutional Court for review, yet refused to do so.

The Curia showed a blatant disregard to not only legal procedure by not reflecting on the plaintiff' arguments, but also to the rights of nonbelievers in Hungary by declaring their discrimination justified based on a discriminatory law, without asking for a constitutional review, thus clearly presenting their bias. As Hungary has been declared an illiberal, Christian democracy by the prime minister, and as the Fundamental Law of Hungary was amended to include a clause requiring all state entities to protect the Christian culture of Hungary, it is evident that the Curia has aligned itself with the governing ideology in defiance of the rule of law.

Curia declares that the illegal court ruling pertaining to the discriminatory dismissal of a public official for expressing secular views is not eligible for review, as it is has no societal relevance, nor is there any evidence of misconduct

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A complaint request against the ruling was filed at the Curia (supreme court), but it was rejected without examination, as they determined that it did not amount to significant societal importance, and no breach of procedure was suspected.

B. Quality of justice

(Under this topic, you are not required to give statistical information but should provide input on the type of information outlined in the introduction)

Accessibility of courts (e.g. court/legal fees, legal aid, language)

5000 character(s) maximum

Resources of the judiciary (human/financial/material), remuneration/bonuses/rewards for judges and prosecutors, including observed changes (significant and targeted increase or decrease over the past year)

(Material resources refer e.g. to court buildings and other facilities. Financial resources include salaries of staff in courts and prosecution offices.)

5000 character(s) maximum

Training of justice professionals (including judges, prosecutors, lawyers, court staff, clerks/trainees)

5000 character(s) maximum

Digitalisation (e.g. use of digital technology, including electronic communication and AI tools, within the justice system and with court users, procedural rules, access to judgments online)

5000 character(s) maximum

Use of assessment tools and standards (e.g. ICT systems, including AI-based systems, for case management, court statistics and their transparency, monitoring, evaluation, surveys among court users or legal professionals)

5000 character(s) maximum

Geographical distribution and number of courts/jurisdictions (“judicial map”) and their specialisation, in particular specific courts or chambers within courts to deal with fraud and corruption cases.

5000 character(s) maximum

C. Efficiency of the justice system

(Under this topic, you are not required to give statistical information but should provide input on the type of information outlined under section 2)

Developments related to efforts to improve the efficiency of the justice system (e.g. as regards length of proceedings)

5000 character(s) maximum

The Data Protection Authority for Hungary refuses to rule on request for a GDPR complaint regarding the refusal to delete baptism records from church database

On 2023.03.06., a citizen launched a complaint against a local parish of the Catholic Church (case no. NAIH-3930- 3 /2023), as they were refusing to delete his personal data recorded at his baptism as an infant. According to the Act CXII of 2011 on the Right of Informational Self-Determination and on Freedom of Information (6), “If the Authority has not terminated the data protection authority procedure within ninety days of the submission of the application or has not decided on the merits of the case, it shall notify the applicant of the procedural actions taken up to the date of notification.”

The authority did not comply with this beyond the deadline, despite repeated requests.

According to the Info Act, Section 60/A. (1) “The administrative deadline in the data protection authority procedure is one hundred and fifty days”

Although the time necessary to clarify the facts is not included in this, this must also take place within a reasonable time, after more than 23 months, this is clearly a violation of the deadline, especially in light of the failure to provide information as required by law, thus it is considered to be a deliberate act to prevent the citizen from accessing justice, once again in line with the government’s clear alignment to promoting “Christian democracy”.

It is important to mention that a number of laws promote Christianity and provide connected organizations with special privileges and specific funding not available to others.

Any other developments related to the justice system - please specify

5000 character(s) maximum

Budapest City Hall provides false evidence on record in a United Nations inquiry

János Kendernay, head of city diplomacy at Budapest City Hall, made false claims to Nazila Ghanea, UN Special Rapporteur on freedom of religion or belief who was conducting a country visit in Hungary (evident by freedom of information request FPH070/438-5/2024). The Rapporteur has previously investigated the case of an employee who was terminated after a government hate campaign was unleashed due to his secular opinions (AL HUN 1/2022). The representative of city hall stated that the employee was dismissed legally, as approved by the Curia (supreme court), because “he shared content that was highly offensive to the Christian community on his Facebook profile, which listed the Office as his workplace,” while according to a final court ruling (1.Kf.700.245/2023/6), the opposite was true. Following this, a public question was directed towards city hall regarding this case, asking if there will be an investigation into the evident falsification of a public record, to which city hall responded with a categorical no (file no. FPH030 /922 - 2 /2024), clearly signalling a blatant disregard for the rule of law.

It is worth mentioning that the court ruling referenced actually rejected all of city hall’s arguments, yet still ruled against the plaintiff, inventing its own evidence and arguments after the trial was concluded, and found itself to be justified in ruling against him based on fabrications. They claimed that the plaintiff vandalized a public cross by merely discussing the idea of projecting colorful light onto a public cross to promote tolerance of sexual minorities. City hall never referred to this as grounds for termination.

Yet city hall did not challenge the verdict, and simply enjoyed the benefits of escaping responsibility, and has attempted to deceive a UN inquiry to maintain its reputation.

Government Office of Pest County rules that a Christian cross can be erected in a nature reserve, despite the law stating otherwise

The Government Office of Pest County has ruled (PE-06/KTF/49726-6/2023.) that a cross can be erected in a nature reserve after a local environmental NGO has launched a complaint. The decree was issued despite the fact that the Act LIII of 1996 on Nature Protection, and Decree 17/2008. (VI.3) of the Ministry of Environment and Natural Resources on the nature conservation management plan of the Szénás Mountains European Diplomatic Area both explicitly forbid any construction there, and the director of the national park, András Fűri has also declared the same.

The Office’s decree comes after Tamás Menczer, member of the National Assembly and chief of communications for the governing party has called for the reconstruction of the cross, and called the plaintiffs “Christian-prosecutors”. He also said the same about András Fűri, who was then removed from his post as the director of the national park by the government. The case is currently being challenged in court.

II. Anti-Corruption Framework

Where previous specific reports, published in the framework of the review under the UN Convention against Corruption, of GRECO, and of the OECD address the issues below, please make a reference to the points you wish to bring to the Commission’s attention in these documents, indicating any relevant updates, changes or measures introduced that have occurred since these documents were published.

Please provide information on measures taken to follow-up on the recommendations received in the 2024 Report regarding the anti-corruption framework (if applicable):

5000 character(s) maximum

A. The institutional framework capacity to fight against corruption (prevention and investigation / prosecution)

List any **changes** as regards relevant authorities (e.g. national agencies, bodies) in charge of prevention, detection, investigation and prosecution of corruption and the resources allocated to each of these authorities (the human, financial, legal, and technical resources as relevant), including the cooperation among domestic and with foreign authorities. Indicate any relevant measures taken to effectively and timely cooperate with OLAF and EPPO

5000 character(s) maximum

Safeguards for the functional independence of the authorities tasked with the prevention and detection of corruption

5000 character(s) maximum

Information on the implementation of measures foreseen in the strategic anti-corruption framework (if applicable). If available, please provide relevant objectives and indicators

5000 character(s) maximum

B. Prevention

Measures to enhance integrity in the public sector (including as regards incompatibility rules, revolving doors, codes of conduct, ethics)

5000 character(s) maximum

Measures to enhance general transparency of public decision-making (including rules on lobbying, asset and interest disclosure rules, gifts policy, transparency of political party, financing)

5000 character(s) maximum

Measures to prevent conflicts of interest in the public sector. Please specify the features and scope of their application (e.g. categories of officials concerned, types of checks and corrective measures depending on the category of officials concerned)

5000 character(s) maximum

--> For the three previous points, **please also provide information and figures on their application /enforcement**, such as number of detected breaches/irregularities of the various rules in place and the follow-up given (investigations, sanctions, etc.)

Measures to ensure whistleblower protection and encourage reporting of corruption, including their application (i.e. number of reports received, and the follow-up given)

5000 character(s) maximum

Specific measures to enhance transparency, integrity and accountability in sectors with high risks of corruption, with a view to monitor and prevent corruption and conflict of interests, and where applicable measures to prevent and address corruption committed by organised crime groups.

Such high-risk sectors could include: public procurement, including construction, transport/infrastructure, defence, cohesion, agriculture, environment, healthcare, citizen/residence investor schemes, large-scale investments of national interest and the spending of EU funds, urban planning.

5000 character(s) maximum

C. Repression

The legal framework on the criminalisation and sanctions for corruption and related offences, including foreign bribery

5000 character(s) maximum

Official data on the number of investigations, prosecutions, final judgments and the application of sanctions for corruption offences (differentiated by offence if possible). Please indicate whether the cases: involve legal persons; are related to the implementation of EU or national funds; involve high level corruption. Please indicate which data is publicly available and how policy-making is informed by the data

5000 character(s) maximum

Potential obstacles identified in law or in practice to the investigation and prosecution of high-level and complex corruption cases (e.g. political immunity regulation, procedural rules, statute of limitations, cross-border cooperation, pardoning)

5000 character(s) maximum

Information on effectiveness of criminal and non-criminal measures and of sanctions (e.g. recovery measures and administrative sanctions) on both public and private offenders

5000 character(s) maximum

Any other developments related to the anti-corruption framework - please specify

5000 character(s) maximum

III. Media pluralism and media freedom

Please provide information on measures taken to follow-up on the recommendations received in the 2024 Report regarding media pluralism and media freedom (if applicable)

5000 character(s) maximum

A. Media authorities and bodies

(Cf. Article 30 of Directive 2018/1808)

Measures taken to ensure the independence, enforcement powers and adequacy of resources (financial, human and technical) of media regulatory authorities and bodies

5000 character(s) maximum

Conditions and procedures for the appointment and dismissal of the head / members of the collegiate body of media regulatory authorities and bodies

5000 character(s) maximum

Existence and functions of media councils or other self-regulatory bodies

5000 character(s) maximum

B. Safeguards against government or political interference and transparency and concentration of media ownership

Measures taken to ensure the fair and transparent allocation of state advertising

5000 character(s) maximum

Safeguards against state / political interference, in particular:

- safeguards to ensure editorial independence of media (private and public)
- specific safeguards for the independence of heads of management and members of the governing boards of public service media (e.g. related to appointment, dismissal), safeguards for their financial and operational independence (e.g. related to reporting obligations and the allocation of resources) and safeguards for plurality of information and opinions
- information on specific legal provisions and procedures applying to media service providers, including as regards granting/renewal/termination of licenses, company operation, capital entry requirements, concentration and corporate governance

5000 character(s) maximum

Transparency of media ownership and public availability of media ownership information, including on direct, indirect and beneficial owners

5000 character(s) maximum

C. Framework for journalists' protection, transparency and access to documents

Rules and practices guaranteeing journalists' independence and safety, including as regards protection of journalistic sources and communications, referring also, if applicable, to follow-up given to alerts lodged with the Council of Europe's Platform to promote the protection of journalism and safety of journalists

5000 character(s) maximum

Law enforcement capacity, including during protests and demonstrations, to ensure journalists' safety and to investigate attacks on journalists

5000 character(s) maximum

Access to information and public documents by public at large and journalists (incl. transparency authorities where they exist, procedures, costs/fees, timeframes, administrative/judicial review of decisions, execution of decisions by public authorities, possible obstacles related to the classification of information)

5000 character(s) maximum

Lawsuits (incl. SLAPPs - strategic lawsuits against public participation) and convictions against journalists (incl. defamation cases) and measures taken to safeguard against manifestly unfounded and abusive lawsuits

5000 character(s) maximum

Any other developments related to media pluralism and freedom - please specify

5000 character(s) maximum

Total absence of representation for Atheists in state media

As highlighted in other independent reports, state media is heavily controlled by the government, with almost exclusively pro-government messaging appearing. As the government's proclaimed policy is that Hungary is a Christian nation, Atheists are offered no representation in any of its outlets, nor are they allowed. Meanwhile, not only do these outlets promote Christian content, but they also often make derogatory remarks on Atheists or Atheist representation, even hosting entire segments on the topic. Complaints to the relevant media oversight authorities have all been rejected previously.

IV. Other institutional issues related to checks and balances

Please provide information on measures taken to follow-up on the recommendations received in the 2024 Report regarding the system of checks and balances (if applicable)

5000 character(s) maximum

A. The process for preparing and enacting laws

Framework, policy and use of impact assessments and evidence based policy-making, stakeholders'[1]/public consultations (including rules and practices on the transparent participation of civil society to policy development and decision-making processes), and transparency and quality of the legislative process both in the preparatory and the parliamentary phase

[1] This includes also the consultation of social partners

5000 character(s) maximum

Rules and use of fast-track procedures and emergency procedures (for example, the percentage of decisions adopted through emergency/urgent procedure compared to the total number of adopted decisions)

5000 character(s) maximum

Rules and application of states of emergency (or analogous regimes), including judicial review and parliamentary oversight

5000 character(s) maximum

Regime for constitutional review of laws

5000 character(s) maximum

B. Independent authorities

Independence, resources, capacity and powers of national human rights institutions ('NHRIs'), of ombudsman institutions if different from NHRIs, of equality bodies if different from NHRIs and of supreme audit institutions

(Cf. the website of the European Court of Auditors: <https://www.eca.europa.eu/en/Pages/SupremeAuditInstitutions.aspx#>)

5000 character(s) maximum

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It is important to mention that a number of laws promote Christianity and provide connected organizations with special privileges and specific funding not available to others.

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The Government Office of Pest County has ruled (PE-06/KTF/49726-6/2023.) that a cross can be erected in a nature reserve after a local environmental NGO has launched a complaint. The decree was issued despite the fact that the Act LIII of 1996 on Nature Protection, and Decree 17/2008. (VI.3) of the Ministry of Environment and Natural Resources on the nature conservation management plan of the Szénás Mountains

European Diplomatic Area both explicitly forbid any construction there, and the director of the national park, András Fűri has also declared the same.

The Office's decree comes after Tamás Menczer, member of the National Assembly and chief of communications for the governing party has called for the reconstruction of the cross, and called the plaintiffs "Christian-prosecutors". He also said the same about András Fűri, who was then removed from his post as the director of the national park by the government. The case is currently being challenged in court. The Authority is clearly aligning itself with governmental ideology.

Statistics/reports concerning the follow-up to recommendations by National Human Rights Institutions, ombudsman institutions, equality bodies and supreme audit institutions in the past two years

5000 character(s) maximum

C. Accessibility and judicial review of administrative decisions

Transparency of administrative decisions and sanctions (incl. their publication and rules on collection of related data)

5000 character(s) maximum

Judicial review of administrative decisions: short description of the general regime (in particular competent court, scope, suspensive effect, interim measures, and any applicable specific rules or derogations from the general regime of judicial review)

5000 character(s) maximum

Rules and practices related to the application by all courts, including constitutional jurisdictions, of the preliminary ruling procedure (Art. 267 TFEU)

5000 character(s) maximum

Implementation of final judgments by the public administration and State institutions and follow-up given to supranational judgments, including decisions from the European Court of Human Rights, as well as available remedies in case of non-implementation

5000 character(s) maximum

D. The enabling framework for civil society

Measures regarding the framework for civil society organisations and human rights defenders (e.g. legal framework and its application in practice incl. registration, transparency and dissolution rules)

5000 character(s) maximum

Rules and practices having an impact on the effective operation and safety of civil society organisations and human rights defenders. This includes measures to protect them from attacks – verbal, physical or on-line –, intimidation, legal threats incl. SLAPPs, negative narratives or smear campaigns, measures capable of affecting the public perception of civil society organisations, etc. It also includes measures to monitor threats or attacks and dedicated support services, as well as available remedies

5000 character(s) maximum

Organisation of financial support for civil society organisations and human rights defenders (e.g. framework to ensure access to funding, and for financial viability, taxation/incentive/donation systems, measures to ensure a fair distribution of funding)

5000 character(s) maximum

E. Initiatives to foster a rule of law culture

If there have been developments related to initiatives to foster a rule of law culture, please specify, which (e.g. debates in national parliaments on the rule of law, public information campaigns on rule of law issues, contributions from civil society, education initiatives, etc.)

5000 character(s) maximum

Any other developments related to the system of checks and balances - please specify

5000 character(s) maximum

New government decree strips students of the last line of defense against institutional abuse

The 245/2024. (VIII. 8.) Government Decree on the scope of prohibited and restricted-use objects in educational institutions, and on the detailed rules of procedure relating to such objects bans all devices capable of recording images or sound based on Section 2, point d).

This severely restricts the ability of students to record abuses of power committed against them by school staff, which is unfortunately not a rare issue.

There is no reference in the justification or impact assessment of the draft law to what justifies the restriction of devices capable of recording images or sound. The Impact Assessment Sheet is empty, i.e. the Ministry of the Interior has not carried out the necessary impact assessment. The restriction of mobile phones and smart devices capable of accessing the Internet is a controversial professional issue, the benefits of this measure cannot currently be scientifically demonstrated. However, the restriction of devices capable of recording images or sound is not supported by any scientific research, and it has no educational added value, and is not expected to have any. The restriction of devices suitable for recording images or sound is disproportionate, as the legislator has not associated any perceived or real advantage with this part of the

proposal, but students clearly suffer a legal disadvantage, as they are restricted from recording potential violations of rights by persons performing public duties in institutions. This legal disadvantage for students is particularly significant, as:

- a) Minors are largely at the mercy of educational institutions and their staff, and are therefore increasingly at risk of abuse. The teachers of these institutions exercise supervisory rights over the minors entrusted to them, and determine the further education opportunities of young citizens with their subject assessments. In the case of this type of power asymmetry, the legislator has a duty to pay special attention to prescribing the best possible legal remedies, reporting and evidence practices in educational institutions.
- b) In cases of violation of the rights and abuse of students, the strongest evidence is the image and/or audio evidence, as supported by numerous legal cases. Most recently, a little girl almost committed suicide after being verbally abused by her teacher for months, which - due to the evidentiary power of the recordings - the media was able to present in detail, increasing the chance that a substantive investigation will follow the event.
- c) According to the report AJB-690/2019 of the Commissioner for Fundamental Rights, "children are completely defenseless against abusive teachers", which details that it is extremely common for minors or their parents to turn to the management of the institution for help in vain, but the institution ignores their complaints, does not even register them, or even takes the perpetrator under its protection and imposes punishment on the victim. In the notorious Bicske children's home, the director himself committed the abuses for more than a decade.
- d) According to a 2015 survey by the Institute for Educational Research and Development, 23% of students experienced physical violence and 40% experienced psychological abuse by teachers with varying regularity in educational institutions.

According to the decision of the Curia (Pfv.IV. 21.953/2017.), teachers are persons performing public duties, i.e. recordings made of them without their permission can also be made public, as there is a heightened public interest in ensuring that the work and conduct of persons performing public duties and exercising broad powers can be monitored and that the public can be informed of emerging abuses; in addition, legal practice has previously considered recordings proving crimes to be usable in legal proceedings. The draft is therefore contrary to the effective decision of the Curia, i.e. unlawful.

In recent years, recordings of abusive teachers have been made public on several occasions. These recordings were extremely important, as they:

- a) served as evidence to identify students
- b) were recorded as evidence in police proceedings
- c) drew society's attention to serious abuses within the education system

The government's priority goal is to improve child protection, within the framework of which it recently enacted a law, and set the reduction of abuse as one of the most important goals. The current form of the draft law, due to its disproportionate restrictions, is contrary to this legislative intention and is illegal according to the decision of the Curia.

Supporting document upload

If you would like to submit any supporting document(s) to your contribution, please upload your file(s) here

