

**TARGETED STAKEHOLDER CONSULTATION 2023 RULE OF LAW REPORT
UN HUMAN RIGHTS REGIONAL OFFICE FOR EUROPE (OHCHR)**

HUNGARY REVIEW

I. Justice System

B. Quality of justice

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

In its concluding observations of May 2022, the UN Committee on the Rights of Persons with Disabilities noted with concern the barriers in access to justice persons with disabilities (particularly persons with intellectual disabilities, psychosocial, those placed under the substitute decision making regime, those in residential, and psychiatric institutions and persons with physical disabilities) due to the lack of procedural and age appropriate accommodation, the lack of accessible information and communication on legal procedures and inaccessible buildings. The Committee recalled the International Principles and Guidelines on Access to Justice for Persons with Disabilities prepared by the Special Rapporteur on the rights of the persons with disabilities, and formulated several recommendations, including: to ensure that all necessary and effective procedural safeguards and accommodations are in place so that all persons who have restricted legal capacity and those placed in residential and psychiatric facilities can have access to an effective judicial review of decisions affecting them and to free and effective legal representation in all proceedings; to revise the Code on Civil Procedure and the Criminal Proceedings Act to guarantee procedural and age-appropriate accommodation for all persons with disabilities in any legal circumstances by developing alternative and augmentative means of information and communication, such as Braille, sign language, Easy Read, symbol systems and audio and video transcription ([CRPD/C/HUN/CO/2-3](#), paras 26-27).

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

In its concluding observations issued in May 2022, the UN Committee on the Rights of Persons with Disabilities noted with concern the lack of awareness of the rights of persons with disabilities among policymakers, government officials, legal and other professionals, including judges. It recommended that with the close involvement of organizations of persons with disabilities, capacity-building programmes on the rights of persons with disabilities and on the obligations of the State party in the Convention, for the judiciary and justice sector professionals should be provided ([CRPD/C/HUN/CO/2-3](#), para 7).

III. Media freedom and pluralism

A. Media authorities and bodies

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

In her mission report to Hungary issued in May 2022, the UN Special Rapporteur on freedom of opinion and expression noted that the political and economic independence of media regulatory authorities was critical for ensuring media freedom in democratic societies. In Hungary, the President of the Media Authority, who is also the President of the Media Council, is appointed by the President on the nomination by the Prime Minister. The four members of the Media Council are appointed by the

Parliament. The practice so far had been for the ruling Party to exercise its two-thirds majority in the Parliament to endorse its own candidates and exclude the consideration of nominations by other Parties. Both the President and the Council exercised extensive regulatory powers, including significant powers of licensing and sanctioning media outlets. In addition, the President of the Council had major additional powers over the public service broadcasting organizations, including the appointment of its senior leadership.

The UN SR echoed the view of the UN HR Committee that the National Media and Telecommunications Authority and the Media Council lacked sufficient independence to perform their functions effectively and enjoyed excessively broad regulatory and sanctioning powers that risked media freedom. The Committee recommended that the laws and practice be revised.

The UN Special Rapporteur noted that the stated objective of the Authority and the Media Council was to achieve a “balanced market” and preserve media pluralism. Yet recent actions – and inaction – by the President of the Authority and the Council and members of the Council (such as the lack of pronouncing by the Council on the merger and of making any efforts since then to evaluate its impact, or the consequences of the closure of other independent media outlets on the freedom, independence, pluralism quality of media in Hungary) raised serious concerns regarding the independence, willingness or capacity of those bodies to examine and pronounce on the Government’s actions and policies or other major developments which have a significant impact on media freedom.

Furthermore, the UN SR noted that the Media Council reportedly failed to act against biased reporting in public service media, although such bias was explicitly identified by the Office for Democratic Institutions and Human Rights of the Organisation for Security and Cooperation in Europe (OSCE/ODIHR) Limited Election Observation Mission following the 2018 elections. The Special Rapporteur believed that the lack of legal and other safeguards to ensure the political independence of the regulatory authorities has had serious adverse consequences on the freedom, independence and pluralism of the media as well as on the level of public trust in the media and on democratic processes in Hungary more broadly. She stressed that it was not only essential for the media regulatory body to be truly independent and impartial, but also to be perceived as such by the public ([A/HRC/50/29/Add.1](#), paras 20 - 26).

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

The transparent allocation of state advertising (including any rules regulating the matter); other safeguards against state / political interference

In her report on the mission to Hungary published in May 2022, the UN Special Rapporteur on freedom of opinion and expression noted that a wide range of stakeholders in Hungary and at European and international levels, media outlets supporting or aligned with the political views of the Government significantly outnumbered those independent or critical of the Government. The Special Rapporteur was informed that all national television channels except one run by the German company, RTL, and all national radio stations had editorial lines considered to be pro-government. The gradual extinction of independent, or more critical, outlets was reportedly due to the Government’s proactive policies

and strategies to root out critical voices and provide direct and indirect political and financial support to those outlets willing to further its policies, as well as broader challenges of economic viability of the media sector in the digital age. Not only has the merger resulted in a sharp decline of media pluralism, as noted by experts but the Special Rapporteur found it deeply disturbing that an action that led to such significant concentration of media ownership with such critical impact on media freedom and pluralism in the country was not subject to any independent oversight or control. While independent and critical media radically shrank, the Government simultaneously facilitated the merger of 476 Hungarian outlets under KESMA, a foundation whose board members and Chief Executive had close ties with the Fidesz Party ([A/HRC/50/29/Add.1](#), para 31).

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

Other - please specify

Digital surveillance - In her report on the mission to Hungary published in May 2022, the UN Special Rapporteur on freedom of opinion and expression was concerned that the allegations regarding the use of Pegasus technology to conduct surveillance of journalists could have a chilling effect on investigative journalism. She encouraged the Government to enforce the 2016 decision of the European Court of Human Rights in the case of Szabó and Vissy v. Hungary, in which the Court found that the Hungarian legislation on surveillance did not provide safeguards sufficiently precise, effective and comprehensive on the ordering, execution and potential redressing of such measures ([A/HRC/50/29/Add.1](#), para 46).

IV. Other institutional issues related to checks and balances

D. The enabling framework for civil society

Measures regarding the framework for civil society organisations (e.g. access to funding, registration rules, measures capable of affecting the public perception of civil society organisations, etc.)

The UN Special Rapporteur on the freedom of opinion and expression in her report on the mission to Hungary reiterated the importance of the European Court's decision on the so called "Stop Soros" legislation. The Special Rapporteur welcomed this as a positive development not only for the freedom of expression of civil society organisations advocating in this field, but also for the realisation of the right to information of refugees and asylum seekers. The mandate-holder noted that following a decision of the Court of Justice of the European Union in 2021, the controversial 2017 NGO Transparency Law was repealed and a new "Law on the transparency of civil society organisations capable of influencing public life" was adopted. The Special Rapporteur urged the Ombudsperson office to monitor the application of this law to ensure it did not infringe on the ability of civil society to play its essential role in society, nor result into the stigmatization and discrimination against those active in the public domain. She noted that access to resources from abroad to promote human rights should be seen, not as a threat, but as a measure of international solidarity, from which Hungary itself has benefited significantly in previous decades. The Special Rapporteur urged Hungary to strengthen its relationship with civil society actors, including by ensuring their meaningful participation in public consultations ([A/HRC/50/29/Add.1](#), paras 20-26).