

2024 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, four editions of the Rule of Law Report have been published in 2020, 2021, 2022 and 2023.

The Commission would like to invite stakeholders to provide contributions to the 2024 Rule of Law Report. This survey provides information on the type of information and topics that will be covered in the 2024 Rule of Law Report, in order to allow stakeholders to provide input. More targeted input may be requested at a later stage of preparation of the 2024 Rule of Law Report, including in the context of country visits, or bilateral contacts.

The 2024 Rule of Law Report will continue to deepen the assessment under the existing four pillars, and will also follow-up on the implementation of the recommendations to Member States, that were issued as part of the 2023 Rule of Law Report. The contribution to be provided should include **(1) information on measures taken to implement the recommendations addressed to the Member State in the 2023 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 2023^[1] falling under the ‘type of information’ outlined in section II.**

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.

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

Type of information

The topics are structured according to four pillars: I. Justice system; II. Anti-corruption framework; III. Media pluralism; and IV. Other institutional issues related to checks and balances. The replies could include aspects set out below under each pillar. This can include challenges, current work streams, positive developments and best practices:

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, heads of independent authorities included in the scope of the questionnaire[2])

D) Any other relevant developments

- Respondents 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.

If there are no changes, it is sufficient to indicate this and the information covered in the contributions for the previous Rule of Law Reports should 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 Civil Liberties Union

Main Areas of Work

- ☐ Justice System
- ☐ Anti-corruption
- ☐ Media Pluralism
- ☒ Other

If "Other", please specify

The Hungarian Civil Liberties Union is a human rights NGO. Since our foundation in 1994, we have been working for everybody being informed about their fundamental human rights and empowered to enforce it against the undue interference by those in position of public power.

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

500 character(s) maximum

<https://hclu.hu/en>

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

088667934874-58

* Country of origin

Please add the country of origin of your organisation

- ☐ Afghanistan
- ☐ Albania
- ☐ Algeria
- ☐ Andorra
- ☐ Angola
- ☐ Antigua and Barbuda
- ☐ Argentina
- ☐ Armenia
- ☐ Australia

- ☐ Austria
- ☐ Azerbaijan
- ☐ Bahamas
- ☐ Bahrain
- ☐ Bangladesh
- ☐ Barbados
- ☐ Belarus
- ☐ Belgium
- ☐ Belize
- ☐ Benin
- ☐ Bhutan
- ☐ Bolivia
- ☐ Bosnia and Herzegovina
- ☐ Botswana
- ☐ Brazil
- ☐ Brunei Darussalam
- ☐ Bulgaria
- ☐ Burkina Faso
- ☐ Burundi
- ☐ Cabo Verde
- ☐ Cambodia
- ☐ Cameroon
- ☐ Canada
- ☐ Central African Republic
- ☐ Chad
- ☐ Chile
- ☐ China
- ☐ Colombia
- ☐ Comoros
- ☐ Congo
- ☐ Costa Rica
- ☐ Côte D'Ivoire
- ☐ Croatia
- ☐ Cuba
- ☐ Cyprus
- ☐ Czechia
- ☐ Democratic Republic of the Congo
- ☐ Denmark
- ☐ Djibouti
- ☐ Dominica
- ☐ Dominican Republic
- ☐ Ecuador
- ☐ Egypt
- ☐ El Salvador
- ☐ Equatorial Guinea
- ☐ Eritrea
- ☐ Estonia

- ☐ Eswatini
- ☐ Ethiopia
- ☐ Fiji
- ☐ Finland
- ☐ France
- ☐ Gabon
- ☐ Gambia
- ☐ Georgia
- ☐ Germany
- ☐ Ghana
- ☐ Greece
- ☐ Grenada
- ☐ Guatemala
- ☐ Guinea
- ☐ Guinea Bissau
- ☐ Guyana
- ☐ Haiti
- ☐ Honduras
- ☒ Hungary
- ☐ Iceland
- ☐ India
- ☐ Indonesia
- ☐ Iran
- ☐ Iraq
- ☐ Ireland
- ☐ Israel
- ☐ Italy
- ☐ Jamaica
- ☐ Japan
- ☐ Jordan
- ☐ Kazakhstan
- ☐ Kenya
- ☐ Kiribati
- ☐ Kuwait
- ☐ Kyrgyzstan
- ☐ Laos
- ☐ Latvia
- ☐ Lebanon
- ☐ Lesotho
- ☐ Liberia
- ☐ Libya
- ☐ Liechtenstein
- ☐ Lithuania
- ☐ Luxembourg
- ☐ Madagascar
- ☐ Malawi
- ☐ Malaysia

- ☐ Maldives
- ☐ Mali
- ☐ Malta
- ☐ Marshall Islands
- ☐ Mauritania
- ☐ Mauritius
- ☐ Mexico
- ☐ Micronesia
- ☐ Monaco
- ☐ Mongolia
- ☐ Montenegro
- ☐ Morocco
- ☐ Mozambique
- ☐ Myanmar
- ☐ Namibia
- ☐ Nauru
- ☐ Nepal
- ☐ Netherlands
- ☐ New Zealand
- ☐ Nicaragua
- ☐ Niger
- ☐ Nigeria
- ☐ North Korea
- ☐ North Macedonia
- ☐ Norway
- ☐ Oman
- ☐ Pakistan
- ☐ Palau
- ☐ Panama
- ☐ Papua New Guinea
- ☐ Paraguay
- ☐ Peru
- ☐ Philippines
- ☐ Poland
- ☐ Portugal
- ☐ Qatar
- ☐ Republic of Moldova
- ☐ Romania
- ☐ Russian Federation
- ☐ Rwanda
- ☐ Saint Kitts and Nevis
- ☐ Saint Lucia
- ☐ Saint Vincent and the Grenadines
- ☐ Samoa
- ☐ San Marino
- ☐ Sao Tome and Principe
- ☐ Saudi Arabia

- ☐ Senegal
- ☐ Serbia
- ☐ Seychelles
- ☐ Sierra Leone
- ☐ Singapore
- ☐ Slovakia
- ☐ Slovenia
- ☐ Solomon Islands
- ☐ Somalia
- ☐ South Africa
- ☐ South Korea
- ☐ South Sudan
- ☐ Spain
- ☐ Sri Lanka
- ☐ Sudan
- ☐ Suriname
- ☐ Sweden
- ☐ Switzerland
- ☐ Syrian Arab Republic
- ☐ Tajikistan
- ☐ Tanzania
- ☐ Thailand
- ☐ Timor-Leste
- ☐ Togo
- ☐ Tonga
- ☐ Trinidad and Tobago
- ☐ Tunisia
- ☐ Turkey
- ☐ Turkmenistan
- ☐ Tuvalu
- ☐ Uganda
- ☐ Ukraine
- ☐ United Arab Emirates
- ☐ United Kingdom
- ☐ United States of America
- ☐ Uruguay
- ☐ Uzbekistan
- ☐ Vanuatu
- ☐ Venezuela
- ☐ Viet Nam
- ☐ Yemen
- ☐ Zambia
- ☐ Zimbabwe

First name

Surname

Email Address of the organisation (this information will not be published)

*** 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 2024 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 2024 RoL Report.pdf](#)

Please provide any relevant information on horizontal developments here

5000 character(s) maximum

Questions for contribution

The following four pillars (I.-IV.) are sub-divided into topics (A., B., etc.) and sub-topics (1., 2., 3., etc.). For each of the topics and sub-topics, you are invited to provide (1) information on measures taken to

implement the recommendations addressed to the Member State in the 2023 Rule of Law report, as well as developments with regard to the points raised in the respective country chapter of the 2023 Rule of Law Report and (2) any other significant developments since January 2023^[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.

If there are developments you consider relevant under each of the four pillars that are not mentioned in the sub-topics, please add them under the section "other - please specify". Only significant developments should be covered.

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 covered in contribution [only one choice possible]

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

- ☐ 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

I. Justice System

Please provide information on measures taken to follow-up on the recommendations received in the 2023 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

Remuneration/bonuses/rewards for judges and prosecutors, including observed changes (significant and targeted increase or decrease over the past year), transparency on the system and access to the information

5000 character(s) maximum

Independence/autonomy of the prosecution service

5000 character(s) maximum

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

5000 character(s) maximum

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

5000 character(s) maximum

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 under section 2)

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

5000 character(s) maximum

Resources of the judiciary (human/financial/material)

(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, particularly electronic communication 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 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 specialization, 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)

Length of proceedings

5000 character(s) maximum

Other - please specify

5000 character(s) maximum

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 2023 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 measure taken to effectively and timely cooperate with OLAF and EPPO (where applicable)

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 and their application (including as regards incompatibility rules, revolving doors, codes of conduct, ethics training)

5000 character(s) maximum

General transparency of public decision-making (including rules on lobbying and their enforcement, asset disclosure rules and enforcement, gifts policy, transparency of political party financing)

5000 character(s) maximum

Rules and measures to prevent and address 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

If available to you, for the three preceding questions, you are also invited to provide figures on their application, such as number of detected breaches/irregularities of the various rules in place and the follow-up given (investigations, sanctions, etc.).

Measures in place to ensure whistleblower protection and encourage reporting of corruption, including the number of reports received and the follow-up given

5000 character(s) maximum

Sectors with high-risks of corruption in your Member State:

- Measures taken/envisaged for monitoring and preventing corruption and conflict of interest in public procurement
- List other sectors with high risks of corruption and the relevant measures taken/envisaged for monitoring and preventing corruption and conflict of interest in these sectors (e.g. healthcare, citizen /residence investor schemes, urban planning, risk or cases of corruption linked to the disbursement of EU funds, other), and, where applicable, list measures to prevent and address corruption committed by organised crime groups (e.g. to infiltrate the public sector)

5000 character(s) maximum

Any other relevant measures to prevent corruption in public and private sector

5000 character(s) maximum

C. Repressive measures

Criminalisation, including the level of sanctions available by law, of corruption and related offences, including foreign bribery

5000 character(s) maximum

Data on the number of investigations, prosecutions, final judgments and application of sanctions for corruption offences (differentiated by corruption offence if possible) including for legal persons and high level and complex corruption cases) and their transparency, including as regards to the implementation of EU funds

5000 character(s) maximum

Potential obstacles to investigation and prosecution as well as to the effectiveness of criminal sanctions 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 non-criminal measures and of sanctions (e.g. recovery measures and administrative sanctions) on both public and private offenders

5000 character(s) maximum

Other - 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 2023 Report regarding media pluralism and media freedom (if applicable)

5000 character(s) maximum

The recommendations were not implemented. No legislative proposals have been made to introduce mechanisms strengthening the functional independence of the media regulator. Neither has been any steps taken to strengthen the independent governance and the editorial independence of public service media. There is still no progress in enhancing the functional independence of the media regulator taking into account European standards on the independence of media regulators or in enhancing the independent governance and editorial independence of public service media taking into account European standards on public service media.

The media regulator body exercises no substantial control over the public service media. The two bodies responsible for monitoring the requirements of public service media (Public Service Public Foundation, Public Service Body) do not have competences to monitor if the public service media is in line with the requirements of public service, no such procedure exists (existing mechanisms only pertain to the public service medium CEO's yearly report: if they do not accept the report, they can terminate the CEO's position with a supermajority vote). Neither body has professional background related to the media either which weakens the prospects of the expectable control. Even the Media Council does not have overall monitoring competences, only regarding the specific programs (imposing fines) thus cannot act as an effective check /balance in guaranteeing the requirements of public service media.

Pursuant to Paragraph (1) of Article 181 of Act CLXXXV of 2010 on Media Services and Mass Media, the Media Council is entitled to initiate official proceedings on the basis of a request in the event of a violation of the obligation of balance specified in Article 13 of the Act and Paragraph (2) of Article 12 of the Act with regard to the media services of significant influence power media service providers and public service media service providers. However, there is no existing procedure for the monitoring of the systemic breach of balance either on request or ex officio in the Act.

Furthermore, the current Media Council is not initiating proceedings about the breaches of requirements of public service even about specific programs. Neither the Public Service Public Foundation, nor the Public Service Body has issued any public declaration about any arisen criticism. There are no existing mechanisms in which the deficiencies of the service of the Public Service Public Foundation, the Public Service Body or the Media Council could be pronounced and their displacement could be reached.

As regards the transparency of state advertising spending, there has been no improvement. There is no change either at legislative level or in the day-to-day practice of public institutions. There is still no transparency in the state advertising; it is not known exactly how much money is spent by the state on which media, nor is it known what the decision-making mechanism behind public spending is.

A. Media authorities and bodies

(Cf. Article 30 of Directive 2018/1808)

Measures adopted 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

The framework for the appointment of the president of the National Media and Infocommunications Authority (Authority) and the Media Council (the regulatory body of the Authority) has not changed. The president of the Authority is appointed by the President of Hungary for 9 years upon the proposal of the Prime Minister. Upon appointment, the President becomes the nominee for the presidency of the Media Council and is elected by the Parliament with a 2/3 supermajority for 9 years: the Parliament's role is limited to a mere right to reject the nominee. Somewhat more substantive parliamentary control is present in the election of the 4 other members of the Council (each for 9 years), which from August 2022 is based on the proposal of the Parliament's Cultural Committee, in which the 2/3 majority of the members are of the governing parliamentary group Fidesz-KDNP, but opposition delegates are still present.

According to the Authority's recently issued analysis in July 2023 regarding the international media freedom reports concerning the Hungarian media landscape and the Authority since 2010, the sole fact that the president of the Authority is nominated by the Prime Minister is not a threat to the Authority's independence: "The mere fact that the law gives the Prime Minister the power to propose the president of a non-governmental body does not in itself imply that the non-governmental body is acting on the instructions of the Government or the Prime Minister." The president of the Authority expressed in an interview in October 2023 that they are "not looking for the opportunity to punish", they "wait if a complaint arises from the audience, rather rarely start ex officio proceeding". The Authority did not initiate ex officio proceeding against HírTV's manipulated news war reporting on 17 July 2023, only launched a procedure after civil complaints were sent to the Authority. However, the Authority did not wait for complaints to launch a procedure ex officio against the biggest independent commercial TV on 30 November 2023, on age restriction rating issues.

The Public Service Public Foundation's duty is to ensure the legislative requirements over the public service media. Its Board, the operating body, consists of six members elected by the Parliament (3 nominated by the governing parties and 3 by the opposition parties) for 9 years, the president of the Authority and another

delegate of the Authority. Membership ceases with conflict of interest, a dispensation (in case the person is undergoing conservatorship), or exclusion (if the person culpably fails to perform the role for more than 6 months, or if convicted and sentenced to imprisonment, or if professionally disqualified regarding the person's role in the Board or deprived of civic rights.) If a vacancy arises in the same parliamentary term or a different one with the same parliamentary composition, either the governing group or the opposition which nominated the previous member has the right to nominate. Since August 2022, if a vacancy arises in a different parliamentary term that changes the composition, the parliament's cultural committee nominates, considering the changes. In both cases, after nomination, the Parliament elects the new members for a term lasting until the expiration of the other elected members' term. If the delegated president's or the delegated member's status ceases, the Authority delegates another president/member in 15 days for a term lasting until the expiration of the other elected members' term. The current Public Service Public Foundation members were elected in 2019 by the Parliament, with an additional member elected in 2021 as one of the former members died.

The Authority's president pointed out the responsibility of the Public Service Public Foundations's Board, however, so far, the Board has not made any significant steps against the misuse of the public service media.

The Public Service Body's role is to oversee whether public service requirements are met by the state media. Members of the Public Service Body are delegated by specific organisations for 3 years. New members were delegated in 2023 from the preexisting categories. CSOs with expertise and/or experience in the media are still ineligible to apply. According to Article 97(6) of Act CLXXXV of 2010, the Public Service Body ensures the social monitoring of the public service media and, according to Article 97(7) of Act CLXXXV of 2010, continuously monitors the implementation of the public service obligation and shall exercise control over the public service media service provider concerning the implementation of the provisions of this Act, in accordance with paragraphs (8) to (13).

In February 2023, the Public Service Body approved the report of the CEO of the major public service media outlet, Duna Zrt. with slight critical remarks.

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 (including any rules regulating the matter)

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

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, as well as any rules regulating the matter

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

It concerns Alert No. 229/2023 that the Parliament passed Act LXXXVIII of 2023 on the Defence of National Sovereignty (hereinafter: Act) on 12 December 2023 despite the objection of, e.g., the International Press Institute as the law threatens independent journalists and investigative media outlets who receive financial support from abroad. Ten Hungarian news outlets (atlatszo.hu, Magyar Narancs, Magyar Hang, Partizán, Telex, Direkt36, Nyugat.hu, Media1, 444, Qubit, Válasz Online, Lakmusz) issued a joint statement as "[i]ndependent media outlets that obtain and report information in the public interest are repeatedly accused of serving 'foreign interests'" and "[t]he creation of a 'Sovereignty Protection [Office]' that can collect unlimited data, can interrogate anyone, and can be used against anyone, is contrary to the most basic norms of the rule of law." The Act established the Office for the Defence of Sovereignty "in the interest of protecting constitutional identity" to "carry out analytical, assessment, proposal-making and investigative activities.", a body which proceedings are unregulated yet has excessive investigative powers, and will make the results of its investigations public against which legal remedy is explicitly excluded.

The Act was announced months after a pro-government institute issued a report which positioned independent Hungarian news outlets' funding as a risk to Hungarian sovereignty arguing that "(...) in the Hungarian media landscape content producers financed from abroad, have reached a critical level; thus the structure of foreign-funded structural financing raises the question of the harm of domestic interests. (...) 54 percent of the media products examined in the analysis, on aggregate average, express explicitly anti-government messages, and not merely critical opinion of the government." The report pointed to Hungarian news outlets as receivers of foreign financial support. The law is opposed by journalists and media outlets as well as non-governmental organizations.

Hungary is still not in compliance with the ECHR regarding regulations on authorizing state surveillance. The government failed to make any effort to implement the 2016 ECtHR judgment Szabó and Vissy v. Hungary that stated: Hungary has no effective control over the government-authorized surveillance, and the excessively broad range of potential victims of surveillance may give rise to mass-surveillance – a concern of the ECtHR that came to realization in the Pegasus-affair. Although the decision specifically warned

against the potential threat the legislation may impose on journalists, the Government's failure to set up an effective control mechanism to prevent the abuse of surveillance resulted in a surveillance action of an unprecedented extent targeting journalists.

As regards Alert No. 180/2020, the Constitutional Court rejected the constitutional complaint of the publisher of the news outlet Népszava on 6 December 2022, which published a caricature at the time of the pandemic about the Government's surgeon general and against which a Christian MP launched a lawsuit. The caricature ridiculed the surgeon general's frequent saying that people killed by the virus had underlying diseases (in Hungarian, the text of the caricature can be interpreted as a pun) and pointed out that the surgeon general would comment on Jesus Christ's death as though his underlying disease could have caused the death. The context of the caricature is that the current ruling coalition includes the Christian Democratic People's Party, and the Government refers to Christianity (a Christian country) in its rhetoric. The court held the news outlet liable for violating the MP's personality right in relation to his belonging to the Christian religious community and ordered the news outlet to pay 400,000 HUF for compensation.

Smear campaigns against critical journalists are coming from government-friendly media against the uncovering the spending of public money or the investigative reporting about abuses in a Christian children's home. The public service media in its news program called Telex and 444 newspapers liars for uncovering the biased reporting of the news on air.

Mayors in some areas also pose a threat to local journalists. The mayor of Győr smeared the local newspaper *ugytudjuk.hu*. The mayor of Nagyatád supposedly fired the editor-in-chief and the photojournalist of *Atádhír* as the local news reported about the public ridicule of a tourist center's inauguration by the President of Hungary has turned into as the bathroom was not ready yet: the dividing walls were missing around the toilets.

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

5000 character(s) maximum

There is still no dedicated law enforcement capacity to prevent or investigate attacks on journalists, and neither criminal law nor law enforcement practice treats journalists as a group that requires enhanced protection.

The police used tear gas in two major student protests in April and May 2023. Protesters were mostly students and teachers, they were affected the most. However, journalists were also injured by the tear gas.

A journalist of online medium *Mérce* was threatened on the phone in February 2023 after reporting from a counterprotest of a far-right memorial event with being killed by an unknown person. The police started investigating the case and interrogated a suspect.

A security guard attacked and damaged the equipment of a journalist interviewing the president of Jobbik political party on 27 June 2023.

It took more than one and a half months for the Hungarian Standby Police National Bureau of Investigation to start investigating a series of Distributed Denial of Service (DDoS) attacks which happened against at least 40 Hungarian news outlets (and the website of Budapest Pride) as the Police investigated each case separately at first. The International Press Institute issued a warning in August 2023, calling the attacks "unprecedented" and "one of the broadest cyber-attacks against an independent media community within a European Union member state to date". The IPI Deputy Director suggested that the attacks "could also pose

a major threat to election integrity and democracy” and urged Hungarian law enforcement authorities to step up in investigating the case. The National Cyber Security Center (NCSC), which was first notified by Media1 about the case, refused to look into the case, referring to no power of investigation; however, later joined the investigation after the Hungarian Standby Police National Bureau of Investigation took over the case upon the call of IPI. The Hungarian Journalists’ National Association called on the Authority to perform its existing duties towards enabling a safe infocommunication space, ensuring central protection against such attacks.

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

The Parliament introduced new restrictions regarding the state's compliance with freedom of information in December 2023. According to the new provisions, state organs (and other public fund users) can deny freedom of information (FOI) requests if the requested data requires the comparison of certain data in their possession or if the requested data is only accessible by the organ through the means of being the supervisory body of the organ which generated the data.

State owned enterprises now have to deny FOI requests regarding foreign investments and relations for a period of ten years upon the evaluation of the minister of the Cabinet Office of the Prime Minister (exercising the ownership rights) about the potential threat to the state's foreign interests.

HVG online newspaper won a FOI lawsuit to uncover semi-confidential public government resolutions.

However, a newly adopted provision orders non-classified government resolutions to remain secret for a period of twenty years if “endangering public interest”.

The prolonged extension of the deadline to answer FOI requests has been abolished from January 2023. In addition, legislative modifications entering into force in January 2023 made FOI lawsuits faster. Receiving first instance decisions has become faster, but it is not resulting in the data becoming public: it takes months /years for such lawsuits to bear substantial results. The documents of the Operative Board (the decision-making body about pandemic measures) have just been ordered to be made public by the Ministry of Interior in a legally binding decision in December 2023, although the lawsuit was launched in May 2022.

FOI lawsuit procedures are protracted due to the fact that data holders request exceptional legal remedies by bringing legally binding decisions to the Kúria. The Prime Minister’s Office lost a FOI lawsuit against Hättér Society first and second instance, however, took the decision to the Kúria. The State Audit Office lost a FOI lawsuit against Mérték Media Monitor and turned to the Kúria in November 2023 after the court’s legally binding decision to disclose the data. The municipality of Nyíregyháza also lost a FOI lawsuit, both first and second instance, against a local CSO asking for the local desegregation applications, and also requested a review from the Kúria. This case (launched in October 2021) is still under judicial review in January 2024.

Access to data regarding public funds remains still restricted based on the constitutional amendment that narrowed down the definition of public funds. Parliament is still in failure to comply with the legislative duty ordered in a 2020 Constitutional Court decision that set a due date of 31 December 2020, to amend the Act of Parliament regulating FOI procedures since the current law does not guarantee judicial remedy if the public information is not held by a public authority but by an organisation which entered into financial relations with a public body. Currently, this omission results in the lack of legal remedies for those requesting such public data, as courts do not order these data holders to disclose the data referring to the not-yet-existing legal grounds. Recently, a constitutional complaint raised this issue in front of the Constitutional Court.

A journalist of investigative news portal Átlátszó was stopped from interviewing a high-profile convict on 31 July 2023, referring to “technical issues” and later not allowed to continue (some questions involved the current Minister of Interior’s supposed role in the crimes committed). As there is no domestic legal remedy against such banning of the realization of an interview, Átlátszó turns to the European Court of Human Rights. In September 2023, Átlátszó was banned from interviewing another convict related to the previous case.

The Secretariat of the President of Hungary pressured the online medium Válaszonline to change the journalist who would have conducted an interview with the President.

Specific journalists or media outlets are still not granted access to government press conferences, including the one the Prime Minister held on 21 December 2024, the only instance where independent media outlets had the opportunity to ask questions from the PM in an organized manner. The minister of the Cabinet Office of the PM admitted that he holds background discussions with only government-friendly journalists invited.

Magyar Hang independent newspaper was not accredited to the press events of Pope Francis’ visit to Budapest in April 2023. A photojournalist from the online newspaper 444 was also banned from attending the papal press events due to allegedly posing national security risks.

Hungarian journalists were not accepted to report from the Hungarian CPAC conference starting from 4 May 2023, while a journalist from the Guardian was thrown out of the conference due to “superior orders”.

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

Serving business interests and exercising municipal oppression were the two main trends in SLAPP lawsuits in Hungary in 2023.

Business-owners are abusing the provisions of the European Union's General Data Protection Regulation (GDPR), the goal of which is personal data protection, to prohibit the press from reporting about significant enrichment of businesses in the country which also frequently involves state subsidies. Even if the challenged article was produced using data from public databases or otherwise public data, GDPR is still weaponized against the press. A common feature of the cases is that the articles involved in the proceedings concern public affairs, typically with the political-economic relations of the actors concerned as the main subject.

As the regulation of GDPR does not expressly guarantee protection rules for the freedom of the press, it can be abused to suppress the functioning of the press in countries that have not adopted specific rules exempting the press from the rules of GDPR (which legislative action the GDPR allows).

Regarding alert no. 176/2020, in which case the court prevented the publishing of part of an article in Magyar Narancs newspaper granting a preliminary injunction to a business owner who filed a GDPR complaint against the newspaper, the Budapest Metropolitan Court issued a decision on the merits favoring the press, ruling that there was no violation of personality rights due to publishing a portrait of one of the wealthiest Hungarian families in a weekly magazine. As there was no legal remedy against the preliminary injunction, which prohibited part of the newspaper’s article from being published, the newspaper turned to the Constitutional Court, which rejected the complaint against the lack of remedy in its decision no. IV/493-4 /2023. made on 10 May 2023, claiming that the contested decision cannot be regarded as a decision on the

substance of the case. Magyar Narancs filed a complaint before the European Court of Human Rights in September 2023; the case is pending.

Regarding Alert No. 12/2020, in which case Forbes magazine was prohibited from indicating one of the wealthiest Hungarians in their annual list, as the businessman complained on GDPR grounds. The newspaper turned to the Constitutional Court against the ruling of the preliminary injunction order. Still, the Constitutional Court rejected the complaint, claiming that the contested decision could not be regarded as a decision on the substance of the case (decision no. IV/1908-23/2020). Forbes filed a complaint to the European Court of Human Rights in May 2023; the case is pending.

Mayors are repressing local journalists who articulate criticism towards the municipality's leadership, in which cases the current jurisprudence grants protection to the critical voices. The mayor of Nyírmártonfalva filed a lawsuit against investigative news site Átlátszó following a report on the outrageous misuse of EU funds: cutting down a forest upon which a canopy walk site should have been installed. The court ruled in favor of Átlátszó, granting protection to investigative journalism. A mayor posed criminal charges against a local newspaper's journalist, Makói Csípős, who wrote about the mayor's criminal record; the criminal proceeding was terminated in favour of Makói Csípős. A mayor of the district Zugló, Budapest, launched and lost a lawsuit for press correction against a TV2 article reporting about his real estate acquisition and turned to the Constitutional Court in August 2023 for the supposed violation of his reputation and fair trial rights. A CEO of the municipality of Szeged's company sued local newspaper Szegeder for an article that included criticism from a municipal councillor, the Court of Szeged ruled in favor of the newspaper on second instance in July 2023.

Other - please specify

5000 character(s) maximum

IV. Other institutional issues related to checks and balances

Please provide information on measures taken to follow-up on the recommendations received in the 2023 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 consultation of judiciary and other relevant stakeholders on judicial reforms), 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

Statistics/reports concerning the follow-up of 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

Follow-up by the public administration and State institutions to final (national/supranational, including the European Court of Human Rights) court decisions, 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 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 for protection 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

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

Rules and practices on the participation of civil society organisations and human rights defenders to the decision-making process (e.g. measures related to dialogue between authorities and civil society, participation of civil society in policy development and decision-making, consultation, dialogues, etc.)

5000 character(s) maximum

E. Initiatives to foster a rule of law culture

Measures to foster a rule of law culture (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

Other - please specify

5000 character(s) maximum

Contact

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