



**HCLU** HUNGARIAN  
CIVIL LIBERTIES UNION

# ANNUAL REPORT

## 2021

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## INTRODUCTION

In this introduction of the annual report the past meets the future. We take stock of the successes, difficulties and joys of the past year, whilst keeping at least one eye on the future. We are thinking about what lies ahead, how we will work in the coming year to make our country increasingly free, brave and equal.

2021 was similar to 2020 in many ways. This year the team has been away from each other too much, and again we had to rethink many of our plans due to the pandemic. We also spent a lot of time in 2021 focussing on restrictions and measures due to the coronavirus pandemic. Our legal helpline received over 5,000 questions related to the pandemic, and we are constantly producing and updating information sheets on our website, which have been used by hundreds of thousands of people. We also took a stand on fundamental rights on a number of issues related to the pandemic. We offered health workers legal aid and document templates for procedures when the government changed their status in the middle of the pandemic. Together with forty organisations, we launched an open letter and a petition calling on the state to take effective measures to protect people living in extreme poverty from the pandemic. It was important recognition for us that our hard work was rewarded with the Most Impactful Project Civil Award by our peers who understand exactly what it is like to work as an NGO.

We have been successful in national and international courts. Ensuring that the state operates transparently is one of our key objectives. We started several

lawsuits and obtained the vaccination plan. We have gone all the way to the European Court of Justice to find out what is in the report investigating how Elios Zrt. managed its money to finance terrible public lighting from EU funds. We defended in court the reputation of the Menedék Association, which was violated by the public media. The case is an important step in the defence of NGOs persecuted by the state. This year, we have continued to stand up for a free press and active citizens in a number of court cases. We represented parents, when the state violated their rights, and took their children away from them, ignoring their freedom of choice.

Our attention did not waver all year. We were the ones who drew attention to the dangerous law that legalises the creation of a fictitious address, fuelling the electoral fraud known as voter tourism. Last year, we browsed through a number of municipal decrees to get provisions that unduly burden the poor removed. We constantly monitor the activities of extremist organisations and whether the state authorities and the police are taking appropriate action against dangerous groups.

Although we had to redesign our work many times because of a number of unforeseen breaches, we still had the strength to work towards our long-term goals. One of the most important of these is to get more free and brave people actively involved in public life. In our regional programme we work to successfully transfer the legal opportunities and practical tools we know to organisations and citizens across the country. This year we opened our first

regional office in Pécs. We launched legal aid services in Szeged and Debrecen. We have engaged with a large number of NGOs and citizens, and we are now running workshops on 13 topics across the country.

The year ahead, 2022, will be more exciting than just an election year. Many believe that there is a real chance for political change after the primaries. Perhaps even more people think there will be a lot of uncertainty. The excitement will certainly not end with the spring elections. We, at TASZ, can promise to remain consistent and unyielding. We will always be there where legal protection is needed. We can only do our job well if we can react to the situation at hand, defend our values and citizens' rights and remain consistent. This requires us to prepare for as many situations as possible in advance. This is what is happening now: we are preparing for the changes that could be made to the legal system and institutions, for a period possibly of more turbulent post-election politics, including violent mass protests. Nor will we be surprised if political change is not forthcoming.

Our ability to adapt demonstrated during the pandemic is matched by consistency. As always, we will demand the same principles and rights from whoever comes to power. Advocates are needed in all situations, as our founders recognised in 1994. In any system, even the most democratic one, there is a need for those who independently challenge power, who stand up for those who are treated without compassion or attention. We remain consistent because we believe that not only we can, but we must, stand up against injustice, against laws that trample on rights, but we can only do so authentically, by holding

ourselves accountable to the same principles that we hold others to.

We must also remain consistent, because there is still a long way to go before we have a stable and broadly active civic community in Hungary. We believe that Hungary can be successful if there are many of us who participate in discussing and deciding common issues, if there are many of us who care enough about politics to have an opinion, and where many of us feel we have the power to hold decision-makers to account.

**EQUAL. BRAVE. FREE.** These are the values we believe in. We believe that we can only be a truly successful country if all citizens have equal rights and opportunities. If our fate is not decided at birth.

We will continue to work towards these goals in 2022 through our courts, our workshops, our legal aid service and our campaigns. In Budapest and all over Hungary.



# SZABAD AWARD 2021

**"We want all the candidates to feel that we are grateful to them. They often face difficulties, and we want to compensate for this by celebrating them tonight."**

***Stefánia Kapronczay***

Every year this is a special day for us, when we celebrate the SZABAD Award nominees and present the awards to recognise the brave people who are working for a freer Hungary. This year, we met nine extraordinary people, with nine extraordinary stories. Some of them are defending the shores of Lake Balaton, others are fighting for free culture, and some have been nominated for their uncompromising stand during the pandemic. They started from different places, fighting for different goals. They have one thing in common: they give hope that it is worth fighting for noble causes in Hungary.

We believe that by telling and amplifying stories of people standing up for what is right, fighting for the rights of their communities, and not being afraid to stand up to power, these stories can be a source of strength and inspiration for

others. We want to hear stories that inspire action, that tell the story of how anyone can create something important, something extraordinary. Such were the stories of the 2021 nominees: **Judit Ignácz**, **Boglárka Fedorkó** and the

**Ame Panzh**, which helps Roma youth to talk freely about the indifference and hate surrounding them; **András Bukovszki**, who stands up to make sure that people who love Lake Balaton have something left of it; **Laura Edina Juhászné Papp**, who did not put up with disabled people being ignored when the Dunakeszi railway station was renovated; **Anna Lilla Szalay**, who makes us see her as the young woman, the influencer, and the role model that she is, and not reduce her to simply a girl with Down's syndrome; **Dr László Szijjártó**, who stands up so that the failures of the healthcare system are not hushed up during the pandemic; and **Edina Sztojka**, who, when putting on the protective wear as a nurse during the pandemic, could finally experience not being suspicious due to the colour of her skin.

*"We believe in openness, transparency and community thinking, but all this is less and less true of Hungary today. The core values of their community are freedom, openness and, above all, humanity. It's also our job to be brave, to set an example that we can and must be brave, because no one else can dare for us."*

**Kata Csató** represented the Freeszfe Association, who won the jury's prize for their brave stand.

*"We realised that we rainbow families also need to do something to make our country a freer, more accepting, cooler place. We could exist in our own bubble, we could concentrate on our children, but it is our children who are the reason we have to get into this, we have to do it so that they can grow up in a better, calmer, more liveable and accepting country."*

**Márton Pál**, who launched the "Family is Family" campaign and won the audience award.

*"Dreams are what drive children forward, and a supportive environment of people who believe they can achieve it. Believing in your dreams is true freedom. That's why we believe in children at the Csörögi Tanoda, so that they can make a freer choice about their future."*

The special prize of BOOKR Kids was awarded to Nóra Hárs and Yvette Kalina from the Csörögi Tanoda, who help disadvantaged children to learn the school curriculum and develop their skills through playful activities and programmes.

### **Sponsors of the SZABAD Award 2021**

**444.hu, the British Embassy, BOOKR Kids, PekSnack, Kriszta Búza - Kitchy Design, Réka Velényi and Balázs Sike - Sike Pince, Viktória Hitka and an anonymous donor**

**Thank you!**

# #TÖBBKÖTÖSSZE



**Over the past 30 years, we have become accustomed to dividing our society into opposing camps. That politicians and our elected representatives emphasise what makes us different: that we have different skin colour, think differently about the world, or love different people. In recent years, we have seen an unprecedented level of hate speech, which has been used by those who have been in government for 12 years. Xenophobia has defined government communication in recent years, and by 2020 it became clear that anyone can be a target if the interests of power so require. The country's leaders publicly stigmatise and exclude those who think differently and who they do not consider valuable enough. They want to tell us what a family is, what it means to be Hungarian or Christian in our country.**

We think it is important for people to recognise that exclusion has become a political tool, and to arm themselves with this knowledge to combat hate speech.

We believe that it is only through social cohesion that we can put a stop to politically motivated exclusion and hate speech. All the more so because it is

about our future, about the kind of country we will live in in the coming decades, because incitement to hatred poisons society in the long term. We believe in a country where everyone has a place, and that we are stronger when we work together to solve problems rather than divided. That is why on 4 June 2021, on the Day of National Unity, we

launched a campaign with TASZ Ambassador **Zsolt Nagy** entitled #TöbbKötÖssze. The director of photography for the campaign was Kossuth Award winner **Mátyás Erdély**, cinematographer of the Oscar-winning *Son of Saul*. As part of the campaign, we have provided citizens with information and tools to effectively fight hate speech and stand up for those who are unjustifiably attacked by the authorities in the most ordinary situations. The campaign was accompanied by a mailing campaign in which those who joined the campaign could send an open letter to President **János Áder**, asking him not to remain silent and not to stand idly by in the face of hate speech being fuelled by the government. We have launched an exclusive newsletter for our mailers, giving you values, feelings and arguments to stand up against exclusion and hate every three weeks.

On 23 October, we worked with well-known people on our social media platforms to show the many ways in which exclusion can affect us, and the wide range of good practices and positive solutions.

For this occasion, together with two Hungarian art projects, Delka and Olovka Studio, we created a package of T-shirts and a badge that anyone anywhere can use to say:

**there is more that unites us than divides us.**

In November, we also launched a fundraising marathon called #kössükössze, where our ambassadors raised funds with their hand-knitted creations.

We believe that we can do something to break the habits of the last 30 years, so that now politicians have to compete in an election campaign where the only tool may be to speak out against hate speech, not to say anything discriminative. Because those in power have a duty to embody national unity, to promote social equality, to represent us all.

After 2022, we will all be living in this country, it is up to us what we make it. It is time to finally believe that

**there can be a Hungary where everyone feels at home.**





Photo: Great Lakes Coalition / Bence Járdány

## WE STAND BY ACTIVE CITIZENS PROTECTING THEIR ENVIRONMENT

**In the past, we have already received a large number of legal aid requests from citizens who wanted to have a say in local matters, and over the past year we have seen an increasing number of these relating to nature and environmental protection.**

In 2021, we had dozens of cases that fall into this category. We have also been approached by the **Great Lakes Coalition** and the **Alba Natura NGO Foundation for Lake Velencei**. Both organisations are made up of determined citizens who want to protect their environment from destruction and degradation. Experience has shown that public authorities are not open to involving the NGOs that are working to protect the environment in the decision-making process: if there are public hearings or consultations, they are often manipulative and empty.

We have been able to give them and others the tools to take steps to protect their environment: requests for public interest data, public interest notifications and administrative litigations are all tools in the hands of citizens who want to take action for their environment. These tools can certainly be used to draw the attention of other people or even the press to the problems, and to slow down the destructive processes, even if they cannot necessarily stop the power that is

willing to sacrifice nature on the altar of business interests.

In addition to targeted legal assistance, we have contacted NGOs specifically active in green issues and started to explore how we can provide them with effective legal backing for their own struggles. This way we are not only protecting the environment, but we are also supporting the brave and active citizens who are willing to take action for the sake of our natural environment.

We can see that Hungary's citizens haven't lost their courage, and that the protection of the environment is becoming increasingly important to them. Over the past year or so, we have done our utmost to ensure that these brave citizens have all the legal means to assert their rights and interests. The question is whether this courage and knowledge will coalesce and whether a system-critical civil society will emerge in Hungary that reacts to the intentions of the authorities that damage the environment and society.

# WE ARE OPENING NEW OFFICES IN THE COUNTRY



**In 2020, we started to build our presence outside Budapest and launched a personal legal aid service in Pécs and Debrecen. In 2021, we continued to strengthen our rural outreach in the framework of our Regional Programme, making personal legal assistance available to Szeged residents as well.**

**An important objective is to open offices outside Budapest in order to contribute to increasing democratic participation and to increase the number of informed citizens expressing their views on public issues. We see a need for more targeted legal assistance and awareness-raising outside Budapest, and it is also important for us to better understand the problems of people living here and to find solutions to these problems in line with fundamental rights.**

The opening of our first office outside Budapest was based on research, and we had to take into account many different aspects when deciding on the location. As a result of the selection process, we chose Pécs in March 2021.

In the spring, legal aid was available online due to the epidemic, but since the Summer, it has also been available in person. In the South-Transdanubian region we have provided legal assistance in more than 40 cases so far; we have

been contacted on a variety of topics from Kaposvár, Szekszárd, Dombóvár and Pécs. We have provided legal advice on the right of assembly, public interest data requests, guardianship, child removal, and we have also been asked for help with regulations and decisions related to the Covid-19 pandemic.

Through our rural presence, we also aim to help people who want to take action, who are active and share democratic

values, to connect with each other and with HCLU, and to collaborate with local NGOs. We invited local NGOs to the opening of our office in Pécs, so that we can get to know one another better, explore opportunities for cooperation and find out in what matters they are counting on our support. A positive experience is that several NGOs have already contacted our local colleagues.

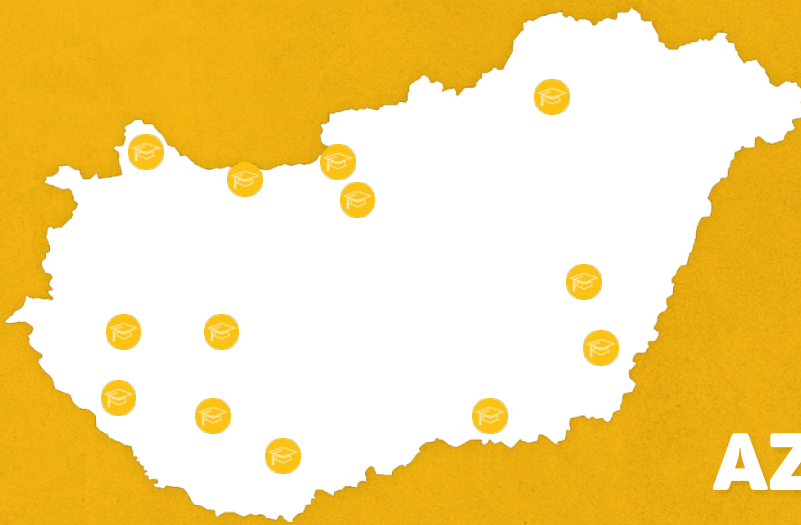


In 2021, we continued to organise workshops across the country to give citizens tools and share knowledge on where to go and what to do if a problem arises in their community or municipality. Our main aim is to raise citizens' awareness of their rights and opportunities through which they can make a difference in their environment.

We also aim to further strengthen civil society communities and organisations, so we also run workshops specifically for advocacy and community development groups on topics such as communication strategy and tools, organisational use of social networking sites, and equal treatment for minority groups.

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## MŰHELYEINK AZ ORSZÁGBAN

The HCLU deals with a number of vastly different topics in the field of legal protection, and this is no different with our open workshops. One of our most prominent topics is our Local Activism 1x1 workshop, which supports citizen activism by offering legal solutions to everyday problems and tools to make a difference.

We believe that criticism is based on knowledge, which means that in order to have an informed opinion on a subject, you need both knowledge and information. This often requires a specific request for information and data, for example in the form of a public interest data request. We also launched a

workshop for active citizens and journalists in 2021. And we have also organised events for educators who are overwhelmed by questions related to the homophobic law, communication strategies workshops for informal groups, for parents of children in kindergarten about staying in kindergarten past the legal age, for parents of children with disabilities about guardianship, and for minority groups about equal treatment.

Going forward, we continue to focus on strengthening our presence, visibility and legal assistance outside Budapest, and continuing our workshops and opening our next regional office.

# WITHOUT WHOM IT WOULD NOT WORK



**HCLU's team of volunteers is growing every year and helps the organisation in a number of areas. We rely on their 'invisible' but indispensable man-hours to carry out background research, translations or subtitling of our videos, as well as to run our events or advertise our legal aid services.**

**Volunteers help us to make our publications or social media platforms not only useful but also eye-catching, so that we can present our SZABAD Award candidates and clients in worthy portraits. Volunteers provide us support in administrative tasks or tasks requiring a great deal of tolerance for monotony. Volunteers help monitor demonstrations or record events, maintain our translation software and proofread English translations.**

But there are limits to volunteering, as our great and dedicated supporters also work or study, often have families or other commitments. Therefore, the HCLU team had the idea to *start a longer-term, fixed commitment, 10-hour-per-week cooperation, a traineeship programme spanning the whole academic year.*

The programme was launched to huge interest, with multiple oversubscriptions. The three successful trainees were selected by the project staff through a series of interviews, and they started working together in the Autumn.

It was a priority for us to ensure that our trainees could learn with ongoing mentoring and feedback, and engage in

meaningful professional work that was directly useful to our clients seeking legal aid. Providing legal aid through email has become the primary area for this, since here real-life situations and legal problems are resolved with a safety net provided by our colleagues.

The internship programme happens through a scholarship. In addition to its continuous development, we are confident that every year, the HCLU can provide a tremendous professional development opportunity for young, talented lawyers from less well-off, minority or otherwise marginalised groups in order for them to effectively defend human rights.



# HUMAN RIGHTS INSTEAD OF HATRED, ACCEPTANCE INSTEAD OF INVALID QUESTIONS

**When planning the HCLU's longer-term strategy and annual activities, we have had to reckon with the possibility of hate campaigns organised by the state for several years now. It is also more or less predictable which vulnerable groups of people might be targeted by such campaigns.**

**In early 2020, we also witnessed the launch of a government anti-Roma campaign built on prison compensations and anti-segregation – one of the few positive effects of the epidemic is that it was precisely because of that that the government was unable to complete this hate campaign.**

However in the early Summer of 2021, they suddenly started cracking down on paedophile offenders. Knowing Russia's anti-LGBTQI+ campaign, we were sure from the start that the Hungarian government had no plans to do anything other than put an equal sign between paedophiles and LGBTQI+ people. We knew from the start that paedophiles who abuse children would be gradually confused with LGBTQI+ people – **and violence against children should under no circumstances be confused with the mutual affection of adults for each other.** But these moves came unexpectedly soon (perhaps not unrelated to the Pegasus affair, which has also given us a lot to do this year); before the paedophile bill had even been passed by parliament, it was already

supplemented with homophobic and transphobic provisions.

As big as the government has blown up the hate campaign, the tools it has chosen for it are legally weak. The legislation is so vaguely worded, the definitions of the facts so vague, that they hardly raise any real legal barriers against the "display of homosexuality". However, the indirect effect, based on society's – often unfounded – fear of legal consequences, is sufficient. The HCLU's legal helpline was immediately inundated with letters from concerned librarians, teachers and theatres, all asking what retaliation they would face if they displayed LGBTQI+ content. In the same way, there were questions from LGBTQI+ people who feared that the new



rules would take away their right to exist. **As a first step, we therefore prepared a detailed information sheet explaining how the new rules can be interpreted from a legal point of view and what the actual consequences are.** In it, we have tried to reassure everyone that the legislation is unlikely to have direct legal consequences, and we have also pointed out that society as a whole has a huge responsibility, because the legislation will be filled with as much content as our communities allow in complying with it. **Meanwhile, we also helped organise the anti-homophobia and anti-transphobia protests that drew tens of thousand of attendees outside Parliament in June.**

It is unfortunate that such legislation, which is in serious breach of fundamental rights, cannot be directly challenged in the Constitutional Court - **so we have submitted a detailed petition to the Ombudsman, detailing how each provision is in breach of fundamental rights and asking the Commissioner for Fundamental Rights to refer the matter to the Constitutional Court for annulment.**

Meanwhile, the government has also called for a referendum. The questions reinforce the narrative that LGBTQI+

people are a threat to children. **We have decided to apply to the Curia for a review of all five questions.**

In the submissions, we argued that the questions violate the requirement of clarity, some of them are explicitly aimed at restricting children's freedom of information, and the taboo and stigmatisation of social issues related to LGBTQI+ people also violate the Fundamental Law, which protects sexual orientation as part of human dignity.

It was a great success that in October, the Curia, defending human dignity, refused to certify the question "Do you support the availability of sex-change procedures for underage children?" The Curia ruled that this question cannot be validated because the referendum cannot be aimed at changing the Fundamental Law, and however the majority of people answer this question in a valid referendum, it would require a change to the Fundamental Law either way.

The Curia allowed the other four questions to stand, so we appealed these decisions to the Constitutional Court at the end of 2021 - while also preparing for the government's continued harassment of LGBTQI+ people in the 2022 election campaign.



# THE RESPONSE OF HCLU TO THE STATE'S MISMANAGEMENT OF THE PANDEMIC SITUATION

Over the past 12 years, many have experienced first-hand that the state is increasingly unreliable: rules that are supposed to be granite solid are in fact more like rubber, public authorities are not trustworthy, and public services are of poor quality, if available at all. Those who were able to learned to live their lives as independently as possible from the state. However, in a pandemic, we cannot be independent from the state, and the effectiveness of the government in its outreach and information tasks has a fundamental impact on our daily lives.



At the beginning of the pandemic, it was understandable that the government was unable to create well-developed, easy-to-follow rules that covered all situations and were understandable to all, and that the process of informing citizens was not smooth. But unfortunately, this has not changed significantly in the two years since then. Rushing, last-minute rule-making, meaningless and contradictory regulations, rules written in instructions or circulars - this is what's happening to this day.

## **One day something is announced, the next day it is disproved**

- be it a new regulation, information on compulsory vaccinations, quarantine or education rules.

Schools are in chaos, with one institution doing one thing and another the opposite. Children, who are often put into quarantine again and again, miss out on substantive education, parents who stay at home with their children do not receive sickness benefits, and their holiday allowance has long since been exhausted. The healthcare system has been brought under military administration, and health workers have been put in an impossible situation by the employment regulations and then by the prohibition on termination. Patients die in hospitals without their relatives knowing anything about them. Waiting lists are growing and those who cannot afford to pay for a PCR test are often excluded from care. We had to sue for the vaccination plan, detailed epidemiological data is unavailable, and we cannot know anything for sure about the effectiveness of the vaccines. The

vaccination programme is at a standstill, with no real help for those most in need.

The pandemic brought unprecedented situations and regulations. HCLU had to play an extremely delicate role in communication: it was necessary to quickly interpret the new regulations and inform people in a way that they can understand; to evaluate the regulations to see how they stand the test of the rule of law; and to act as a watchdog against the state's failures and illegal actions. In the meantime, we had to give our opinion on complex questions of liberty, such as compulsory vaccination. Despite the often hysterical public mood, we have tried to stick to the principles of providing understandable, legally sound, value-based information in our numerous public statements.

HCLU was able to make up for the lack of state information to some extent with its legal awareness-raising activities; hundreds of thousands of people use our information pages and our legal aid service has answered thousands of individual questions. In the meantime, we continue to hold the state accountable for the management of the pandemic by filing public interest data requests and starting legal proceedings. Soon the situation arose that **in most issues related to the pandemic HCLU became the main source of credible, accessible and practical information.** In this ever-changing environment with rapidly modified regulations, our materials are constantly updated based on feedback and practical experience from our clients and the authorities. This way we are not just reaching active, law-conscious citizens, our information is also accessible to anyone looking for reliable answers to the most basic questions during a pandemic.

# HELPING THE MOST VULNERABLE DURING THE PANDEMIC AS WELL

**The coronavirus pandemic starting in 2020 and the restrictions following have had a much greater impact on the most vulnerable in our society than on others.**

**The coronavirus has the most serious consequences among people living in poverty, whose health and hygiene have been poorer for a longer time than those of the majority of the population. In addition, the closures and restrictions put families who had no financial or other emergency resources at a particular disadvantage, as losing their job led to an immediate existential disaster.**

This impact was predictable from the very beginning of the pandemic, and the mini-survey of our fieldworker colleague in Borsod county only confirmed this assumption. **Therefore, as early as last year, we appealed to the government and its competent bodies to take targeted measures to save disadvantaged families.**

We asked for a flexible crisis grant to be made available for municipalities to provide necessary protective equipment (disinfectants, masks, gloves), infrastructure investments (food barrels, drinking water tanks, etc.) and (emergency) municipal support (rent subsidies, utility bill relief, medication subsidies, internet subscriptions for the disadvantaged families of children in distance education, equipment subsidies, etc.) to residents in need. We also asked for free testing and healthcare services in small towns and villages.

In order to ensure that the care of the impoverished families and their children does not become an extreme burden for the municipal institutions, an

immediate, income-replacing benefit is necessary for the families in need. We also asked for the employment substitution allowance, which is available for the shortest period here than in the rest of Europe, to be extended and increased.

**We also prepared a sample submission form for small municipalities, ethnic municipalities and NGOs to file complaints and public interest reports to the county public health department, asking for help in pandemic management.**

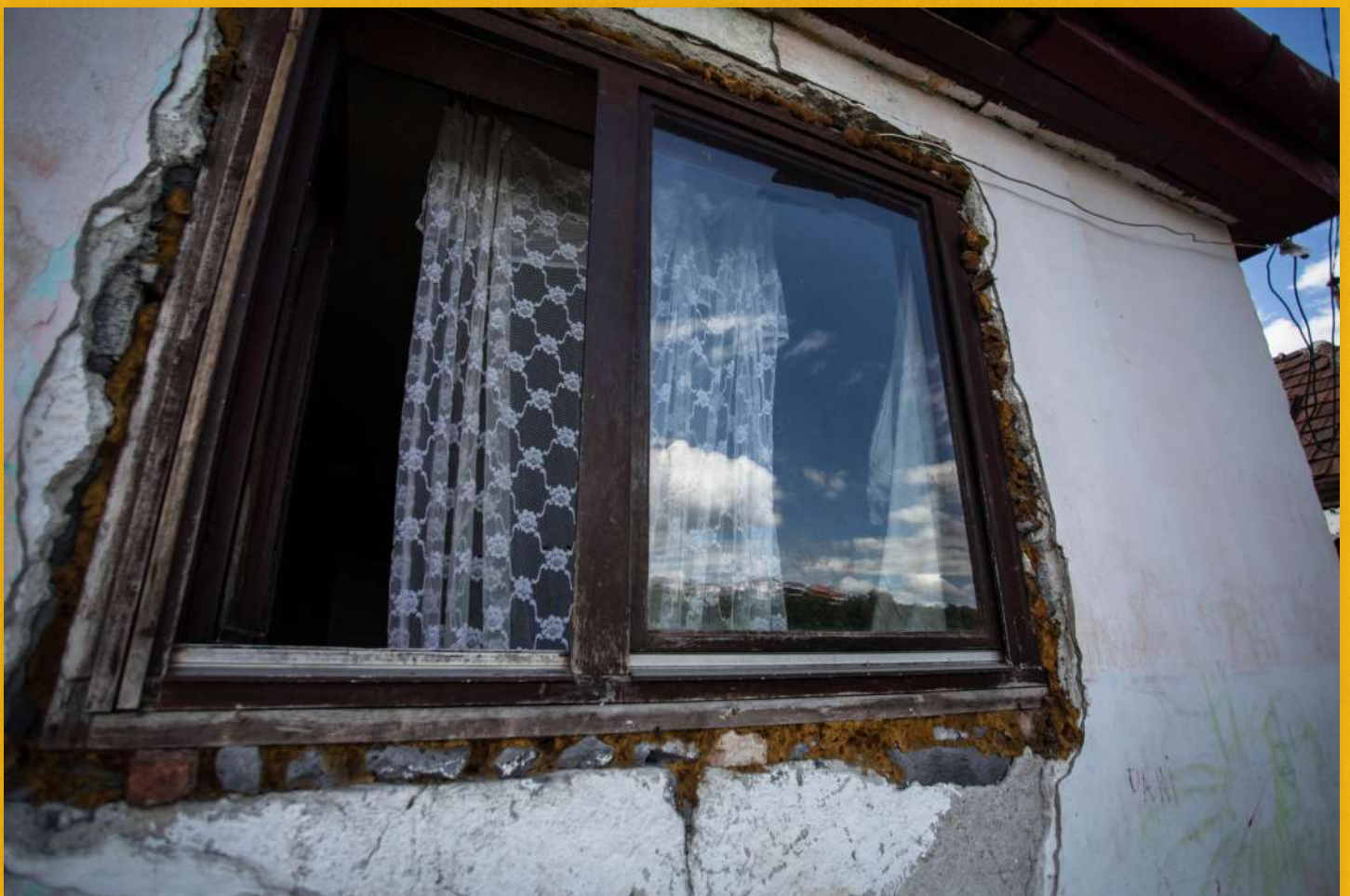
By the beginning of 2021, coronavirus vaccines became available, and from then on we have been fighting to make vaccination statistics public and to make vaccines available to the masses who were excluded from the vaccination campaign.

While at the beginning of summer the Prime Minister announced that everyone had been vaccinated who had applied and that we can switch to a standby vaccination process, we were engaged in

unilateral correspondence with the state authorities, the Prime Minister's Office and ministries to get buses to deliver vaccinations to those in need, and at the same time we were reminding the authorities of other negative consequences of the pandemic for disadvantaged families. In their rare responses, the responsible authorities informed us that they are providing sewing machines in the villages for sewing masks, and that they are helping needy families through the family support system.

In contrast to the misleading government bodies, our NGO partners launched a vaccination campaign during the summer to convince citizens in person who had been misled by fake news.

*"You should know that I have personally taken both vaccines; not only me, but my family as well. See, I'm fine, I'm feeling good. Where there are so many children and such a community, the only chance you have to get immunity without any losses is to get vaccinated,"* a volunteer



organiser explained the importance of vaccination to a family in the "Vaccinate to Live" NGO campaign. This convinced them: they immediately registered on the NGO's tablet. In the civil campaign, volunteers visited 164 municipalities, personally talked to all families and managed to register more than 13,000 disadvantaged people who were previously misinformed or excluded from registration due to the lack of internet connection.

However, NGOs, health professionals and even the President of the Hungarian Academy of Sciences called on the government in vain to take similar targeted and effective measures to provide vaccinations to people living in extreme poverty. For a year and a half, the government and the relevant authorities failed to respond to our public interest announcements and complaints. That is why we launched a petition in September 2021, together with 26 NGOs to get the government to

- **conduct an effective vaccination campaign, providing credible and transparent information to the public,**
- **abolish the unnecessary registration,**
- **provide free testing for the elderly and disadvantaged,**
- **and support local municipalities and NGOs to provide effective protection against the fourth wave.**

**40 professional organisations and more than 4,000 signatories has joined the petition since, calling on the government to take targeted and effective measures to bring the vaccination campaign to the communities where the least people are vaccinated and where the most vulnerable to the pandemic live. Under this pressure, the Prime Minister's Office responded to our demands and has promised to support local municipalities and abolish registration. This was followed by the launch of vaccination campaigns which allowed people to get vaccinated without registration.**



# **ELECTION LAW PROGRAMME DURING THE PRIMARIES ALREADY**

**Our Election Law Programme switched into a new gear in the autumn for two reasons. On one hand, with the parliamentary elections just around the corner, we are organising awareness-raising workshops across the country in preparation – workshops will continue until the days right before the elections.**

The interactive workshops will teach participants the basics of the electoral system, practical information on voting, and information on the duties of the members of the ballot counting committees as guardians of free and fair elections. In addition, we have updated our [valasztasz.tasz.hu](http://valasztasz.tasz.hu) website to include more tools for active citizens and to be up to date with current legislation. We have also not forgotten our strictly legal professional work: we regularly analyse legislative amendments that affect elections. This work will be accessible to the widest possible audience in cooperation with the online newspaper [444.hu](http://444.hu).

On the other hand, for the first time in the history of our country, a national primary election was held in the autumn of 2021. As an observer member of the **Civil Election Committee**, which supported and monitored this election, we were always available to members to answer legal questions, prepared a procedure for them and worked with the NGO **aHang** in the - legal - preparation of the process. Throughout the primaries, we had a hotline available in case someone was disadvantaged by public authorities or their employer because of their participation in the primaries or their expression of opinion. HCLU represented a resident of Üllő who was dismissed from a municipal company precisely because of his comments on the primary elections.

We work with a number of NGOs that are directly or indirectly involved in elections or public activism, such as the **Civil**

**College Foundation**, the **School of Public Life** or **Political Capital**, the Let's Count Together movement, **Unhack Democracy** and the **20K** movement. Within the scope of this cooperation, we provided legal assistance and opinions on training materials, we organised joint workshops and round table discussions.

HCLU considers it particularly important to ensure that the 2022 parliamentary elections are free and fair. We are working hard to prepare for election day, but also for the months leading up to it: to make sure that as many people as possible are aware of their rights regarding the elections, that they participate in large numbers and that they have their say in the campaign. Because while the day of voting is important for everyone, democracy is not just one day. We are working to ensure that as many people as possible recognise this.





# WE ALSO PROTECTED THE RIGHTS OF ACTIVE CITIZENS DURING THE PANDEMIC

**During the coronavirus pandemic, the government took a wide range of measures to restrict the free expression of opinions and to silence critical voices.**

**The general ban on assembly was first imposed by the government at the start of the coronavirus pandemic, from March to June 2020, and the ban returned several times later during the state of emergency, but restrictions have also affected many other means of freedom of expression – local referendum initiatives, for example, are still not allowed.**

The bans were introduced on the grounds of pandemic management, but even if we all agree with the goal, the state of emergency does not provide a blank cheque for any restrictions on fundamental rights: even then, only those restrictions that are not only appropriate to prevent the spread of the virus, but proportionate to the aim pursued, are justified. Restricting freedom of expression affects democracy as a whole, it fundamentally shapes

public life, so the cost to be weighed is huge.

HCLU states that the logic that portrays criticism of epidemiological measures as the enemy of control is flawed, because free discussion of public affairs and the free flow of information are drivers of, rather than obstacles to, pandemic management. Pandemic management can only work if people understand the rationale behind the measures and



discuss their effectiveness, as there is no limitation that cannot be circumvented, the goal should be for the public to really identify with the epidemiological measures.

## **The government must be able to defend the restrictions in debates,**

because it is the opportunity of challenging the rules that gives them legitimacy.

During the state of emergency, the government has made rules that greatly affect our lives - there were temporary curfews, regulations on when we could go to the store and how many guests we could invite to our wedding, if we could have the wedding at all. Tempers flared over these measures, but as the forums for expressing our opinions were extremely restricted, and the government did not share any reasons for making their decisions, the pressure grew under the lid.

Building confidence was also not easy because of the fact that the government often used the state of emergency and the limitations on the expression of criticism to pursue embarrassing regulatory objectives that are not related to the emergency at all - such as the narrowing of the definition of public funds in the Basic Law, or the restructuring of electoral procedural rules that are in no way related to the pandemic. Sometimes the motives were particularly obvious: national referendums were cancelled on the

grounds of epidemiological risks, but only as long as the political interests of the government dictated so. One of the most obvious ways of expressing discontent would have been to exercise freedom of assembly - but the total ban on assembly did not allow this.

Large gatherings can indeed be risky for the spread of a pandemic, but restrictions on fundamental rights must remain proportionate in an state of emergency. The banning by decree of the freedom of assembly was not proportionate, because the police had every possibility under the law on assembly to impose by order the conditions for the safe holding of demonstrations. This would have allowed protests to be held under stricter rules.

Our clients inspired us:

## **the car-honking protests showed that it is possible to protest without an epidemiological risk,**

and therefore, a total ban on assembly is unnecessary.

We prepared model petitions for the fined protesters and represented several of them in court, achieving a reduction of the fines. We have repeatedly called on the Ombudsman to act on the general ban on assembly, but he has not deemed this necessary, making it clear to the public that he does not fulfil his role as a protector of fundamental rights.



**We strive to make decision-makers understand the pointlessness of a total ban on assembly, so that they can find proportionate means to reduce the risks during the next wave of the pandemic. In case, however, the government imposes the ban again, we will make it our mission to promote alternative means of expression on [tasz.hu/tiltakozz](https://tasz.hu/tiltakozz).**

# HELPING PARENTS DURING A PANDEMIC

2021 brought about, once again, many challenges for parents. From the beginning of the year, more and more parents grew worried for the health of their children and relatives, as not even in the third and fourth waves were there centralised solutions for the management of the pandemic in kindergartens and schools.

At the same time, more and more people were looking for ways to keep their children home from school or kindergarten – while others were struggling, without paid leave, to find ways to supervise and educate their children at home.



With so many incoming requests for legal aid and advice, it became clear to us that we must fill in the gaps of the insufficient public information once again. We prepared a series of briefs on the rights of parents and children, which gave parents answers to questions such as what to do if they want to keep their child at home, whether the children have to take an equivalency test if they have been absent for a long time, and whether the school is obliged to provide day-care during the state of emergency. **We had, on multiple occasions, helped parents write complaints regarding violations of their rights, and, in April, when the schools reopened, we prepared a sample request of leave for children in primary schools for the duration of the state of emergency.**

Lacking central guidance, it was left to each school's discretion to excuse the absence of pupils; this led to significant differences in policy. **However, our position is that the law is clear, so we have encouraged parents from the beginning to request school principals to excuse the absence of their young children due to the risk posed by the pandemic.**

The situation was finally resolved by the Ombudsman's statement following just such an unlawfully denied request, stating that such practice had been wrongful. One year after we had drawn attention to this interpretation of the law, the Minister himself, in line with our interpretation of the law, called on the heads of educational institutions to no longer dismiss excuses referring to the pandemic.

In the context of the pandemic, it became a typical violation of rights to force students, who had been absent

frequently during the pandemic, to take an equivalency test, even though they had obtained a sufficient grade. The problem here was not the legislation, but the fact that solutions for these problems were left up to the discretion of schools, who often misinterpreted provisions. Therefore, it was often enough to draw parents' attention to the correct interpretation of the law, so that they could arrange the end-of-the-year assessment of their children without an additional exam. **There was a case, however, where this was not enough. Here the parents, with the help of the HCLU, successfully appealed to the court. The court found that the school and school district acted unlawfully in requiring the pupil to take an equivalency test despite having had sufficient grades to be assessed at the end of the year.**

In August, with the new school year approaching, vaccination for children over 12 years of age became available, and the government organised a school vaccination campaign. However, under the colour of organising school vaccinations, the Minister called on schools to collect and attach to the children's data files on their vaccination status. Without disputing the noble aim of the vaccination campaign, **we drew the attention of parents and heads of educational institutions to the fact that such data collection is illegal** until the legislator creates the conditions and legal basis for the registering of individual vaccination data. To establish this, we turned to the National Authority for Data Protection and Freedom of Information, also requesting the destruction of the documents on which the unlawful processing is based.

The year also saw an important breakthrough in parental rights. The 2019

amendment to the Public Education Act has severely restricted parents' freedom to choose their children's education by abolishing home-schooling, making rigid the school starting age, and imposing compulsory kindergarten. In 2021, the Constitutional Court handed down a series of decisions that gave at least partial remedy for the violation of the rights of parents. The Constitutional Court's decision in a case represented by us partially abolished compulsory kindergarten from age four, thus allowing for exemptions between the ages four and five. In relation to the individual work scheme replacing home-schooling, which we criticised for being available only to a very limited number of people, the Constitutional Court reiterated that the Education Office (OH),

which assesses applications, must consider, besides expert opinions, the parents' statements. Thus, the OH can only reject the application if it can be established that the child's best interests are served by attending school. **So, while previously the burden of proving that the child's interest is best served by home-schooling lay with the parents; now the application can only be denied if the OH proves that the child's best interest is attending school.** We have obtained, in the form of a public interest request, a new protocol for the processing of applications from the Office of Education, and we will continue to monitor whether the OH is acting in accordance with the Constitutional Court's instructions.





# YOU CAN FIND DETAILED INFORMATION ABOUT HEALTHCARE WORKERS HERE

**The last year of the Coronavirus pandemic placed the heaviest burden on a healthcare system teetering on the brink of collapse, and its workers.**

**It is not surprising that the number of health care workers seeking help from HCLU also increased. The inquiries from employees were not only significant in number, but also raised important issues.**

Thus, we decided to launch a platform specifically dedicated to the rights of health care workers. Our decision proved useful: with the government's emergency legislation, there hardly was a week when we did not have to update our website with new content on health

care workers' rights. We tried to answer the most pressing questions on all important topics, from assignment to different districts through employment contracts to mandatory vaccination for health care workers. However, we also looked at government decisions that,

disregarding the pandemic, made it more difficult for the health care to operate, such as the new system of service relations or the ban on employment termination by employees.

Back in October 2020, the Parliament passed, through an expedited legislative procedure, the **Health Service Act**,

## **radically transforming the employment framework for health and healthcare workers.**

The government did not specify the professional reason why it was necessary to create a completely new type of employment relationship in the middle of a pandemic, and the term "service" may give the impression that this is a much stricter, more restrictive employment regime, more limited by the state; it is no coincidence that this term is most often used to describe the employment of uniformed officers and other public officials. The Act confirms this impression: it strictly regulates under what conditions healthcare workers may work an additional part-time job and prohibits patients from being treated by the same doctor simultaneously in the public and in the private system. The law also amended the Criminal Code, making it a criminal offence to give and receive gratuities.

**Many of the people who came to us were healthcare staff, whose**

**situation was even less taken into account by the new legislation. Based on the questions in the complaints we received, we created our brief on the new health service relations.**

## **As we saw, the new legal relationship significantly reduces healthcare workers' freedom.**

Furthermore, new law "punished" those who did not want to accept these tight terms: those who did not sign the new contract received far less severance than they would have received if they had been dismissed by their employer. It was clear to us that only the Constitutional Court could remedy this violation.

**We have therefore developed a template for constitutional complaints, which any stakeholder could fill in and send to the Constitutional Court - this has made it possible for us to help as many stakeholders as possible. The Constitutional Court's decision is still awaited.**

Almost at the same time as the new legislation, a new burden has been placed on healthcare workers. From November 2020 until June 2021, the government has introduced an unprecedented restriction on the right to work:

## a total ban on resignations in the health sector during the state of emergency.

We considered this restriction of rights to be clearly excessive and unnecessary, given that healthcare professionals could have been mobilised by other means to combat the pandemic.

**That is why we took on the case of a healthcare worker who wanted to resign because of undignified and demoralising working conditions, lack of moral and material dignity and increasing conflicts at work, but was not allowed to do so by law.**

On behalf of our client, we have appealed to the Constitutional Court to have the prohibition of resignation declared unconstitutional. In our petition, we

specifically stressed that even if the possibility of termination is reinstated in the meantime, we can expect this solution to be used again at any time due to the successive waves of the pandemic, and therefore we ask the Constitutional Court to rule on the merits of our petition even if the prohibition of termination is lifted in the meantime. However, the Constitutional Court did not take into account our request and the arguments on which it was based. The constitutional complaint, lodged in February 2021, was rejected in October on the grounds that the prohibition on resignation was no longer in force.

**Although we do not wish to see the ban on resignations reintroduced, if it is, we will challenge it again before the Constitutional Court.**





## WORKING TO ENSURE THAT NO CHILD IS REMOVED FROM THEIR FAMILY BECAUSE OF POVERTY



**We continued our fight against the unjustifiable splitting up of families this year and we achieved unexpectedly great success three times. It has been almost 6 years since we started dealing with cases of children who had been unlawfully taken away from their families because of poverty and exclusion. We then started a lawsuit in a village in Borsod county for the return of our clients' children, and it took us years to get the children back to both families. Every year since then, we have taken on more and more families, so that more families can get their children back and we can showcase this unlawful practice through more examples.**

Firstly, in our strategic lawsuit launched six years ago, the Supreme Court of 2021 ruled that the local authorities and the county hospital had violated the right to family coexistence and the human dignity of our clients by failing to provide mandatory family support services and by immediately removing the newborn baby from the hospital, separating it from its mother, without waiting for a decision. We hope that the August decision of the Curia will serve as a precedent for further cases.

On the other hand, we have also taken on the legal representation of two families to ensure that children cannot be taken away from their parents either because of poverty or because of the depression of the parents.

On Krisztina's behalf, we filed a lawsuit last autumn at the Metropolitan Court of Justice against the guardianship authority, which not only took away her daughter without justification, but also completely cut off the mother from legal remedies by first misinforming her about

the risks of possible legal remedies, and then not forwarding her petition which we had already filed to the court for a year. Finally, in this outrageous case, the court, as soon as it received the case, issued a categorical decision: it reprimanded the guardianship authority with harsh sentences, expressing its indignation at the grossly unlawful and inhumane child removal practice. The ruling allowed Krisztina's daughter to return to her mother last year.

In another case, a depressed father came to us for help because his daughter was, according to the authorities, being badly affected by a parent's anxiety about his daughter's digital education. The father, who was rightly concerned for his child and anxious, was declared dangerous and his daughter was taken into custody by the authority. We also immediately challenged this decision, as we consider the harassment of a parent concerned for his child by the authorities to be a senseless and cynical procedure. We succeeded in this too, and the authority withdrew its decision.



# WE STAND UP FOR THE RIGHTS OF PEOPLE LIVING IN SOCIAL INSTITUTIONS!

**The people most exposed to the coronavirus pandemic and most permanently disenfranchised are those living in residential care. Social care homes, often with hundreds of beds, are hotspots of the pandemic, where the virus can spread like wildfire among elderly and disabled people. That's why in 2021 we have made the protection of the rights of people in residential care a priority.**

**With the restrictions imposed, everyone has experienced first-hand what it is like to be forced out of the familiar spaces of our lives, to fall out of the well-established, seemingly natural routine of everyday life. The new situation of austerity has created a daunting challenge for citizens trapped behind four walls: children can't go to school, adults have to work from home, we can't go out for a relaxing day out, or have a good chat with friends. These barriers are the everyday experience of a person living in a care home.**

We have all been affected by the closure due to the coronavirus outbreak. But while for the majority the restrictions were a temporary inconvenience, for the elderly and disabled living in social institutions they were often a hermetic seal from the outside world. They were effectively closed for 11 months between 2020 and spring 2021, when there was a curfew and a visiting ban in residential institutions. With prolonged confinement, frustration grew. We have helped increasingly desperate residents

and relatives to be aware of their rights: they can keep in touch with each other – even by alternative means – while respecting the epidemiological rules.

We performed clear contact rules and compliance with them, and

**provided ongoing legal assistance to residents and their families who came to us.**

Thousands of people have read the story of our disabled client who spoke out about the deplorable situation of people living in institutions.

We achieved huge success in the guardianship case of Imre, who lives in a public institution in Csongrád County. After the death of his parents, Imre was sent against his will to a psychiatric hospital and then to a mass institution. Thanks to our work, the court finally ruled that Imre was able to make his own decision about where he wanted to live. So after three years of litigation, Imre's dream of moving out to live with his cousin came true, and he no longer has to live in a large care home, which caused him daily stress and discomfort.

In March, the Ombudsman's report on the dark side of the Eger home for the disabled was published: at our request, the Ombudsman carried out an on-site inspection at the Heves County institution, where a 16-year-old autistic boy was caged for weeks on several occasions. The report draws attention to the systematic abuse of children with disabilities and makes an important recommendation to prevent future violations: an expert group should be set up to monitor and enforce the development of residential institutions for children with autism. The expert group should also include the NGOs concerned.

At Christmas 2017, we launched a lawsuit on behalf of six mothers and their disabled children against the responsible public authorities to finally provide adequate housing for these young people. After four years of litigation, a judgment was delivered that declared a serious violation, ordered the state to make reparations and gave the mothers the strength to continue. It was uplifting

and moving to listen to the court finally deliver real justice, apologising to the self-sacrificing mothers for the first time in decades and giving moral reparation for their suffering.

**The justification for this high quality judgment is an example of where**

## **humanity and morality meet justice.**

*"In the court's assessment, the disadvantages suffered by all the applicants without exception, due to the lack of subsidised housing, affect the core of their human existence and cause a violation of the human dignity of all the applicants. In the case of disabled claimants, this is in violation of their right to live independently, to live in the community, to choose their place of residence and to make free choices on an equal basis with others. And in the case of the applicants who care for their disabled children, the violation of human dignity is caused by the fact that, as a result of the violation of their children's rights, their personal life possibilities, their field of human existence, have been unlawfully restricted."*

# FIGHTING FOR FREEDOM OF INFORMATION



**Eleven Gyál, with the help of TASZ, brought and won a case before the General Court of the European Union after the European Commission refused to grant the OLAF report into abuses of Elios Zrt.**

**Elios Zrt.**, a company owned by the Prime Minister's son-in-law, **István Tiborcz** was awarded a street lighting modernisation project in Gyál, like in other municipalities in the country. The result of the major upgrade was that the streets of Gyál were left in darkness after the replacement of the street lights, as the quality of the street lighting deteriorated. In addition to the outcome of the project, there were also problems with its management, for example the technical content of the tenders was determined with the involvement of a company whose owner also had a share in the winning bidder, Elios Zrt. The **European Anti-Fraud Office (OLAF)** has investigated the case and a report has been produced, but the report has not been made public. The reason for the secrecy was that OLAF sees publicity as a risk: OLAF believes that the disclosure of the reports could compromise its

independence, as the reports could also reveal the organisation's investigative methods. The local NGO group Eleven Gyál did not want to let the matter rest, so they turned to the European Commission with our help - in vain, because the Commission refused access to the report. The report was only available to the authorities, but unsurprisingly the Hungarian government had no intention of releasing it, so we took the matter to the European Court of Justice to defend freedom of expression and information. The General Court of the European Union has ruled that the European Commission cannot block OLAF investigation reports from the public indefinitely on the grounds of a general presumption of non-access, because interested parties have the right to prove that the presumption of confidentiality does not apply to the documents they request. As it was clear that no proceedings were pending in the Elios case that would be jeopardised by the disclosure of the report, the General Court found that OLAF had misapplied EU law and annulled the decision refusing access to the Elios report. OLAF complied with the General Court's decision in early 2022 and sent the investigation report. Although the report is not complete - some personal data and other information has been redacted from the text - the text that has been made public may nevertheless bring us closer to uncovering one of the most significant cases of suspected corruption in recent years.



**Blanka Zöldi is an investigative journalist at Direkt36, working to monitor the transparency of organisations managing public funds. In 2017, Blanka Zöldi submitted several public interest data requests to organisations such as the Nemzeti Infrastruktúra Fejlesztő Zrt. (NIF), the construction company Strabag, and Mészáros & Mészáros Kft. Blanka Zöldi's requests for public data are routinely refused or obstructed, thus denying her the right to freedom of information and preventing her from carrying out her duties as an investigative journalist.**

She asked the **NIF** and **Strabag** about the development of several roads, motorways and railways in her requests for information. Among other things, she wanted to know from which subcontractors the building materials were purchased and at what price. Both bodies refused the data request: NIF claimed that they did not handle the requested data (they did not have the subcontractors' invoices), and Strabag claimed that the data request could not be extended to the contracts with subcontractors.

We won our case against the NIF in 2017, but we didn't get the data - so we asked for enforcement, which hasn't led to a result since then. In the summer of 2019, the bailiff went to the NIF and asked the company to release the data. However, the NIF brought a lawsuit to stop the execution (it tried to do so in the first and second instance, but the court rejected it), and in the autumn of 2020 it provided the journalist with 28 boxes of data - only this time the information she had requested was still missing. We are convinced that prolonged enforcement is in itself causing serious harm, and we are determined not to let this go.

Blanka Zöldi also requested public interest data from Mészáros & Mészáros Kft. in connection with public procurement projects (e.g. all building materials purchased and/or installed by M&M, from which vendors, at what price and in what quantity, documents supporting the payment of building materials to vendors). We lost the case in the first instance and the second instance. The courts dismissed the action without examining the merits of the case because they did not believe that such a request for data could be made by a private company, but the Curia finally ruled that it could be made and ordered the court to rehear the case on the merits.

The 3 phases of the new procedure resulted in 3 different legal positions, but in the end we had to go to the Constitutional Court. We demand that the state enables the basic conditions for investigative journalism as a democratic guarantee and the freedom of information and transparency of the state that every citizen is entitled to.



**In the Prime Minister's radio interviews on Friday, in the briefings of the Operational Staff and at the Government Information Forum, we heard for months that the vaccination plan is the basis for the procurement, regional distribution and delivery of vaccines to vaccination centres. The vaccination plan is supposed to be the core document in the fight against the coronavirus epidemic, the master plan on the basis of which Hungary will, in the words of the Prime Minister, take the virus down. However, we have not yet seen the vaccination plan, as the government has only published a short extract, a public information leaflet based on the vaccination plan, at the end of 2020.**

In February 2021, we issued a data request to virtually all government actors who are required by law to have a vaccination plan. We have tried to get the vaccination plan from the **EMMI**, the **Prime Minister's Office**, the **Ministry of the Interior**, the **National Public Health Centre**, the **Prime Minister**, and the **Prime Minister's Government Office** – all in vain. The recipients either denied having the vaccination plan or claimed that the vaccination plan was the same as the published summary public information. It was also striking among the conflicting submissions in the case

that the Ministry of the Interior also denied being in possession of the vaccination plan, which is surprising to say the least, given that the Operational Staff is chaired by the Minister of the Interior, that it is involved in the Operational Staff's work through the Secretary of the Ministry, and that the Ministry of the Interior is the working body of the Operational Staff.

We almost thought that the vaccination plan did not exist, when a statement in a lawsuit revealed that we had not just dreamed it, the vaccination plan was real; moreover, it was managed by the Operational Staff. This does not mean, of course, that the authorities contacted did not have the plan and should not have disclosed it, but at least we knew that we were not chasing a mirage. There was a trial in which we even requested the Prime Minister himself be called as a witness, but this was not the breakthrough: the document requested almost a year ago was not released by the government in the court proceedings, but it was suddenly uploaded to an abandoned repository in the archives of [koronavirus.gov.hu](http://koronavirus.gov.hu), and then in one of our trials, which we started in early April, we were told that if we were looking for it, here it was. Of course, on the Internet, such an attempt immediately reveals itself: the upload data revealed that not only was this document not on the site in April, at the start of our trial, but it was not there until 29 October. The procedures are still ongoing, but the objective has already been achieved - whether the document is the vaccination plan or an extract of the plan containing much more information than the original extract - the public already knows much more about the details of the control of the epidemic than the government originally intended.

In autumn 2020, TASZ and K-Monitor launched the **Corruption Monitor** series: the two organisations cooperate to assess the process of corruption and the dismantling of the rule of law, and its interconnections, in reports published every three months. The two phenomena are closely linked, and have been given new impetus by the outbreak of a new coronavirus. On the one hand, the government's abuses of power can be seen in the restriction of freedoms, the increasingly opaque operation of the state, and the constant secrecy. On the other hand, there is a staggering amount of outsourcing of public assets and public functions, recapitalisation of patronage close to the government and hard-to-follow budgetary shenanigans. It is all connected: a picture of a state that is keeping even information that fundamentally affects life and health from its own citizens, because it has gone into a spiral of silence and secrecy. Power only feels safe if we see as little as possible of what it is doing and why it is doing it, because it fears that a small crumb of information could trigger an avalanche. And that is why we have launched several lawsuits, several with K-Monitor, to end the secrecy that has reached a new level in the pandemic situation and to get the data on the public consultations or the vaccination plan. TASZ continues to fight for a more transparent state where citizens can understand what is happening, why and for how much.

# **CORRUPTION MONITOR**

2022

# A FREE AND INDEPENDENT PRESS IS THE KEY TO DEMOCRACY

**For the third year in a row, we conducted a press survey asking fifteen independent journalists about how their work is hampered by the public authority.**

The interviews confirmed our previous experience: the situation of the press monitoring the authority is difficult, and the pandemic has certainly not helped. However, journalists are not deterred from their work by the obstacles they face, even if for many of them having their questions ignored, being excluded from press conferences and being discredited by the authorities is a daily

experience. According to many of them, the main problem is keeping sources in fear: "the MÁV conductor refuses to comment, even anonymously", as one of them described it. We have therefore prepared information sheets and a video on source protection, so that more people will have the courage to share information with the press that monitors power, knowing that they are legally protected. We will also continue to look for strategic cases where we can effectively defend the rights of independent newsrooms and therefore readers, but we will always answer journalists' legal questions too.

**With the EU's data protection regulation, the GDPR, coming into effect, press freedom has come under attack from where we least expected it: it is a new practice for influential businessmen to invoke the protection of their personal data to prevent the publication of factual articles about them that are unpleasant to them.**

One of a number of similar cases concerns the owners of the energy drink company Hell Energy Hungary, the Barabás family, about whom Magyar Narancs wanted to publish a comprehensive article, describing the rise of the family and the role of millions' worth of public funds in that. The newspaper contacted the company in the course of preparing the article, but the owners said they would not agree to the disclosure of information concerning

them. The family filed an injunction request in court against Magyar Narancs, and successfully prevented the publication of the information: in October 2020, the newspaper published the article, censoring itself and suppressing the parts affected by the court's restrictive decision. Forbes Hungary faced similar legal obstacles when the owners of Hell took legal action to prevent themselves from appearing on lists that provide a snapshot of the Hungarian economy's key players. We have not given up the fight: representing the two newspapers in the many proceedings that have been launched since then, we will continue to fight for the public to know the facts that have been revealed, for the courts to change their approach and for the Data Protection Regulation not to be used as a pretext to silence the press in the future.

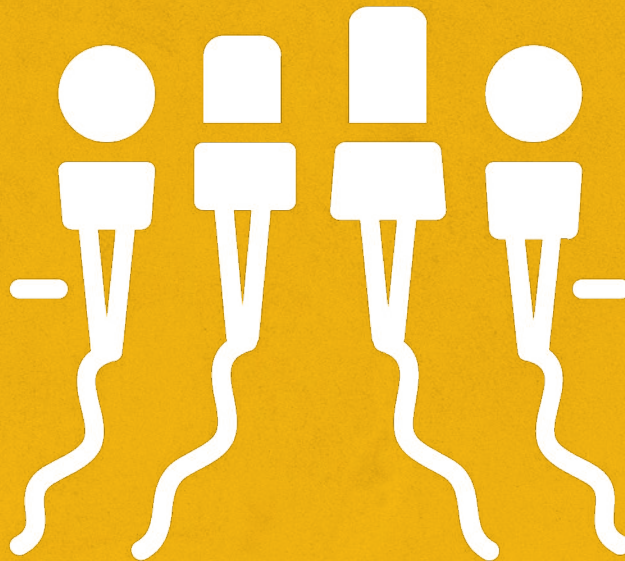


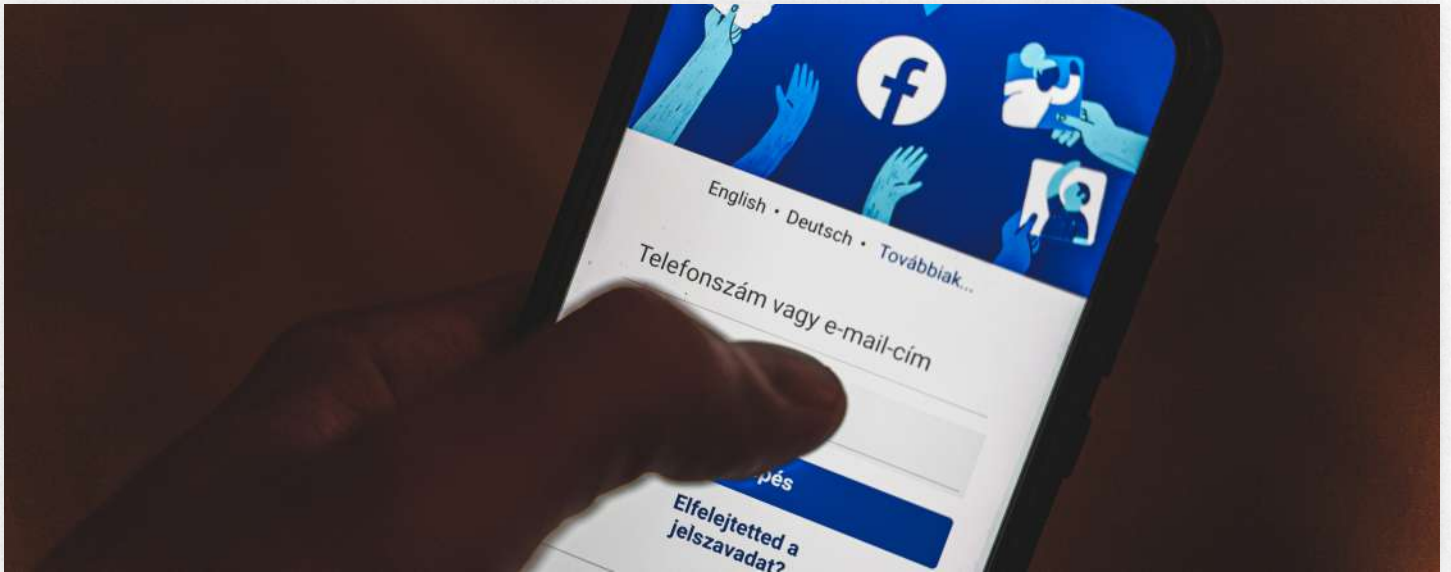
**The stigmatisation of NGOs is not a new phenomenon: the propaganda media have been spreading lies for years in order to try to destroy the credibility of NGOs that are critical of the government. Back in 2018, the Christian Democratic Youth Alliance (JCDY) held a press conference in front of the Shelter Association's office, where they made untrue statements about the organisation's activities and put a sticker above their doorbell saying "Immigration Support Organisation". The public media also participated in the spreading of falsehoods: the Curia ruled this unlawful in August this year in a procedure initiated by us.**

Throwing aside the requirement for careful and impartial reporting by public media, the public media argued that they were only reporting on a press

conference and that they had the right to report what was going on. The Curia, however, rightly considered that the Shelter Association should have been given space and time to show what they really do: they help foreign and cross-border Hungarians living in Hungary to integrate, find work and learn languages. Naturally, propaganda does not concern itself with reality.

The lesson from this case is that even though politicians are allowed to talk nonsense, if the public media broadcast it without criticism and care, then they are breaking the law. We trust that, encouraged by this decision, there will be others who will not let the spread of untrue and offensive allegations go unanswered. Not only is it important for them, but also for anyone who wants to live among better-informed citizens.





# REGULATING SOCIAL MEDIA

**Last year we started to look at social media regulation as a new topic. This may seem contradictory at first, as the HCLU is mainly active in matters that concern the relationship between the state and the citizen, and Facebook is a privately owned tech company.**

***So what does the HCLU have to do with social media?***

**We recognised that sometimes the threat to fundamental rights comes from a different source, but we wanted to get involved in the search for a solution to social media problems without straying into territory that is alien to our objectives.**

**Facebook** has become a top player in the opinion market. Public debates are not only on Facebook, but there is a lot of ongoing debate on Facebook, so if we want to stand up for the freedom of expression of opinion, we cannot leave Facebook off the agenda as a platform just because it is not run by the state. Facebook decides what is acceptable when we comment, but Facebook also decides what is acceptable when others comment about us. Our news feed

shows us a filtered version of the world: Facebook learns about us from the personal data we entrust to it, and shows us not the reality, but a version of reality adapted to our needs. We see what we like to click on, because it's in Facebook's interest that we click a lot. But Facebook is increasingly affecting not only what we can say, what people can say about us, or what the world tells us, but also what will be around us in the real world. As the elections approach, questions are also

being raised in this country about the extent to which Facebook can influence the election results and to what extent it is permissible for Facebook to allow other power factors to exert such influence, driven by business interests.

On the one hand, social media provides a platform for freedom of expression, and therefore puts itself into a position to limit citizens' opinions. On the other hand, if the state regulates Facebook, then by regulating Facebook, the state can also directly restrict the rights of users. By such a move, they would be putting a constraint on an actor that may have an opinion of its own. That is why we are more interested in the regulatory activity of the state and other power players in relation to Facebook.

Social media takes many different decisions: profiles are blocked, content is deleted or, on the contrary, content that offends others is not deleted. This leads to two problems. One problem concerns the content of decisions, the other the transparency of decisions. Facebook sometimes makes inconsistent decisions, and users can't check the background of the decisions that affect them; they use Facebook but can't understand why they are seeing what they are seeing in their newsfeed, or why their comment was deleted. There are two ways to solve these two problems: you can try to tell Facebook how to make decisions (who and what to block, delete), or you can let this go and instead try to put the user in a position where they are free to make their own choices.

We chose the second direction because it is the one that treats citizens as adults. Social media offers a deal. We feed it with our data, it limits our freedom of expression, but it also gives us space to express our opinions, and it also gives

information back to us to keep us informed. At HCLU, we believe that if there was a real opportunity to see the terms of this deal, everyone would be able to decide whether or not it was worth it for them personally.

The stronger the external interference in Facebook's operations, the harder it will be to implement in practice and the greater the chance that the users will eventually suffer the brunt of it. Imagine Facebook having to pay fines if they don't delete certain content - for a company that is trying to maximise profits, this will lead to deleting anything that is even slightly questionable. This could have unforeseeable consequences for the freedom to discuss public affairs, so we believe that the regulation should not be directed at the internal workings of the company, but that it is the job of external regulators to protect citizens with the least possible interference. And this is about forcing transparency in decisions.

To raise awareness of the risks among policymakers and experts, we have published our resolution paper and joined the debate on social media regulation.

**We are working to put everyone in a position where they can make an informed choice and actually use social media, not be used by it.**

# TOGETHER WE WRITE BUDAPEST'S DRUG STRATEGY

**Two deadlines expired at the end of last year in the field of domestic drug policy: the promise of a drug-free country and the validity of the drug strategy in force, which included this objective.**

While no one seriously thought the former would ever happen, the lack of a new strategy is a serious problem. Between 2000 and 2020, the **National Drug Strategy** was the document adopted by a parliamentary resolution that brought together the health, social and law enforcement objectives applicable to drug management, provided a framework for their vision and interpretation, and coordinated the work of organisations working in the field. The two-year action plans for the Drug Strategy included specific activities and the public resources allocated to them.

In a time of state drug policy nihilism, it is a welcome development that

**the Budapest Municipality has set up the Budapest Drugs Advisory Forum (BKEF) to coordinate its work in the field.**

Its members are the metropolitan district municipalities, professional

organisations, the relevant departments of the EMMI and the BRFK.

The BKEF also offered NGOs the opportunity to apply to join the working groups responsible for the development of the metropolitan drug strategy. As an organisation that has been involved in drug policy from the very beginning, we have been involved in the harm reduction and supply reduction working groups to ensure that

**human rights and professional aspects are given due weight in the strategy.**

At the first meeting of the Supply Reduction Task Force, we raised the recurring problem reported by our legal aid workers in Budapest that cannabis co-consumers are regularly prosecuted as drug distributors. The BRFK Chief of Police, who chaired the working group, also considered the phenomenon to be problematic, and we are therefore rightly confident that we will jointly revise this unjustified practice at future meetings.

# MEDICINAL CANNABIS

## A SERIES ON GOOD PRACTICES LAUNCHED

**Today, the Hungarian state is depriving tens of thousands of patients of the opportunity to effectively alleviate their symptoms and live a better quality of life.**

The European Union has already acknowledged the health benefits of medical cannabis based on scientific evidence, but the government is more concerned with ideology than people's health.

Research shows that cannabis can be used in case of chronic diseases such as cancer, neuropathic pain, HIV or hepatitis C infection, multiple sclerosis, epilepsy and Alzheimer's disease, among others. In countries where medicinal cannabis is not available, patients are forced to break the law and hide from their doctors that they are using cannabis for self-medication.

Because they are better off buying cannabis from the street, often of dubious quality, the presence of contaminants and the unknown composition of the cannabis poses a health risk to them. It is also not reassuring that they are not subject to preliminary assessment, medical supervision and follow-up. Others try to relieve their symptoms with less effective and more dangerous drugs instead of cannabis.

We have been concerned with the topic of medicinal cannabis for two decades. We published publications on the medical use of cannabis and the process to apply for it. We have interviewed patients who are secretly using cannabis

to relieve their symptoms and provided legal assistance to seriously ill patients who have been prosecuted for possession of cannabis. During this time, medical cannabis programmes have been launched on every continent and a library of scientific evidence of the effectiveness of these therapies has been produced.

There is no question that medicinal cannabis will eventually become available to patients in Hungary too. The question is when and how this will happen, and how many patients will have to suffer unnecessarily in the meantime. With our series on good practices,

**our aim is that in the foreseeable future, Hungarian patients will have access to their medicine through a well-functioning medicinal cannabis programme.**

# INSTITUTIONS FOR THE PROTECTION OF FUNDAMENTAL RIGHTS

## WHAT DO WE DO WITH THEM?

*Máté Szabó, Operations Director*

**We are a legal defence organisation that helps citizens to redress the violations of their individual fundamental rights and assert their legal claims. We help to initiate proceedings, advise citizens on the bodies to which they can apply to enforce their rights, and we represent them in front of those bodies in cases that go beyond individual enforcement. We often take advantage, when we have the opportunity, of our organisation initiating important procedures on its own behalf.**

In many cases, we therefore motion the different proceedings of the **Constitutional Court**, the Commissioner for Fundamental Rights, the Equal Treatment Authority, which is part of his office, and the **National Authority for Data Protection and Freedom of Information**. We write submissions to institutions that, by virtue of their constitutional function, should be committed to human rights values. We would expect the Constitutional Court to annul state decisions that are incompatible with the Constitution, whether they are the product of legislation or judicial decisions, and thus to protect constitutional rights, even against the expression of the will of the majority. We expect the Ombudsman, as the main public advocate for human rights values, to use his accessible and flexible procedures to promote the realisation of rights at both individual and systemic levels. The Equal Treatment Authority, which now happens to operate within the institutional framework of the Commissioner for Fundamental Rights,

would be expected to provide effective legal protection for victims of discrimination. And the National Authority for Data Protection and Freedom of Information ideally protects individual privacy and promotes transparency in public affairs.

The sad experience of recent years is that

**these institutions are increasingly failing to live up to the expectations placed on them.**

It is not uncommon for them to take the side of power in controversial decisions, even in defiance of their own constitutional mandate. These institutions are not the first ones that come to mind as partners in the defence

of rights, because they often behave in a way that is more like serving the interests of power. Worse still, they are increasingly failing to respond to petitions seeking redress for violations of fundamental rights. Long months and years go by without any reaction from these bodies.

This sends a message to all citizens affected by the fundamental rights violations described in the petitions that their grievance is not worthy of even a negative response.

***In November, we wrote a letter to the Ombudsman, in which we listed the cases on which we have been waiting in vain for his reaction and for how many months or years.***

**Excerpt from the letter:**

***"Despite the fact that the Commissioner for Fundamental Rights should treat these cases with special attention, the HCLU receives very few replies to its submissions. In many cases, there is not only no substantive response from your office, but no reaction at all. There is no doubt that there is no statutory time limit for the Ombudsman's proceedings, but this does not mean that the Commissioner for Fundamental Rights can choose not to respond at all to complaints alleging systemic violations of fundamental rights for many years. You should respond to these submissions even if you otherwise think that they are for some reason unworthy of substantive consideration. If the Ombudsman's Office acts as a bottomless pit of complaints who you can turn to but you can't expect a response, it has become the very organisation that many countries have created it to counter."***

On bad days, we also ask ourselves whether it is worth the time and effort to prepare these submissions. And, even though we think twice before using this tool, we still write a large number of such submissions. Why? There are many reasons for this.

Firstly, we have suffered a lot of losses over the last decade: the public space in which we can make an impact has narrowed and we have fewer and fewer tools for enforcement. We will not add to these losses by voluntarily giving up even a single method of legal protection.

Secondly, if we are not persistent in constantly reminding these institutions

of what they should be doing, no one will do it for us. Not only do we know how to do it, but we have the resources to take on what seem like hopeless cases.

Thirdly, it is a way of confronting a system that is increasingly showing signs of authoritarianism with the absence of the rule of law, and with its failure to meet modern constitutional standards. This will be an important experience in the hopefully not too distant future, when the rule of law will be restored and it will once again be a realistic expectation that these institutions will function in accordance with their constitutional function.

Fourth of all,

**these submissions are not only for those to whom they are addressed, but also for the political community.**

**By showing human fates, we make violations of rights that are otherwise difficult to understand more tangible,** and at the same time show how, in a normal world, they could be argued against convincingly through legal means. Our aim is to win as many people as possible to the cause of freedom. Citizens who are committed to a constitutional state are strengthened by the knowledge that their values are shared by others, that they are backed by legal arguments and that they are not alone in their opposition to public authority. This in turn contributes to increasing the number of politically

active citizens who are critical of the system.

Fifth of all, in motions that use fundamental rights arguments explicitly, it is possible to ensure that the language of fundamental rights continues to live on in our legal culture, albeit in a somewhat restricted way, at least in a way that is perceptible to the public that is paying attention. In the eventual restoration of the constitutional state, this language will come in very handy, as will the fact that there will still be citizens who want to assert their freedoms.

Last but not least,

**not all of our similar submissions are unsuccessful.**

**For citizens whose rights are successfully enforced through this route, our involvement is a real help. So, if not all the time, then from time to time we contribute to restoring justice. And we will never give up this experience.**



TÁRSASÁG A  
SZABADSÁGJOGOKÉRT



# FONTOS ESEMÉNYEK



Photo: Balázs Mohai / Budapest100

## BUDAPEST100

This year, for the first time, we were allowed to participate in the Budapest100 weekend, as the building where our office is located got involved in the initiative's programme. At the event, our staff and volunteers organized an exhibition, a house tour and children's activities for the visitors.

## CIVIL PRIZE

**It is an enormous honour and pleasure to us for being awarded the NIOK Foundation's "Civil Prize" this year, assigned to the most impactful project – a prize for our work during the pandemic!**

Photo: Vera Bécser / NIOK Foundation

Last spring, not only our daily lives but also the life of the organisation changed radically. Due to the new challenges occurred from the pandemic, we had to revise our working methods too. We were compelled to provide legal assistance and advice in areas we hadn't been active previously. We did so for we felt we had to: the government did not consider informing the citizens important enough and left them alone in the crisis. Our staff were working flat out for months, often at weekends and at night, to interpret the ever-changing rules as soon as possible. By now, we have responded to over five thousand legal aid requests on the subject and prepared approximately 40 easy-to-understand guides. In the last 18 months, more than 3.5 million people clicked on our website to read these. Based on much positive feedback and professional recognition, we think it was worth doing, for we could offer real help in that extraordinary situation.

## PRIDE

As always year by year, we participated in the summer Pride festival this year again. The staff and volunteers of HCLU not only supported the LGBTQ community with their presence, but also acted as legal observers to ensure that everyone felt safe and additionally they provided free legal aid to participants in the Civil village, helping many people with issues concerning the homophobic propaganda law, for instance. Also in 2021, the first Pride parade outside of Budapest was held in Pécs. We were also present to introduce our activities to the locals in the civil village before the parade, especially since our first regional office opened in Pécs.





# WE ARE REPRESENTING THOSE OBSERVED IN THE PEGASUS CASE

The Pegasus case broke out in July and overshadowed any other data protection-related issues for the rest of the year. Hungarian journalists from Direkt36 and their international partners revealed due to a leaked database of 50,000 phone numbers, that authoritarian regimes are massively monitoring opposition members, journalists, businessmen or anyone independent, who may criticise those regimes, thus posing a threat to their power.

All this is done using **Pegasus**, a military spy software from the Israeli **NSO Group**, which can be installed undetected and can be used to extract all the data from the target's phone: microphone and cameras can be switched on, that from then are acting as a listening device, and all the photos, emails and social media activity are available and transparent. The list of those targeted by Pegasus included 300 Hungarian phone numbers: belonging to Hungarian people who were clearly being monitored or were wanted to be

monitored by the Hungarian government, as only states can buy this cyber weapon, and because no other state can reasonably be expected to monitor people inconvenient to the government en masse.

The case has once again drawn attention to the problem of surveillance carried out for national security purposes in Hungary, the essence of which was summed up by Minister of the Interior, Sándor Pintér when he stated that all surveillance in Hungary today is lawful.

Unfortunately, this is not because the Hungarian services fully comply with a strict set of rules - on the contrary, the legal framework for surveillance is so broad that it is almost impossible to monitor unlawfully anyone within it.

**At HCLU, we have been doing our best for a long time to move the legal regulation of surveillance in a direction that respects fundamental rights.**

Even before the Pegasus case, we represented several people in court who could reasonably be presumed to have been victims of politically motivated intelligence surveillance without any real national security interest. This time we

did the same: we have launched a series of proceedings against the **Constitutional Protection Office (CPO)** under the **Ministry of the Interior** and the **Information Office (IO)** under the **Ministry of Foreign Affairs and Trade** to bring these irregularities to light and to bring justice to our clients. Proceedings have been launched at ministerial and parliamentary committee level, before the Ombudsman and before the **NAIH**.

Would we be unsuccessful in these proceedings, we will take the cases to the **European Court of Human Rights (ECtHR)** in Strasbourg and reiterate that the Hungarian regulation of the secret services does not provide any control for the people concerned – in other words, the Hungarian regulation systematically violates everyone's rights, as anyone can become a target of surveillance.

**As the abuses have several international implications – the spyware was produced by an Israeli company and it targeted an EU citizen living in Hungary – we have also launched international proceedings before the European Commission, the Israeli Attorney General's Office and the European Court of Human Rights.**



# WE WILL PROTECT THE CITIZENS' PRIVACY

**It is a fundamental principle in all constitutional states that the state shall be transparent to the citizens, while the private sphere of the citizens shall be impenetrable to the state, without any legitimate reason.**

**Unfortunately, in addition to the Pegasus case, this year, Hungary has moved away from this ideal situation in several other areas as well.**

From 1 January, almost the entire public administration, and from 1 March, the health sector, will be subject to performance reliability audits, under which the police's internal counterintelligence service, the **National Defence Service**, can in principle carry out random checks on the employees concerned, mainly on their propensity to commit corruption – but in practice it has been given a secret service toolkit to monitor thousands of employees for obscure purposes. While fight against corruption is clearly an important objective, it is grossly disproportionate and unlawful that the NSA can even install listening devices in the offices of thousands of workers to check the performance of their employment contracts. We have brought a complaint before the **Constitutional Court** about this unconstitutional restriction of rights.

An other phenomenon from 2021, that from 1 September, the law will oblige accommodation providers to transfer guests' personally identifiable data and some other personal data to a central database, provided by the **Hungarian Tourism Agency**, when guests check in. For citizens of Hungary or other EEA Member States, the data is stored in the database until the end of the year following upload, but for all other foreigners the retention period is 5 years.

According to HCLU, saying that "at some point it may be needed" for law enforcement and other public interest purposes is not an eligible reason for operating such a large database of personal data.

Stockpiling data

## **treats all hotel guests as potential criminals,**

which violates their human dignity. There are no substantive restrictions on police access to the database: the law does not set any criteria when data requests are allowed. And while the law makes guests transparent, it does not guarantee transparency of monitoring. For the law does not require the system to log the completed searches or the hits found.

**The regulation infringes both the rights of guests and the legitimate interests of accommodation providers, which is why we have decided to take action against the stockpiling of data. We are bringing a data protection case against an accommodation provider, with a view to eventually challenging the offending law in the Constitutional Court.**

# NUMBERS OF 2021

we provided **legal aid over the phone** on

**1500**  
occasions

we provided **legal aid by e-mail** to

**2685**  
people

last year we had a total of **204** ongoing cases

we have received **HUF 67 032 078** as financial support from nearly **2000** individuals

AN INCREASE OF 32% COMPARED TO THE PREVIOUS YEAR



**2866** persons donated

**1%** percent of their **income tax** to our organization

we received a total of **HUF 26 397 347** WHICH IS A 12% INCREASE COMPARED TO 2020

## LEGAL AID FIGURES SINCE THE START OF THE PANDEMIC

**5000**

**enquiries about the coronavirus**

**number of all our information and position papers on coronavirus:**

**34**

**number of visitors to our most visited information page in 2021** (*Crossing borders, inbound and outbound*):

**998 127**

**number of visits to our pages on coronavirus:**

**3 067 995**

**749**

**press releases**

# PERSONS WHO WORKED WITH US IN 2021

**Márton Asbóth**
**Nóra Ilona Aujezsky**
**M. Eszter Balázs**
**Flóra Benkő**
**Zoltán Bognár**
**Panna Bodor**
**Ilona Boros**
**Viktória Brumecz**
**Beáta Dánielné Tóth**
**Dalma Dojcsák**
**Dániel Döbrentey**
**Borbála Fernezelyi**
**Gabriella Harmat**
**Szabolcs Hegyi**
**Tivadar Hüttl**
**Eszter Jovánovics**
**Stefánia Kapronczay**
**Júlia Kaputa**
**Tamás Kardos**
**Anna Kertész**
**Kristóf Környei**
**Zsuzsanna Kunos**
**Réka Dóra Lebedi**
**Erna Landgraf**
**Anna Márffy**
**Attila Mráz**
**Petra Júlia Nagy**
**Zsófia Nagyné Gere**
**Emese Pásztor**
**Balázs Pivarnyik**
**Ádám Rempert**
**Anna Rubi**
**Attila Szabó**
**Máté Szabó**
**Ádám Takács**
**Kata Tasnádi**
**Joli Tóth**
**Réka Várkonyi**
**Réka Velényi**
**Beatrix Vissy**
**Judit Zeller**
**Virág Zsugyó**

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**Márk Pető**

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**Patrícia Traj**

**Ágota Simon**

**Milán Mészáros**

**Eszter Kovács**

**Dávid Deák**

**Tímea Váci**

**Kinga Zempléni**

**Bea Bodrogi**

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**Flóra Kollarics**

**Nóra Gaál**

**Csongor Herke**

**Noémi Fanni Molnár**

**Tamás Sziklai**

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