



HUNGARIAN
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COMMITTEE



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PERSISTING FAILURE TO STEP UP FOR HUMAN RIGHTS

BACKGROUND PAPER ON HUNGARY'S NATIONAL HUMAN RIGHTS INSTITUTION

17 June 2025

Executive summary

As part of undermining the system of checks and balances, the Hungarian governing majority has weakened the independence of institutions vested with the task of protecting human rights, such as the Commissioner for Fundamental Rights (CFR), who also fulfils the role of Hungary's national human rights institution (NHRI). This resulted in the relevant international body concluding that the way the CFR acted showed a lack of independence and compromised its compliance with the applicable UN principles. As a result, the CFR was downgraded as an NHRI in 2022. However, the deficiencies identified regarding the merits of the CFR's work continue to this day: it fails to effectively promote and protect all human rights and vulnerable groups. In addition, more and more specialised human rights protection institutions were merged into the Office of the CFR, which resulted in weakened human rights protection in the affected areas. The selection and appointment system of the CFR remains inadequate as well, with a new CFR due to be elected by the Parliament in 2025. Currently, the CFR does not fulfil its mandate with regard to politicised issues and several vulnerable groups, which contributes to a severely diminished level of human rights protection in Hungary.

1. Background: downgrading Hungary's NHRI for its lack of independence

Since 2010, the Hungarian governing majority has systematically and consciously undermined the system of checks and balances by weakening, eliminating or occupying those institutions and actors that can exercise any form of control over the executive branch of power. This included the taking over of state institutions vested with the task of protecting human rights, such as the institution of the Ombudsperson, i.e. the CFR, who also fulfils the role of Hungary's NHRI. The position is currently filled by Ákos Kozma, who was elected by the Parliament in 2019 and will remain in office until 25 September 2025.

In March 2022, following a review carried out by the Sub-Committee on Accreditation (SCA) of the Global Alliance of National Human Rights Institutions (GANHRI) to assess whether the CFR meets the requirements of the Paris Principles, which set out the internationally agreed minimum standards that NHRIs must meet to be considered credible, the CFR was downgraded from an A to a B status since its inactivity in a number of politically sensitive areas evidenced a lack of independence. In particular, the SCA found that the CFR had not substantiated that it was "fulfilling its mandate to effectively promote and protect all human rights", that it was "effectively carrying out its mandate in relation to vulnerable groups such as ethnic minorities, LGBTQI people, human rights defenders, refugees and

migrants, or related to important human rights issues such as media pluralism, civic space and judicial independence. [...] Accordingly, the SCA is of the view that the CFR is acting in a way that seriously compromises its compliance with the Paris Principles.” In addition, concerns were raised that the CFR’s selection and appointment process was not sufficiently broad and transparent.¹ This assessment echoed the opinion of Hungarian civil society organisations.²

As detailed below, these concerns have not been addressed to date. The CFR remains dysfunctional and ineffective, and does not fulfil its mandate with regard to politicised issues and several vulnerable groups. This contributes to a severely diminished level of human rights protection in Hungary.

2. Persisting failure to protect vulnerable groups

Concerns regarding the merits of the CFR’s work persist: publicly available information and the experiences of civil society organisations evidence that it still does not effectively promote and protect all human rights and vulnerable groups; fails to address important rule of law issues; and has repeatedly failed to respond in time or at all to requests, petitions and complaints submitted by civil society organisations regarding such topics.

The silence of the CFR is even more deafening because, as also demonstrated by a long series of opinions, reports and recommendations by domestic, regional and international stakeholders issued since 2022 regarding Hungary, severe human rights and rule of law issues have remained or emerged in all the areas where the CFR’s pre-2022 performance was deemed inadequate:

- The discrimination of Roma people remained widespread in all spheres of life, and includes segregation in education. They continue to face extreme poverty, and many of them live in segregated neighbourhoods that lack proper infrastructure.³
- The governmental hate campaign against LGBTQI+ people continued, while restrictive laws, such as the ones excluding legal gender recognition, further restricting individual adoption for those living in a same-sex relationship, or the propaganda law censoring LGBTQI+ content for minors remained in place.⁴ In 2025, the governing majority adopted further amendments, aiming to effectively ban Pride marches and other LGBTQI+ themed events.⁵

¹ Global Alliance of National Human Rights Institutions (GANHRI), *Report and Recommendations of the Virtual Session of the Sub-Committee on Accreditation (SCA)*, 14-25 March 2022, https://www.ohchr.org/sites/default/files/2022-04/SCA-Report-March-2022_E.pdf, pp. 43-47.

² See e.g.: Hungarian Helsinki Committee, *Shadow Report to the GANHRI Sub-Committee on Accreditation on the Activities and Independence of the Commissioner for Fundamental Rights of Hungary in Light of the Requirements Set for National Human Rights Institutions*, 18 February 2021, https://helsinki.hu/wp-content/uploads/Assessment_NHRI_Hungary_18022021_HHC.pdf. This shadow report was prepared with input from Amnesty International Hungary, the Eötvös Károly Institute, Háttér Society and the Hungarian Civil Liberties Union.

³ See e.g.: European Union Agency For Fundamental Rights, *Roma in 10 European Countries – Main results*, 2022, <https://fra.europa.eu/en/publication/2022/roma-survey-findings>.

⁴ See e.g. ILGA Europe’s Rainbow Map at <https://rainbowmap.ilga-europe.org/countries/hungary/>; Amnesty International Hungary – Háttér Society, *Hungary: Continued Backsliding on LGBTQI Rights*, November 2023, <https://hatter.hu/sites/default/files/dokumentum/konyvlap/hatter-amnesty-art7-2023nov.pdf>.

⁵ See e.g.: Amnesty International Hungary – Háttér Society – Hungarian Civil Liberties Union – Hungarian Helsinki Committee, *Legislating Fear: Banning Pride is the latest assault on fundamental rights in Hungary*, 21 March 2025, https://helsinki.hu/en/wp-content/uploads/sites/2/2025/03/AIHU_Hatter_HCLU_HHC_Pride_03202025.pdf.

- Refugees and migrants continue to face rights violations, such as violent push-backs and no access to the territory of Hungary and to a regular asylum procedure. The adequate protection of those fleeing Ukraine is lacking.⁶
- Civic space has continued to shrink, and human rights defenders and other civil society actors have continued facing challenges hindering them in their work. These ranged from smear campaigns and stigmatizing rhetoric by government representatives to new legislative steps: the adoption of the Sovereignty Protection Act in 2023, attempting to intimidate and silence critical voices, and the tabling of the Bill on the Transparency of Public Life in 2025, which foresees the deprivation of arbitrarily blacklisted non- and for-profit entities (including civil society organisations and media outlets) of their resources.⁷
- Media pluralism remains undermined; independent media outlets have been targeted by the new legislative steps above. Hungary has not been executing recommendations of the European Commission's Rule of Law Report pertaining to the media, and Reporters Without Borders ranked the country at the 68th place out of 180 in 2025.
- Despite legal changes carried out in 2023 to access EU funds, systemic deficiencies continue to jeopardise the independence of the judiciary. There are major concerns regarding Hungary's apex court and the Constitutional Court, and the lack of guarantees safeguarding the freedom of expression of judges.⁸

The inactivity in these fields does not mean that the CFR's Office operates in an inadequate manner in all areas: for example, it has been active with regard to the rights of children, people living with disabilities and environmental issues – however, there is no indication that the Deputy Commissioner for Future Generations addressed in depth, beyond a single opinion on the respective regulation, the politicized issue of environmental concerns emerging in relation to EV battery factories, triggering local protests. However, it is clear that the CFR has been avoiding confrontation with the government when it comes to politically sensitive topics.

Nevertheless, the performance of the current Deputy Commissioner for the Rights of National Minorities has to be acknowledged. She has been proactive regarding the issues falling under her purview, and took on cases such as the lack of a local transport or school bus system allowing Roma children living at a settlement to attend an integrated school, resulting in discrimination, or the legal framework and societal impact of hatred-inducing demonstrations. Also, the Deputy Commissioner has been positively stretching her mandate to include further vulnerable groups beyond ethnic minorities when warranted: for example, in 2023, her office together with a judicial association organised a conference on vulnerable groups in the courtroom, with a special focus on children, refugees, or LGBTQI+ victims. Another conference organised by her office in 2022 focused on hate crimes, with the groups covered exceeding national minorities. However, her activities remained rather invisible to the press and the public, even though publicity is the main "tool" of Ombuds institutions.

⁶ See e.g. the Hungarian Helsinki Committee's statement submitted to the 2024 OSCE Warsaw Human Dimension Conference, available at: https://helsinki.hu/en/wp-content/uploads/sites/2/2024/11/OSCE-Warsaw-Human-Dimension-Conference_Refugees_HU-CSO-input_02102024.pdf.

⁷ See e.g. the Hungarian Helsinki Committee's statement submitted to the 2024 OSCE Warsaw Human Dimension Conference at https://helsinki.hu/en/wp-content/uploads/sites/2/2024/10/OSCE-Warsaw-Human-Dimension-Conference_Fundamental-freedoms_HU-CSO-input_02102024.pdf, and information under <https://helsinki.hu/en/operation-starve-and-strangle-20250522/>.

⁸ For an overview of the situation pertaining to the judiciary and the media, see e.g.: *Contributions of Hungarian CSOs to the European Commission's Rule of law Report*, January 2025, https://helsinki.hu/en/wp-content/uploads/sites/2/2025/01/HUN_CS0_contribution_EC_RoL_Report_2025.pdf.

2.1. Overview of the CFR's activities in areas where its performance was deemed inadequate

An overview of the reports published by the CFR since the beginning of 2022 (83 reports in 2022, 106 reports in 2023, 82 reports in 2024, and 12 reports in 2025 as of 17 June) shows that the CFR did not publish any reports in this time period that dealt with the rights of LGBTQI people or refugees and migrants (with a sole exception of a report in 2022 on the education of children fleeing from Ukraine), and did not focus in any of its public reports on the situation of human rights defenders, civic space, media pluralism or judicial independence either.⁹ Only two reports were published in this period regarding the situation of homeless persons, one in 2022 and another in 2024. The public statements made available on the CFR's website since January 2022 do not cover any of the above topics either, with the exception of references to people fleeing Ukraine as a result of the war.¹⁰

It is also telling to what extent certain vulnerable groups or issues are featured in the CFR's annual reports. By way of example the word "LGBTQ" was mentioned only once in both the 2022¹¹ and the 2023¹² annual reports, in relation to a conference the CFR's representative attended and to a visit by a Council of Europe representative, while the word does not show up in the 2024 annual report at all. Another blatant gap is that the Sovereignty Protection Act, severely affecting both civil society and the media, which is not mentioned by the 2023 and the 2024¹³ annual reports either.

Even when certain vulnerable groups are covered, the CFR's approach can be rather selective. For example, in 2022, the CFR provided assistance and monitored the situation of persons fleeing Ukraine, and according to the annual report, the Deputy Commissioner for the Rights of National Minorities considered the situation of Ukrainian and Roma persons fleeing from Ukraine as a priority topic. Similarly, the CFR's 2023 annual report touches upon the situation of those fleeing Ukraine and the CFR's related activities. However, none of these reports address the systemic issues affecting refugees and migrants coming from other countries, showing the selective inactivity of the CFR in this area.

According to its annual reports, the CFR did not submit a constitutional review request to the Constitutional Court in 2022, 2023 or 2024, despite the series of laws that should have been challenged for violating human rights. This is problematic also because the CFR is among the handful of actors who can initiate a constitutional review of laws without a victim status.

2.2. Failing to engage with civil society on politicised topics

Even though the CFR reported to GANHRI that "it also launches investigations based upon the initiative of civil society organizations", the experiences of many civil society organisations tell a very different story in which the CFR does not respond to their requests, petitions or complaints submitted on behalf of their clients at all or in a timely manner. By way of example, in November 2024, Háttér Society sent a letter to the CFR listing eight different submissions related to various legislative and

⁹ The published reports of the CFR are available here in Hungarian: <https://www.ajbh.hu/jelentesek-inditvanyok-allasfoglalasok>.

¹⁰ The CFR's public statements are available here in Hungarian: <https://www.ajbh.hu/kozlemenyek>.

¹¹ *Beszámoló az alapvető jogok biztosának és helyetteseinek tevékenységéről 2022 [Report on the Activities of the Commissioner for Fundamental Rights and its Deputies in 2022]*, https://www.ajbh.hu/documents/10180/7828043/AJBH_%C3%89ves_besz%C3%A1mol%C3%B3_2022.pdf/0c966d1b-378d-901c-6faa-63eca7cea564?version=1.1&t=1702897869314.

¹² *Report on the Activities of the Commissioner for Fundamental Rights of Hungary and its Deputies in 2023*, https://www.ajbh.hu/documents/14315/8220512/AJBH_annual_report_2023.pdf/3580b116-ofaf-4966-c991-d4e735e09299?version=1.0&t=1734948427245.

¹³ *Beszámoló az alapvető jogok biztosának és helyetteseinek tevékenységéről 2024 [Report on the Activities of the Commissioner for Fundamental Rights and its Deputies in 2024]*, <https://www.parlament.hu/irom42/11125/11125.pdf> (not yet accepted by the Parliament)

other measures violating the rights of LGBTQI+ persons it had submitted individually or jointly, e.g. with Amnesty International Hungary, to the CFR in the preceding years but have not received any in-merit response to. The submissions covered topics such as the infamous “Propaganda Law” currently before the Court of Justice of the European Union and the amendments excluding legal gender recognition. The submission concerning the latter was accompanied by a petition with 100,000 signatories, but that did not warrant a response either. The Háttér Society has not received a reply to its November 2024 letter to date. The Hungarian Helsinki Committee has – among others – submitted an individual complaint in the politically sensitive case of excessive and overly fast hospital evacuations during the COVID-19 epidemic to which no response has been given by the CFR in the past five years.

While it is true that the Civil Consultative Body, which was set up in 2014 to assist the CFR in discharging its mandate as national preventive mechanism under the OPCAT, continues to operate, the practice leaves much to be desired: after the current CFR took office in 2019, members of the Civil Consultative Body started to experience operational difficulties, and opportunities for real dialogue and professional discussion became very limited.

3. Problematic mergers leading to weakened human rights protection

In recent years there has been a trend to merge all specialised human rights protection institutions into the CFR’s Office: as of 2021, Hungary’s equality body under EU law, the Equal Treatment Authority, was merged into the CFR’s Office;¹⁴ the same happened to the Independent Law Enforcement Complaints Board in 2020; and in 2022, the CFR’s Office was designated as Hungary’s independent mechanism established under the UN CRPD. Moreover, the CFR’s Office was designated as Hungary’s national preventive mechanism (NPM) under the OPCAT as of 2015; and was given a central role in overseeing public interest disclosures (whistleblowing) in 2023.

This level of concentration of mandates is in itself highly problematic due to the lack of functional independence of the CFR alone, but research carried out in 2024¹⁵ also corroborates how this resulted in weakened human rights protection in the following affected areas:

- Deficient monitoring of places of detention: the current capacities remain insufficient for the NPM to carry out its statutory tasks; the CFR often fails to respond to complaints submitted by civil society organisations related to the NPM’s mandate in time or at all; and even though the NPM carried out a significant number of visits, the visits and the reports about them suffered from deficiencies, including very significant delays of months or even years in publishing.
- Diminished level of protection against discrimination: the fact that no director or deputy director has been appointed for the Directorate-General for Equal Treatment within the CFR’s Office, that some complaints are not investigated under the Equal Treatment Act but under the much softer CFR procedure, and most importantly the drastic drop in the number of cases show that the merger raises serious concerns about the effective enforcement of the principle

¹⁴ For more details, see: *Country report – Non-discrimination – Hungary*, 2021, <https://www.equalitylaw.eu/downloads/5732-hungary-country-report-non-discrimination-2022-1-63-mb>, pp. 100-115.

¹⁵ Háttér Society – Hungarian Helsinki Committee, *The last piece of the puzzle? – Assessing the performance of Hungary’s national human rights institution*, 2024, https://helsinki.hu/en/wp-content/uploads/sites/2/2024/12/HHC_Assessment_of_Hungarian_NHRI_2024.pdf. For a summary, see: https://helsinki.hu/en/wp-content/uploads/sites/2/2025/01/HHC_Assessment_of_Hungarian_NHRI_summary_2024.pdf.

of equal treatment. In addition, the hierarchisation of protected characteristics can be observed, with sexual orientation, gender identity, race/ethnicity, and political opinion being sidelined.

- Weakened protection against police abuse: the CFR's Office does not provide the issue with sufficient public visibility, its data collection efforts in the area are very limited, the additional powers provided to it are not applied at all, the proceedings have become much longer, and the number of complaints has significantly dropped.

The deficiencies identified by the research clearly show that significant institutional, procedural and practical changes would be necessary to enhance or at least restore the previous level of human rights protection in the above areas.

4. Selection and appointment process remains deficient

Even though GANHRI raised as a concern in relation to the downgrading that the CFR's selection process enshrined in Hungarian law "is not sufficiently broad and transparent", and emphasised that "a transparent process that promotes merit-based selection and ensures pluralism is necessary to ensure the independence of, and public confidence in, the senior leadership of an NHRI", the rules on the CFR's selection and appointment have not been amended to date. Accordingly, the advertisement of vacancies (i.e. an open call for applications) is still not required; no clear and uniform merit criteria have been established on the basis of which candidates are assessed; and no process for achieving broad consultation and/or participation in the application, screening, and selection and appointment process has been specified.¹⁶

The mandate of the current CFR will expire on 25 September 2025. The President of the Republic shall make a proposal for the person of the new CFR between the ninetieth and the forty-fifth day preceding the expiry of the mandate. In advance of the commencement of this period, on 6 June 2025, twenty Hungarian civil society organisations sent an open letter to the President of the Republic regarding the nomination process.¹⁷ The organisations asked the President to establish a procedure that ensures the transparency of the selection process via using pre-determined, objective and publicly available criteria to assess candidates, and that provides for a meaningful consultation with the widest possible range of relevant actors. Signatories stressed that a transparent and merit-based selection process, carried out in line with international standards, could contribute in the medium term to the proper functioning of the Hungarian Ombudsperson institution and to the restoration of public confidence in it.

However, to date, the President of the Republic has not replied to the open letter, and there is no public information that would indicate that he intends to follow international recommendations with regard to the selection process.

¹⁶ Cf.: Global Alliance of National Human Rights Institutions (GANHRI), *Report and Recommendations of the Virtual Session of the Sub-Committee on Accreditation (SCA)*, 14-25 March 2022, https://www.ohchr.org/sites/default/files/2022-04/SCA-Report-March-2022_E.pdf, pp. 43-47.

¹⁷ The open letter is available here in Hungarian: https://helsinki.hu/wp-content/uploads/2025/06/KE-nyilt-level_AJB-jelolese_20250606.pdf.