Hungary: Rule-of-Law Developments in 2025

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News

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This news item continues eucrim's overview of worrying rule-of-law developments in Hungary as far as implications on Union Law, in particular the protection for the EU's financial interests, are concerned. It reports on the developments in 2025 and follows up on the overview in eucrim 4/2024, 262-264.

- 3 February 2025: A team of researchers from the Hungarian Helsinki Committee and Háttér Society present a report in which they assessed the activities and performance of the Hungarian Commissioner for Fundamental Rights (CFO). The project/publication was supported by the Friedrich Naumann Foundation for Freedom – Central Europe. It is based on the fact that, since 2010, the ruling Fidesz-KDNP government has continuously merged specialised human rights protection institutions into the Office of the Commissioner for Fundamental Rights, such as Hungary's equality body and an independent body vested with examining human rights-related complaints against law enforcement. The report finds that this level of concentration of mandates is highly problematic due to the lack of the functional independence of the CFR alone. The research has also demonstrated that the concentration has resulted in weakened human rights protection in affected areas, namely in deficient monitoring of places of detention, a diminished level of protection against discrimination, and weakened protection against police abuse. The authors call for significant institutional, procedural and practical changes to enhance or at least restore the previous level of human rights protection in Hungary.
- 11/17 March 2025: The Hungarian government submits a bill for the 15th amendment to Hungary's Fundamental Law (the country's constitution). The amendment would (1) allow the "suspension" of Hungarian nationality of those with multiple citizenship; (2) constitutionally prohibit legal gender recognition; and (3) assert that children's rights take precedence over all other fundamental rights, except the right to life. The latter would also restrict free assemblies such as the Budapest pride or other similar events that might expose minors to content about LGBTQI identities. Furthermore, the 15th amendment removes the time limit on the Government's ability to declare a state of danger, allowing the Government to maintain it indefinitely without parliamentary approval.
- 13 March 2025: The ECJ declared Hungarian administrative practice to deny the rectification of the personal data relating to the gender identity of a natural person kept in a public register (here: register of asylum seekers) incompatible with EU law. According to the Court, the Hungarian approach violates the right of rectification enshrined in Art. 16 of the GDPR. The judgment (Case C-247/23, *Deldits*) comes amid legislative attempts by the Hungarian government to prevent the possibility of changing the sex of birth.

- 18 March 2025: The Hungarian Parliament tightens restrictions on holding assemblies through legislative changes. The new law requires that public events must comply with "Section 6A" of the Child Protection Act, which was introduced in 2021 in the framework of the "Anti-Paedophilia Act" (→eucrim 2/2021, 72). Section 6A curtailed LGBTI content and especially its availability to minors. It is currently subject of infringement proceedings before the ECJ (→Case C-769/22). Through the legislative changes, public events, such as prides, can be prohibited if they depict and promote "divergence from self-identity corresponding to sex at birth, sex change or homosexuality" to people under 18. In addition, the new law provides that attendants of a banned protest risk a fine up to €500 and authorities are now empowered to deploy facial recognition technology against all suspected offenders of petty offences, including those participating in a banned assembly.
- 19 March 2025: Lead MEPs representing the majority in the European Parliament publish a statement in which they condemn the Hungarian government's move to limit the right of assembly and ban the Budapest Pride (see above). MEPs state that "[t]his attempt to suppress peaceful assembly is an undeniable violation of basic rights enshrined in the Charter of Fundamental Rights of the EU…". They also criticise that the bill was submitted to Hungary's Parliament under the "accelerated procedure" and approved in two days' time, without impact assessment, consultation or debate. The Council is called to stop stalling the Article 7 procedure against Hungary.
- 25 March – 1 April 2025: The Council of Europe anti-torture Committee (CPT) carries out an *ad hoc* visit to Hungary to examine the treatment and detention conditions of prisoners. The visit comes after an official periodical visit in 2023 and the related publication of the CPT report on 3 December 2024. NGO's point out that, since the last CPT visit to Hungary in 2023, there has been little tangible progress regarding key issues related to detention. Serious concerns remain regarding issues such as prison overcrowding and inhumane detention conditions, the failure to address systemic deficiencies in the prevention, investigation and sanctioning of ill-treatment, as well as the rise in the number of pre-trial detainees and irregularities in pre-trial detention.
- 21 March 2025: UN Human Rights spokesperson *Liz Throssell* voices concerns over Hungary's new anti-LGBTIQ+ law, in particular as regards the use of surveillance measures and fines for Pride parades.
- 24 March 2025: In a letter, the Commissioner for Human Rights of the Council of Europe, *Michael O'Flaherty*, asks members of the National Assembly of Hungary to "initiate a reconsideration of the recently-adopted amendment to the law on the right to assembly, and to refrain from adopting the proposed constitutional and other amendments." He makes reference to respective ECtHR case law that is in opposition of the legislative changes in Hungary.
- 27 March 2025: Ambassadors from 22 European countries voice deep concerns over the legislation passed on 18 March 2025 in Hungary that results in restrictions on the right of peaceful assembly and the freedom of expression.
- 14 April 2025: The Hungarian Parliament adopts the bill of 11/17 March (see above), i.e., the 15th amendment to the Fundamental Law of Hungary. The law is criticised as being a further attack to LGBTQI rights in Hungary and for tweaking the rules of the state of danger once again to secure the power of the ruling Fidesz-KDNP party. NGOs critically summarise the amending law as follows: "This discriminative amendment not only violates the fundamental rights of LGBTQI people and citizens who support them, but by allowing for the blanket use of facial recognition techniques to identify unknown perpetrators of all petty offences, violates privacy rights of every person in Hungary with the aim to further instil fear among those who voice dissent."
- 13 May 2025: The ruling Fidesz party submits a bill under the heading "Act on the Transparency of Public Life". The legislation would create the possibility of listing foreign-supported organisations that threaten Hungary's sovereignty. Listed organisations will no longer be allowed to accept foreign funding without authorisation, will not be eligible for personal income tax benefit, and their managers

will have to make a declaration of assets and be considered a politically exposed person. The procedure of determining organisations and listing/delisting them involves Hungary's Sovereignty Protection Office and the anti-money laundering body, which is conferred widespread powers to conduct administrative inspections. The legislative proposal also includes several compliance obligations for the credit institutions keeping accounts of listed organisations as well as the managers of the organisations. *Márta Pardavi*, co-chair of the Hungarian Helsinki Committee, criticises that "the law represents a full-on attack on participation in public life and makes clear that Prime Minister Orbán's government sees independent organisations promoting rights, government accountability and democratic values as its enemies".

- 14/20 May 2025: Over 350 civil society organisations and media outlets point out in a joint statement that the bill on the "Transparency of Public Life" (see above) is nothing but an authoritarian attempt to hold on to their [the ruling party's] power. Its aim is to silence all critical voices and eliminate what remains of Hungarian democracy once and for all." In a briefing paper entitled "Operation Starve and Strangle", several Hungarian civil society organisations explain the details of the bill and how the law would silence watchdogs and shield government abuse. They urge the European Commission to take swift legal action against the law, seek interim measures from the EU Court of Justice in the ongoing lawsuit related to the 2023 sovereignty protection law, and ensure full compliance with the Court's earlier judgment in the Hungarian LexNGO case.
- 27 May 2025: The General Affairs Council holds the eighth hearing of Hungary within the Article 7(1) procedure. Triggered by the European Parliament in 2018, the Council has to determine that there is a clear risk of a serious breach by a Member State of the values referred to in Article 2 TEU. The exchanges focus on the functioning of the constitutional system and checks and balances, the fight against corruption, the protection of civic space, academic and media freedom, and the protection of LGBTQI rights in Hungary.
- 5 June 2025: In the infringement proceedings regarding Hungary's "Anti-Paedophilia Act", actually prohibiting or restricting access to "LGBTQ+ content" (Case C-769/22, see also above), Advocate General (AG) *Tamara Ćapeta* proposes that the ECJ rule that the Commission's action is well founded in relation to all grounds. She concludes that the Hungarian law of 2021 infringes the freedom to provide and receive services as enshrined in primary and secondary EU law, and interferes with a number of fundamental rights enshrined in the EU Charter of Fundamental Rights without justification. Lastly, the AG suggests that the Court should also find a self-standing infringement of Art. 2 TEU, which sets out the European Union's fundamental values.
- 24 June 2025: In a landmark judgment in the case of *H.Q. and Others v. Hungary* (applications nos. 46084/21, 40185/22 and 53952/22), the European Court of Human Rights (ECtHR) calls on Hungary to immediately stop collective expulsions. The judgment condemns the practice of automatic removals from Hungary to Serbia without examination of the applicants' individual circumstances, and their alleged lack of access to the international-protection procedure. For the first time, the ECtHR also assessed the "embassy procedure". This regulation requires asylum seekers to submit a "declaration of intent" and request asylum from Hungary exclusively through the embassies in Kyiv or Belgrade – even if they are already in Hungary or have never been to either of these countries. According to the ECtHR, this procedure was not clearly regulated and lacked adequate safeguards.
- 28 June 2025: Despite a police ban (based on the new legislation) and warnings by the Hungarian Minister of Justice, the traditional 30th Budapest Pride parade is held. According to the organisers, between 100,000 and 200,000 people are present. They not only demonstrate in support of L LGBTQ+ rights, but also for Hungary's democratic future. The police announces that they will not start procedures against participants.
- 7 July 2025: The Hungarian Helsinki Committee (HHC) releases a briefing paper in which it lists several shortcomings in Hungarian prisons. According to the paper, long-standing systemic deficiencies

have remained unaddressed. Central problems remain prison overcrowding and ill treatment, including pest infestations, routine strip searches, excessive use of restraints, and visiting restrictions. The HHC also states that the situation of non-binary German Maja T., who was unlawfully extradited from Germany to Hungary, illuminates the crisis in Hungarian detention conditions.

- 23 September 2025: In a joint policy brief, the German Bar Association (DAV), Hertie School's Jacques Delors Centre (JDC), and the Max-Planck-Institute for Comparative Public and International Law (MPIL) propose the initiation of a new Article 7 TEU procedure against Hungary based on a breach of solidarity in the Common Foreign and Security Policy. The authors argue that it is high time that Hungary is stripped of its veto powers.
- 25 September 2025: Media report that the European Commission approved the regrouping of €545 million of Hungary from frozen cohesion funds, but the fund will not be disbursed as Hungary because Hungary continues to not fulfil the horizontal enabling condition on the Charter of Fundamental Rights relating to academic freedom. MEPs worry that in the new envelopes, it could be easier for Hungary to fulfil the criteria and access the money.
- 21 October 2025: The General Affairs Council holds the ninth hearing of Hungary within the Article 7(1) procedure. Ahead of the meeting, independent Hungarian civil society organisations informed about key developments over the past year in Hungary in areas of particular relevance to the protection of EU values. The civil society organisations note that recent developments were marked by an erosion of independent institutions, the capture of the media landscape, the non-execution of domestic and international court judgments, and increasing restrictions on civil society and fundamental rights. Recent amendments to electoral legislation and appointments to key institutions have aggravated existing structural imbalances rather than rectified them.
- 22 October 2025: In a brief, the Hungarian Helsinki Committee summarises two cases that illustrate how Hungary's Supreme Court, the *Kúria,* has sought to restrict the freedom of expression of judges and court-affiliated academics who had been critical of internal practices. It is demonstrated how integrity procedures, administrative measures, and disciplinary actions are used to exert pressure on members of the judiciary who speak out in defence of judicial independence and the rule of law.
- 25 November 2025: The European Parliament (EP) is calling for tougher action by the Union against Hungary for serious violations of EU values. The Parliament's report on the Article 7 procedure (which the EP triggered in 2018) takes stock of developments across all 12 areas of concern - including the functioning of the electoral system, judicial independence, and corruption. MEPs note that Hungary's situation has continued to deteriorate, partly due to the Council's lack of progress in determining that Hungary is in breach of EU values under the Article 7 procedure. They call for direct action under Article 7(2) TEU as Hungary is no longer a democracy but must be characterised as an electoral autocracy. The EP's list of deficiencies include the non-implementation of CJEU/ECtHR judgments, the link between corruption and electoral integrity (including persistent obstacles faced by Hungary's anti-corruption body), the misuse of EU funds, the government's systematic weakening of Hungary's national judicial council, its politically motivated business practices, its de facto constitutional ban on Pride marches, etc. MEPs also raise concerns over the increasing use of unlabelled AI-generated political content in Hungary ahead of the 2026 elections which pose a threat to the fairness of democratic elections.
- 5 December 2025: Ahead of a reassessment on the conditions set for Hungary to access EU funds to be carried out by the European Commission and the Council in December 2025, Hungarian civil society organisations provide an analysis on how the Hungarian government has addressed these conditions since November 2024. The civil society organisations conclude that Hungary has not complied with the safeguards that EU law attached to the disbursement of EU funds. No progress has been made at all in many areas. It is found that the Hungarian government's approach suggests that it

looks at the conditions set by the EU and Member States as a “ticking-the-box” exercise at best, without a real commitment to restoring the rule of law and respect for human rights in Hungary.

- 11 December 2025: Budapest Mayor *Gergely Karácsony* receives a formal police notice that recommends to press charges against him for defying a government ban and allowing the Budapest Pride parade held on 28 June in Hungary’s capital. European Green Party Co-Chair *Vula Tsetsi* states: "The fact that the police are requesting to indict the Green Mayor of Budapest Gergely Karácsony for supporting Budapest Pride 2025 is a shocking misuse of state power by the Orbán regime.”
- 11 December 2025: The European Commission opens an infringement procedure against Hungary for failure to comply with EU media regulations. The Commission denounces several issues of Hungarian law, including provisions regarding interference in the work of journalists and media outlets in Hungary and the non-adequate judicial protection of journalists.
- 18 December 2025: In a resolution on the implementation of the rule of law conditionality regime, the EP calls on the Council and Commission to take tougher measures against Hungary to protect the EU’s financial interests. According to the resolution, the systemic and persistent nature of breaches of the rule of law by the Hungarian Government should lead to significantly higher proportions of EU funding being suspended. The Commission is also called on to urgently reassess and address rule of law backsliding in Hungary, in particular as regards the independence of the judiciary, by proposing additional measures or updating current ones within the conditionality framework.

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