

Hungary | Freedom House

POLITICAL RIGHTS: 27 / 40 (-1)

A. ELECTORAL PROCESS: 9 / 12

A1. Was the current head of government or other chief national authority elected through free and fair elections? 3 / 4

The National Assembly elects both the president and the prime minister, meaning the democratic legitimacy of these votes rests largely on the fairness of parliamentary elections. The president's duties are mainly ceremonial, but he or she may influence appointments and return legislation for further consideration before signing it into law. János Áder, a founding member of Fidesz, has been president since 2012, having won a second five-year term in 2017. Orbán has been prime minister since 2010, winning reelection in 2014 and 2018.

A2. Were the current national legislative representatives elected through free and fair elections? 3 / 4

Voters elect representatives every four years to a 199-seat, unicameral National Assembly under a mixed system of proportional and direct representation (106 from single-member districts and 93 from compensatory party lists). The coalition of Fidesz and its junior partner, the Christian Democratic People's Party (KDNP), won the April 2018 parliamentary elections with 49.3 percent of the vote, capturing exactly two-thirds (133) of the seats. The far-right Movement for a Better Hungary (Jobbik) took 26 seats, a coalition led by the center-left Hungarian Socialist Party (MSZP) won 20 seats, and smaller parties and individuals divided the remainder.

The report of a limited election observation mission from the Organization for Security and Co-operation in Europe (OSCE) said the elections were generally well administered, but it noted an "overlap between state and ruling party resources," and added that opaque campaign finance, media bias, and "intimidating and xenophobic rhetoric" also hampered voters' ability to make informed choices. While there was no evidence of electoral fraud that could have affected the elections' outcome, some irregularities were reported, and the OSCE found that rigid adherence to formal regulations by the National Election Commission (NVB) had in effect limited access to legal remedy.

A3. Are the electoral laws and framework fair, and are they implemented impartially by the relevant election management bodies? 3 / 4

Members of the NVB are nominated by the president and confirmed to nine-year terms by the parliament. There was no formal parliamentary debate or public consultation process to inform the selection of current NVB members, and many observers have raised concerns about the body's impartiality. The OSCE report on the

2018 elections noted that the NVB tended to rule in favor of the ruling party when confronted with questions about whether government advertising materials benefited the ruling coalition. The OSCE also indicated that citizens were not permitted to participate in election observation at polling places, and that “intimidating rhetoric by the government” discouraged public involvement in election-related activities. Combined with a lower level of opposition involvement, this resulted in numerous local election commissions operating without an opposition or nonpartisan presence for the 2018 polls.

After Fidesz took power in 2010, it used its parliamentary supermajority to redraw constituency boundaries in its own favor. Electoral bodies frequently reject referendums proposed by the opposition while approving government proposals of dubious constitutionality, including a controversial 2016 referendum on a European Union (EU) asylum quota plan.

In 2018, Prime Minister Orbán publicly criticized electoral law enforcement actions that disadvantaged the ruling coalition. These included a Supreme Court decision to invalidate votes received in irregular envelopes, as a decision to permit them likely would have resulted in an additional Fidesz seat in the parliament. The prime minister also publicly shamed the head of the electoral commission after it fined him for campaigning in kindergartens.

B. POLITICAL PLURALISM AND PARTICIPATION: 11 / 16 (-1)

B1. Do the people have the right to organize in different political parties or other competitive political groupings of their choice, and is the system free of undue obstacles to the rise and fall of these competing parties or groupings? 3 / 4

Political parties can organize legally, but they face some practical impediments in their efforts to garner popular support. Opposition parties are disadvantaged by the politicized distortion of the advertising market, including the market for the country’s many billboards. Individual politicians face smear campaigns in progovernment media. Changes to the party registration and financing systems that took effect ahead of the 2014 parliamentary polls encouraged the registration of new parties, but the reforms were criticized as a means for Fidesz to divide the opposition. Similarly in 2018, the presence of a number of small, previously unknown parties on the parliamentary ballot prompted widespread suspicion. Several such parties had no website or visible campaign presence and were deemed “fake parties” by many observers, who suggested that their formation was encouraged by Fidesz to fragment the opposition vote and confuse voters.

Authorities have interfered with peaceful political activities by opposition figures. In December 2018, as a series of opposition rallies were taking place in Budapest, opposition lawmakers invoked their legal right to access public buildings in order to enter the headquarters of the public broadcaster, where they insisted that a list of the protesters’ demands be read on the air. Security agents then forcibly removed two of the lawmakers, one of whom sustained minor injuries in the scuffle.

B2. Is there a realistic opportunity for the opposition to increase its

support or gain power through elections? 2 / 4 (-1)

The Fidesz-led ruling coalition has dominated the political landscape since the 2010 elections. The opposition remains fragmented, and opposition parties increasingly contend with obstacles and restrictions that detract from their ability to gain power through elections. These include unequal access to media and media smear campaigns, politicized audits, and a campaign environment skewed by the ruling coalition's mobilization of state resources.

While the 2018 parliamentary polls were generally well administered, the proliferation of obstacles faced by opposition parties and candidates diminished their ability to freely compete with Fidesz. The OSCE cited as particularly problematic the “pervasive overlap between state and ruling party resources,” which often made extensive government advertising campaigns indistinguishable from Fidesz promotional materials. The ruling party also harnessed the public broadcaster to disseminate its message, with the OSCE's media monitoring mission describing “clear patterns of political bias” in its election-related programming.

A series of fines issued in January by the ÁSZ, which is led by a former Fidesz member, distracted opposition parties from their campaigns. The audit office fined six opposition parties for alleged financing violations, including Jobbik—now the largest opposition party—whose fine was equal to more than two-thirds of its annual state subsidy. The treasury and tax authority suspended the collection of the fines until after the elections, but the parties' ability to challenge the penalties was limited.

Score Change: The score declined from 3 to 2 because a variety of obstacles, including politicized audits, media bias, and the ruling party's abuse of state resources, hampered the ability of the opposition to rally support ahead of elections.

B3. Are the people's political choices free from domination by the military, foreign powers, religious hierarchies, economic oligarchies, or any other powerful group that is not democratically accountable? 3 / 4

People are largely able to participate in public affairs without encountering undue influence over their political choices. However, Fidesz has increasingly harnessed its members' political and economic power to unfairly sideline opposition groupings and prevent them from presenting a meaningful challenge to its dominant position.

B4. Do various segments of the population (including ethnic, religious, gender, LGBT, and other relevant groups) have full political rights and electoral opportunities? 3 / 4

Women are underrepresented in political life, and the share of women in the parliament remains low. Just 25 of 199 National Assembly members, or 12.56 percent, are women.

Hungary's constitution guarantees the right of ethnic minorities to form self-governing bodies, and all 13 recognized minorities have done so. Minorities can also register to vote for special minority lists—with a preferential vote threshold—in parliamentary elections, but they are then excluded from general party-list voting. One representative, a former Fidesz politician who had suspended his membership in

the party, won a seat in 2018 as the elected representative of the German minority. The Romany minority has long been underrepresented in politics and government.

C. FUNCTIONING OF GOVERNMENT: 7 / 12

C1. Do the freely elected head of government and national legislative representatives determine the policies of the government? 3 / 4

Elected officials are generally able to draft and implement laws and policies without undue interference, though Fidesz continues to dominate governance through a parliamentary supermajority that it acquired in problematic elections. Prime Minister Orbán, the party's leader, exerts considerable influence over the legislature, meaning its ability to provide a check on executive power is limited.

C2. Are safeguards against official corruption strong and effective? 2 / 4

Corruption remains a problem in Hungary, and instances of high-level government corruption have not been properly investigated. For example, the prosecutor's office has been reluctant to investigate long-standing allegations that the government misused development funds provided by the EU. Influential business figures who fall out of favor with the government, such as Lajos Simicska, who once served as Fidesz party treasurer, have experienced financial and legal pressure. Transparency International's Hungarian chapter has reported that a number of companies with close ties to the government are supported primarily by public funds.

Fidesz has used legal and personnel changes to establish broad control over public institutions, including those with auditing and investigative tasks, such as the ÁSZ.

C3. Does the government operate with openness and transparency? 2 / 4

Hungary's Freedom of Information Act contains numerous exemptions, permits agencies to charge fees for the release of information, and is enforced inconsistently. In many cases, information is only made available as a result of litigation. Journalists have been banned from the parliament building at times. Major legislation is frequently rushed through to passage and enactment, leaving citizens, interest groups, and others little time to comment on it. In 2018, the government decided to take control of a significant portion of the budget of the Hungarian Academy of Sciences, and the institution was given less than an hour to comment on the development.

CIVIL LIBERTIES: 43 / 60 (-1)

D. FREEDOM OF EXPRESSION AND BELIEF: 10 / 16 (-1)

D1. Are there free and independent media? 2 / 4

The constitution protects freedom of the press, but complex and extensive media legislation enacted by Fidesz has created avenues for politicized media regulation,

undermining this guarantee. While private, opposition-aligned media outlets exist, national, regional, and local media are increasingly dominated by progovernment outlets, which are frequently used to smear political opponents. The closure in 2016 of Hungary's largest independent daily, *Népszabadság*, represented a particularly serious blow to media diversity. In 2018, a number of independent, conservative-leaving outlets owned by Simicska, including the daily *Magyar Nemzet*, the weekly *Heti Válasz*, and the broadcast station Lánchíd Rádió, effectively ceased their operations after the year's elections, while his HírTV channel was taken over by government loyalists.

Late in the year, the owners of most progovernment media operations announced that they would donate their holdings to a new foundation, effectively creating a massive progovernment media conglomerate composed of almost 500 titles and outlets. The government exempted the transactions from the usual antitrust review, which would almost certainly have led to their suspension if conducted in accordance with the law.

Government advertising and sponsorships favor progovernment outlets, leaving independent and critical outlets in a financially precarious position.

D2. Are individuals free to practice and express their religious faith or nonbelief in public and private? 3 / 4 (-1)

The constitution guarantees religious freedom and provides for the separation of church and state, though these guarantees were weakened in the 2011 version of the constitution, whose preamble makes direct references to Christianity. Constitutional amendments enacted in 2018 reinforced those references, making it the obligation of all state organs to protect “Christian culture.”

After the adoption of a 2011 law on churches, some 300 religious communities lost their status as incorporated churches—with which the state cooperates on community affairs, among other privileges—and were relegated to the new category of “religious organizations.” The law made it the task of the parliament to determine which communities are recognized as churches, and many of the deregistered churches have not reacquired their previous status in the years since.

Government-led xenophobic campaigns in recent years have fueled anti-Muslim sentiment, which in turn has discouraged the open practice of Islam.

Score Change: The score declined from 4 to 3 because a number of churches have been unable to regain their previous status after it was revoked under a 2011 law, and because growing anti-Muslim sentiment has discouraged the open practice of Islam.

D3. Is there academic freedom, and is the educational system free from extensive political indoctrination? 2 / 4

The Fidesz-led government has accelerated efforts to bring schools and universities under its close supervision. A gradual overhaul of the public education system has raised concerns about excessive government influence on school curriculums, and legislation adopted in 2014 allows for government-appointed chancellors empowered

to make financial decisions at public universities. Selective support by the government of certain academic institutions also threatens academic autonomy. In 2018, the government revoked accreditation from all gender studies programs, and senior officials—including Orbán, through a spokesperson—have questioned the rationale for this field of academic study.

The government's continued refusal to sign an international agreement on the status of CEU, a postgraduate institution with dual American-Hungarian accreditation that was founded by the Hungarian-born American financier and philanthropist George Soros, effectively forced the university out of Hungary at the end of 2018. Earlier in the year, CEU had closed its free nondegree program for asylum seekers and refugees as a consequence of new anti-immigration legislation.

Progovernment media outlets have published lists of activists, academics, programs, and institutions and labeled them as “Soros agents” or “mercenaries.” The ideological attacks have targeted gender studies programs, but also broader research on inequality, or simply criticism of various government proposals. The effort has encouraged self-censorship. The government's decision to assume control of a large portion of funding for the Hungarian Academy of Sciences left the entity, the leading network of research institutions in the country, uncertain about its future.

D4. Are individuals free to express their personal views on political or other sensitive topics without fear of surveillance or retribution? 3 / 4

While freedom of expression is constitutionally protected, ongoing efforts to sideline voices and perspectives that authorities find unfavorable, including many found at the Hungarian Academy of Sciences, CEU, and various NGOs and media outlets, have discouraged open criticism of the government and other politically sensitive speech.

E. ASSOCIATIONAL AND ORGANIZATIONAL RIGHTS: 10 / 12

E1. Is there freedom of assembly? 4 / 4

The constitution provides for freedom of assembly, and the government generally respects this right in practice. Fidesz's electoral victory in 2018 prompted large crowds to turn out for peaceful antigovernment demonstrations.

Constitutional amendments approved in 2018 make it easier to restrict assemblies that are deemed to infringe on the right to private life; the changes were most likely prompted by demonstrations organized in front of the prime minister's home. The amendments replaced a 1989 measure that many saw as an outdated regulation. While the new language contained some improvements, it also included excessive restrictions, including bans on gatherings that interfere with traffic (as most protests in Budapest do) and those that take place on private property without permission, which would effectively prohibit, among other things, union demonstrations on company premises. Already under the new rules, the police banned an opposition demonstration against Turkish president Recep Tayyip Erdoğan's visit in October.

E2. Is there freedom for nongovernmental organizations, particularly those that are engaged in human rights- and governance-related work? 2 / 4

NGOs whose activities conflict with government priorities have come under pressure in recent years. Since taking power, the Fidesz government has instituted burdensome registration and reporting requirements for NGOs, and police illegally raided the offices of one group, the Ökotárs Foundation, in 2015.

In 2018, the parliament adopted a measure that the government had dubbed the “Stop Soros” law, which criminalized any assistance to “illegal migration” and carries a penalty of up to a year in prison. Activity that could be punished under the law includes working with NGOs that help asylum seekers, and preparing and distributing information leaflets that address migration or the needs of migrants. The Office of the UN High Commissioner for Human Rights condemned the law as “shameful and blatantly xenophobic,” while the Council of Europe’s Venice Commission concluded that it “infringes upon the right to freedom of association and expression and should be repealed.” The European Commission said the measure violated EU law. The Hungarian law was complemented by subsequent legislation that introduced a 25 percent tax on “financial support for immigration.”

E3. Is there freedom for trade unions and similar professional or labor organizations? 4 / 4

The government recognizes workers’ rights to form associations and bargain collectively. However, there are limitations on what can be considered a lawful strike, and union membership is low. Trade unions are present in less than 30 percent of workplaces, and only 9 percent of workers belong to one.

F. RULE OF LAW: 10 / 16

F1. Is there an independent judiciary? 2 / 4

Judicial independence remains a matter of concern. All of the 11 judges appointed to the Constitutional Court between 2010 and 2014 were named by the Fidesz government, and it was only well after the government temporarily lost its two-thirds parliamentary majority that one opposition party was included in discussions over the selection of four new judges, in November 2016. Rulings in recent years have favored government interests.

The powerful National Judiciary Office (OBH) is headed by Tünde Handó, a close ally of Orbán who is married to the leader of Fidesz’s delegation at the European Parliament; as OBH head she has the power to make senior judicial appointments and wields great authority over disciplinary proceedings and court finances. She has long been accused of using her position to install loyalist judges. In 2018, Handó came into conflict with the judicial self-governing body, the National Judicial Council (OBT), which after electing new members at the start of the year opened an investigation into her hiring practices; by March, a related lawsuit against her was proceeding. After the Fidesz victory in the April elections, a number of judges resigned from the OBT with little explanation, prompting speculation that they had been forced out. Judge Péter Szepesházi gave numerous media interviews in which he criticized Handó for intimidating judges with the threat of disciplinary procedures; in one case he remarked that the country’s judges operated in “a general climate of fear” of repercussions for ruling against Fidesz interests; Szepesházi resigned in

September.

In December, the parliament approved a measure allowing the establishment of a separate system of administrative courts that would be overseen by the justice minister, prompting concerns that it could be filled with judges sympathetic to the ruling party.

In September, the European Parliament narrowly adopted a resolution that marked the first step in triggering Article 7 proceedings against Hungary, with proponents citing attacks on the judiciary as one of the justifications. The proceedings could lead to EU sanctions for the violation of fundamental values related to democracy and human rights.

F2. Does due process prevail in civil and criminal matters? 3 / 4

Due process rights are enshrined in the constitution and are generally respected. However, Handó has faced criticism for using her power as OBH head to transfer certain cases to courts of her choice. There have been concerns about the quality of lawyers appointed for defendants who are unable or unwilling to retain legal counsel on their own. There have also been reports that police frequently interrogate or attempt to interrogate suspects without the presence of a lawyer.

F3. Is there protection from the illegitimate use of physical force and freedom from war and insurgencies? 3 / 4

Overcrowding, inadequate medical care, and poor sanitation in the country's prisons and detention centers remain problems. In 2017, the government revoked its cooperation agreement with the Hungarian Helsinki Committee, a human rights organization, effectively terminating the group's access to detention facilities.

F4. Do laws, policies, and practices guarantee equal treatment of various segments of the population? 2 / 4

The rights of refugees and asylum seekers are routinely violated in Hungary, where changes to asylum policy and the construction of barriers along the country's southern border in recent years have made it extremely difficult if not impossible for people to apply for asylum and receive protection. Only two asylum seekers are formally permitted to enter the country per day. Once allowed in, asylum seekers are frequently detained in poorly equipped transit zones, and few are recognized by Hungarian authorities as refugees. A 2018 judgment by the European Court of Human Rights (ECHR) compelled the government to change its policy of denying food to migrants in transit zones who were in the process of appealing denied asylum claims; the policy was apparently designed to encourage them to drop their claims and leave. The government continues to train special police units ("border hunters") with wide powers to remove migrants from the country. The European Commission in 2015 opened infringement procedures concerning Hungary's asylum and return policies, stating that they were in violation of minimum EU standards.

Members of the Romany population, Hungary's largest ethnic minority, face widespread discrimination, societal exclusion, and poverty. Romany students continue to be segregated or improperly placed in schools for children with mental

disabilities, a practice that led the European Commission to begin an infringement procedure in 2016.

Women in Hungary are subject to employment discrimination and tend to be underrepresented in high-level business positions.

G. PERSONAL AUTONOMY AND INDIVIDUAL RIGHTS: 13 / 16

G1. Do individuals enjoy freedom of movement, including the ability to change their place of residence, employment, or education? 4 / 4

There are no significant restrictions on Hungarians' freedom of travel or the ability to change their place of residence, employment, and education.

G2. Are individuals able to exercise the right to own property and establish private businesses without undue interference from state or nonstate actors? 3 / 4

Individuals have the right to own property and establish private businesses. However, the recent difficulties of business owners who have fallen out of favor with the government illustrate the extent to which business success depends on government connections.

G3. Do individuals enjoy personal social freedoms, including choice of marriage partner and size of family, protection from domestic violence, and control over appearance? 3 / 4

The government generally does not restrict social freedoms, though the constitution enshrines the concept of marriage as a union between a man and a woman. Domestic violence and spousal rape are illegal, but the definition of rape hinges on the use of force or coercion, not on lack of consent. NGOs describe government responses to violence against women as inadequate. The right to life from conception is constitutionally protected, but access to abortion remained largely unrestricted in 2018.

G4. Do individuals enjoy equality of opportunity and freedom from economic exploitation? 3 / 4

Hungary is a transit point, source, and to a lesser extent, destination for trafficked persons, including women trafficked for prostitution. Prevention, coordination efforts, and processes to identify and support victims remain inadequate, while trafficking investigations and enforcement of relevant laws are unreliable.

In December 2018, Áder signed legislation derisively known as the “slave law,” which increased the number of overtime hours employers can request from workers and allowed companies to wait up to three years to pay the workers for their extra labor, extended from one year under the previous rules. The measure prompted large antigovernment protests.