

Coronavirus pandemic in the EU – Fundamental Rights Implications

Country: Hungary

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1 Measures taken by government/public authorities

1.1 Emergency laws/states of emergency, including enforcement actions

In Hungary, at the proposal of the Government, the Hungarian Parliament adopted Act XII of 2020 on the containment of coronavirus on 30 March 2020 (hereinafter: Authorisation Act).¹ Previously, on 11 March 2020, the Government declared a state of danger² that already entitled the Government to issue decrees to suspend the application of certain laws or to derogate from the provisions of laws and to take other extraordinary measures.³ These decrees, according to the limitation provided for in the Fundamental Law, only remain in force for 15 days unless the Parliament extends their application.⁴ The Authorisation Act, however, further entitles the Government to suspend the application of any laws adopted by the Parliament, to derogate from these laws and to establish extraordinary measures in order to prevent mass infection and to ease the negative consequences of the Coronavirus outbreak, and these decrees do not require authorisation from the Parliament to remain in force for the period that the Government determines.⁵ Academics, civil society organisations and international organisations heavily criticised the adoption of the new law that was not supported by the opposition parties either, on the ground that it practically gives the Government unlimited power to adopt any laws without the approval and the control of the Parliament, and that there is no time limitation for this unrestricted authorisation.⁶ The Government defended the new law stressing

¹ Hungary, Act XII of 2020 on the containment of Coronavirus (2020. évi XII. törvény a koronavírus elleni védekezésről), 31 March 2020, available at: https://njt.hu/translated/doc/J2020T0012P_20200401_FIN.pdf.

² Hungary, Governmental Decree no. 40/2020. on declaring state of danger (40/2020. (III. 11.) Korm. rendelet veszélyhelyzet kihirdetéséről), 11 March 2020, available at: https://njt.hu/translated/doc/J2020R0040K_20200326_FIN.pdf.

³ Hungary, Fundamental Law (Alaptörvény), 25 April 2011, Article 53(2), available at: https://njt.hu/translated/doc/TheFundamentalLawofHungary_20191213_FIN.pdf.

⁴ Hungary, Fundamental Law (Alaptörvény), 25 April 2011, Article 53(3), available at: https://njt.hu/translated/doc/TheFundamentalLawofHungary_20191213_FIN.pdf.

⁵ Hungary, Act XII of 2020 on the containment of Coronavirus (2020. évi XII. törvény a koronavírus elleni védekezésről), 31 March 2020, Article 2, available at: https://njt.hu/translated/doc/J2020T0012P_20200401_FIN.pdf.

⁶ Scheppele, K. L. (2020), 'Orban's Emergency' *VerfBlog*, 29 March 2020, available at: <https://verfassungsblog.de/orbans-emergency/>; Halmai, G. - Scheppele, K. L. (2020), 'Don't Be Fooled by Autocrats!: Why Hungary's Emergency Violates Rule of Law', *VerfBlog*, 22 April 2020, available at: <https://verfassungsblog.de/dont-be-fooled-by-autocrats/>; Karsai, D. (2020), 'Let's not fool ourselves either!: Some remarks on Professor Halmai's and Professor Scheppele's blogpost', *VerfBlog*, 27 April 2020, available at: <https://verfassungsblog.de/lets-not-fool-ourselves-either/>; Halmai, G. - Scheppele, K. L. (2020), 'Orbán is Still the Sole Judge of his Own Law', *VerfBlog*, 30 April 2020, available at: <https://verfassungsblog.de/orban-is-still-the-sole-judge-of-his-own-law/>; Euro news (2020), 'The leader of the European Commission is worried about the authorisation act' (A felhatalmazási törvény miatt aggódik az Európai Bizottság vezetője), 2 April 2020, available at: <https://hu.euronews.com/2020/04/02/a-felhatalmazasi-torveny-miatt-aggodik-az-europai-bizottsag-vezetoje>; Hungarian Helsinki Committee (Magyar Helsinki Bizottság) (2020), 'Where did the government receive unjustified over-power through the authorisation act?' (Hol kapott indokolatlan túlhatalmat a kormány a felhatalmazási törvénnyel?), 1 April 2020, available at: <https://www.helsinki.hu/hol-kapott-indokolatlan-tulhatalmat-a-kormany-a-felhatalmazasi-torvennyel/>; Eötvös Károly Policy Institute (Eötvös Károly Intézet) (2020), 'The paralysis of the constitutional life and the state of danger (analysis)' (Az alkotmányos élet bénultsága

that it was impossible to estimate for how long Hungary has to face the threat of the Coronavirus.⁷ They also added it would be crucial for an unknown period of time to respond to everyday problems promptly, even during times when the Parliament would not have sessions.⁸ These circumstances justify an authorisation for the Government to be able to adopt prompt measures and reactions to the Coronavirus outbreak to be able to protect the life and health of the Hungarian people and to ease the economic consequences of the virus.⁹ The Authorisation Act also entitles the Parliament to withdraw the authorisation before the end of the period of state of danger in relation to either specific measures or in general.¹⁰ Since the Authorisation Act entered into force (31 March 2020), the Government has adopted 54 new decrees in relation to the Coronavirus outbreak.¹¹

In **Hungary**, the Authorisation Act also introduced amendments to the Criminal Code in relation to the criminal offence of fearmongering.¹² As a result of the amendment, the Criminal Code now considers stating or disseminating any untrue fact or any misrepresented true fact that is capable of hindering or preventing the efficiency of protection in a special legal order (such as the state of danger), and sanctions the perpetrator to imprisonment for one to five years.¹³ This new provision introduced more severe sentences for those committing the new form of fearmongering, since other forms of fearmongering are punished by imprisonment of up to only three years.¹⁴ A statement by a city mayor who belongs to an opposition party about his town having become an epicentre of the infections has already been investigated under the new law.¹⁵ The Hungarian Helsinki Committee (*Magyar Helsinki*

és a veszélyhelyzet (elemzés)), 31 March 2020, available at: <http://www.ekint.org/alkotmanyossag/2020-03-31/az-alkotmanyos-elet-benultsaga-es-a-veszelyhelyzet-elemzes>; HVG (2020), 'The Secretary General of the Council of Europe sent an unequivocal message to Orbán too' (*Félreérthetetlenül üzent Orbánnak is az Európa Tanács főtájkára*), 8 April 2020, available at: https://m.hvg.hu/vilag/20200408_Koronavirus_es_jogallamisag_utmutatast_adott_ki_az_Europa_Tanacs?s=hk&fbclid=IwAR2iHQ87SwXyY7p3iOrP1myoLQV-hxiUIwlrUosZnzDUAbk9RXgk-yGDae0.

⁷ Kormany.hu (2020), 'Judit Varga to ORF: the act on defence will remain in force until the state of danger situation is on' (*Varga Judit az ORF-nek: a védekezésről szóló törvény addig lesz hatályban, amíg a veszélyhelyzet fennáll*), 1 April 2020, available at: <https://www.kormany.hu/hu/igazsagugyi-miniszterium/hirek/varga-judit-az-orf-nek-a-vedekeszrol-szolo-torveny-addig-lesz-hatalyban-amig-a-veszelyhelyzet-fennall>.

⁸ Kormany.hu (2020), 'It is a decision of life to our nation on when and how the House will vote' (*Nemzetünk életkérdése, mikor és hogyan dönt a Ház*), 24 March 2020, available at: <https://www.kormany.hu/hu/igazsagugyi-miniszterium/hirek/koronavirus-varga-judit-nemzetunk-eletkerdesemikor-es-hogyan-dont-a-haz>.

⁹ Jogászvilág (2020), 'The authorisation act is promulgated and in effect from midnight' (*Kihirdették és éjféltől hatályos a felhatalmazási törvény*), 31 March 2020, available at: <https://jogaszvilag.hu/kihirdettek-es-ejfeltolmar-hatalyos-a-felhatalmazasi-torveny/>.

¹⁰ Hungary, Act XII of 2020 on the containment of Coronavirus (*2020. évi XII. törvény a koronavírus elleni védekezéséről*), 31 March 2020, Article 3(2), available at: https://njt.hu/translated/doc/J2020T0012P_20200401_FIN.pdf.

¹¹ The Decrees are listed in Wolters Kluwer's electronic database 'Új Jogtár' that is available on a subscription basis, available at: <https://uj.jogtar.hu>.

¹² Hungary, Act XII of 2020 on the containment of Coronavirus (*2020. évi XII. törvény a koronavírus elleni védekezéséről*), 31 March 2020, Article 10(2), available at: https://njt.hu/translated/doc/J2020T0012P_20200401_FIN.pdf.

¹³ Hungary, Act C of 2012 on the Criminal Code (*2012. évi C. törvény a Büntető Törvénykönyvről*), 1 July 2013, Article 337(2), available at: https://njt.hu/translated/doc/J2012T0100P_20200331_FIN.PDF.

¹⁴ Hungary, Act C of 2012 on the Criminal Code (*2012. évi C. törvény a Büntető Törvénykönyvről*), 1 July 2013, Article 337(1), available at: https://njt.hu/translated/doc/J2012T0100P_20200331_FIN.PDF.

¹⁵ Index (2020), 'Mohács's mayor being investigated for scaremongering after declaring that the town became an epicentre of the virus' (*Közveszéllyel fenyegetés miatt nyomoznak Mohács polgármestere ellen, aki azt mondta, a város gócpont lett*), March 29, 2020, available at:

Bizottság), in its statement published on 27 March 2020, criticised the amendment as it was too broad and did not respect the principle of predictability. The Committee adds that the former provisions on fearmongering were sufficient to sanction those causing a disturbance or unrest in a larger group of persons in public danger. According to the Hungarian Helsinki Committee, the new provision causes uncertainty given that nobody can say when the protection would prove to be efficient. Therefore, the Committee concludes that the amendment to the Criminal Code restricts freedom of speech through establishing an uncertain and blurry definition to a criminal offence.¹⁶

In **Hungary**, Governmental Decree no. 135/2020 entitled the Government to establish 'special economic areas' in the territory of local governments and to establish special rules in relation to asset management and the finances of these areas.¹⁷ The concept of special economic areas aims to ease the economic consequences of the Coronavirus, and entitles the Government to establish special rules for certain areas in order to protect jobs and to maintain profitability of certain factories and important infrastructure.¹⁸ Governmental Decree no. 136/2020 already established a special economic area in the town of Göd to protect the roughly 1,500 endangered workplaces. The Decree transferred public property in this area to the county government.¹⁹ A blog entry stressed that Göd is led by a city mayor who is a member of an opposition party, while the governing party, Fidesz, has a majority in the county government. The designated special economic area is an area of Göd where a big Samsung factory is located, therefore, the town of Göd consequently loses the local industry tax paid by Samsung that is 1/3 of the town's yearly budget.²⁰ The city mayor of Göd, in an interview, stressed it seems the Government plans to maintain this special status of the area for a long time and that the Decree was not only adopted in respect to the current state of danger.²¹

In **Hungary**, the Government submitted a bill to the Parliament on 31 March 2020 that proposed severe restrictions on transgender rights. The proposal suggested to register the birth gender in the birth registry based on the primary genitals and on the chromosomes of a person. This gender definition would then be registered in the national citizen registry and would not be subject to

https://index.hu/belfold/2020/03/29/mohacs_polgarmester_kozveszellyel_fenyeges_koronavirus_magyarorszagon/.

¹⁶ Hungarian Helsinki Committee (*Magyar Helsinki Bizottság*) (2020), 'Fearmongering reloaded' (*Rémhírtérjesztés újratöltve*), 27 March 2020, available at: <https://www.helsinki.hu/remharterjesztes-ujratoltve/>.

¹⁷ Hungary, Governmental Decree no. 135/2020 on measures necessary to stabilise national economy in relation to the state of danger (*135/2020. (IV. 17.) Korm. rendelet a veszélyhelyzettel összefüggésben a nemzetgazdaság stabilitásának érdekében szükséges intézkedésekről*), 17 April 2020, available at: http://njt.hu/cgi_bin/njt_doc.cgi?docid=219088.381951.

¹⁸ Hungary, Governmental Decree no. 135/2020 on measures necessary to stabilise national economy in relation to the state of danger (*135/2020. (IV. 17.) Korm. rendelet a veszélyhelyzettel összefüggésben a nemzetgazdaság stabilitásának érdekében szükséges intézkedésekről*), 17 April 2020, Article 1, available at: http://njt.hu/cgi_bin/njt_doc.cgi?docid=219088.381951.

¹⁹ Hungary, Governmental Decree no. 136/2020 on designating a special economic area in the territory of Göd (*136/2020. (IV. 17.) a Göd város közigazgatási területén különleges gazdasági övezet kijelöléséről*), 17 April 2020, available at: http://njt.hu/cgi_bin/njt_doc.cgi?docid=219089.381954.

²⁰ Karsai, D. (2020), 'Let's not fool ourselves either!: Some remarks on Professor Halmi's and Professor Scheppele's blogpost', *VerfBlog*, 27 April 2020, available at: <https://verfassungsblog.de/lets-not-fool-ourselves-either/>.

²¹ 444.hu (2020), 'It is easy to feel that the Government plans for a long time and that the Decree was not only adopted in relation to the state of danger' (*Ezen a rendeleten érződik, hogy a kormány hosszú távra tervezi, és nem csak a veszélyhelyzet miatt hozta*), 21 April 2020, available at: <https://444.hu/2020/04/21/ezen-a-rendeleten-erzodik-hogy-a-kormany-hosszu-tavra-tervezi-es-nem-csak-a-veszelyhelyzet-miatt-hozta>.

modifications later. This would mean that the gender in the registry would be stated in all identification documents (e.g. passports, personal ID card) of the citizens.²² International organisations and the media stressed that the adoption of the proposal would result in the new names of transgender people not being stated in their official documents.²³ The proposal has not been adopted yet.

1.2 Measures affecting the general population

1.2.1 Social distancing

Focus on:

- *Stay at home orders and physical distancing when outside the house*
- *Enforcement and penalties*

On 27 March 2020, the Government issued a decree on restricting movement, including provisions on physical distancing, that was first in effect between 28 March and 10 April.²⁴ On 10 April 2020, this order was extended until it would be revoked.²⁵ The Governmental Decree orders everybody to keep social connections to a minimum and to keep at least 1.5 metres of distance from others.²⁶ The Decree forbids restaurants to allow people to stay in their premises, except for those employed there. Restaurants, however, can deliver food and can hand takeaway food over to people in their

²² Hungary, Legislative proposal no. T/9934 on the amendment of certain laws related to public administration and on donating property (*T/9934. sz. törvényjavaslat egyes közigazgatási tárgyú törvények módosításáról, valamint ingyenes vagyonszállításáról*), 31 March 2020, Article 33, available at: <https://www.parlament.hu/irom41/09934/09934.pdf>.

²³ Amnesty International (2020), 'Hungary: Government must revoke prohibition of gender legal recognition', 7 April 2020, available at: <https://www.amnesty.ie/hungary-government-must-revoke-prohibition-of-gender-legal-recognition/>; Council of Europe Commissioner for Human Rights (2020), Tweet published on 2 April 2020 in Twitter, available at: https://twitter.com/CommissionerHR/status/1245714451845824513?ref_src=twsrc%5Etfw%7Ctwcamp%5Etwembed%7Ctwterm%5E1245714451845824513&ref_url=https%3A%2F%2Fgcn.ie%2Fhungarian-government-gender-recognition-trans-intersex-people-covid-19-measures%2F; Index (2020), 'The Government makes changing gender impossible' (*A kormány ellehetítlenítené a nemváltást*), 1 April 2020, available at: https://index.hu/belfold/2020/04/01/szulesesi_nem_biologiai_nem_nemvaltoztatas/.

²⁴ Hungary, Governmental Decree no. 71/2020 on restricting movement (*71/2020. (III. 27.) Korm. rendelet a kijárási korlátozásról*), 27 March 2020, available at: https://njt.hu/translated/doc/J2020R0071K_20200410_FIN.pdf.

²⁵ Hungary, Governmental Decree no. 95/2020 on extending the restriction on movement (*95/2020. (IV. 9.) Korm. rendelet a kijárási korlátozás meghosszabbításáról*), 9 April 2020, available at: https://njt.hu/translated/doc/J2020R0095K_20200424_FIN.pdf.

²⁶ Hungary, Governmental Decree no. 71/2020 on restricting movement (*71/2020. (III. 27.) Korm. rendelet a kijárási korlátozásról*), 27 March 2020, Article 1, available at: https://njt.hu/translated/doc/J2020R0071K_20200410_FIN.pdf.

premises.²⁷ Restaurants must enforce these rules and are liable for any violations.²⁸ People can only leave their homes if it is justified by a cause listed in the Decree:²⁹

- going to work;
- escorting a child to day care;
- in need of medical care;
- doing individual sports activity (e.g. walking);
- weddings and funerals (keeping the attendees at a minimum in close family circles);
- buying groceries, pharmaceuticals, hygienic products, pet food and animal feed products, gasoline, tobacco;
- visiting local markets;
- visiting hairdressers and cosmeticians;
- using cleaning and transportation services;
- for the purpose of repairing vehicles (including bikes);
- using services connected to waste management (e.g. disposing waste at recycling centres);
- using administrative, banking, financial, insurance and postal services if necessary;
- taking care of animals, walking pets, visiting animal hospitals and veterinary surgeons;
- practicing parental rights and performing parental duties;
- practicing religion;
- providing for care to the elderly who are unable to take care of themselves.

In **Hungary**, the Decree entrusts the Police to enforce the decree on restricting movement and its provisions on physical distancing. The Police may use coercive measures as listed in the Police Act (e.g. ordering people to identify themselves, questioning people, physical coercion, forcing people to stop, crowd control etc.);³⁰ however, they have to respect the principles of necessity and proportionality.³¹ Those breaching the rules of the Decree commit minor offences and are subject to monetary fines of between 5,000 and 500,000 HUF (cc. €14-1,404).³²

In **Hungary**, the National Police Headquarters reported that they have not initiated minor offence proceedings yet and barely imposed monetary fines against those in breach of the decree on restricting movement in the early days of the application of the Decree, instead, they mostly warned

²⁷ Hungary, Governmental Decree no. 71/2020 on restricting movement(71/2020. (III. 27.) Korm. rendelet a kijárási korlátozásról), 27 March 2020, Article 2, available at: https://njt.hu/translated/doc/J2020R0071K_20200410_FIN.pdf.

²⁸ Hungary, Governmental Decree no. 71/2020 on restricting movement(71/2020. (III. 27.) Korm. rendelet a kijárási korlátozásról), 27 March 2020, Article 7, available at: https://njt.hu/translated/doc/J2020R0071K_20200410_FIN.pdf.

²⁹ Hungary, Governmental Decree no. 71/2020 on restricting movement(71/2020. (III. 27.) Korm. rendelet a kijárási korlátozásról), 27 March 2020, Articles 4-5, available at: https://njt.hu/translated/doc/J2020R0071K_20200410_FIN.pdf.

³⁰ Hungary, Act XXXIV of 1994 on the Police (1994. évi XXXIV. törvény a rendőrségről), 1 May 1994, available at: <https://net.jogtar.hu/jogszabaly?docid=99400034.tv>.

³¹ Hungary, Governmental Decree no. 71/2020 on restricting movement order (71/2020. (III. 27.) Korm. rendelet a kijárási korlátozásról), 27 March 2020, Article 8, available at: https://njt.hu/translated/doc/J2020R0071K_20200410_FIN.pdf.

³² Hungary, Governmental Decree no. 71/2020 on restricting movement order (71/2020. (III. 27.) Korm. rendelet a kijárási korlátozásról), 27 March 2020, Article 9, available at: https://njt.hu/translated/doc/J2020R0071K_20200410_FIN.pdf.

the offenders.³³ Until 30 April 2020, the Police had to act in 40,669 cases against people who breached the decree on restricting movement, imposed monetary fines on site against 10,460 people and initiated minor offence proceedings against 9,385 people.³⁴

In **Hungary**, the Government entrusted local governments to adopt stricter rules on the decree on restricting movement and on physical distancing for the Easter holiday (10-13 April).³⁵ This authorisation was repeated for the weekends of 18-19 April³⁶ and 25-26 April.³⁷ Under this authorisation, in several towns of Hungary, local governments ordered curfews for the night, closed popular tourist attractions, parks and public spaces, ordered people to keep a 10 metre distance from each other while jogging, ordered people to wear masks in public places, and allowed people to walk their dogs for not more than 30 minutes.³⁸ The strictest rule adopted was in the town of Nagykovácsi, for the Easter weekend; the local government ordered local law enforcement to return all cars from the outskirts of town in case the passengers were not inhabitants of Nagykovácsi. This measure aimed to prevent people from gathering and families from visiting each other for Easter.³⁹

In **Hungary**, the Government declared an easing on the restrictions on 30 April 2020.⁴⁰ Except for Budapest and Pest County, the decree on restricting movement will be called off starting from 4 May 2020.⁴¹ This means that all stores can open without restrictions and all services can be provided without restrictions, but with the need to apply physical distancing and sanitary measures.⁴²

³³ Infostart (2020), 'The Police imposed fines in only a few cases until now' (*Eddig keveset bírságotlalt a rendőrök*), 1 April 2020, available at: <https://infostart.hu/belfold/2020/04/01/rendorok-figyelmeztetnek-a-tavolsagra>.

³⁴ National Police Headquarters (*Országos Rendőrőfőkapitányság*) (2020), 'Daily national statistics' (*Országos összesítő*), 1 May 2020, available at:

³⁵ Hungary, Governmental Decree no. 95/2020 on extending the restriction on movement (*95/2020. (IV. 9.) Korm. rendelet a kijárási korlátozás meghosszabbításáról*), 9 April 2020, Article 3, available at: https://njt.hu/translated/doc/J2020R0095K_20200424_FIN.pdf.

³⁶ Hungary, Governmental Decree no. 118/2020 on the local measures that may be taken in relation to the restriction on movement for the weekend (*118/2020. (IV. 16.) a hétvégére vonatkozó kijárási korlátozással összefüggésben meghozható önkormányzati intézkedésekről*), 16 April 2020, Article 1, available at: http://njt.hu/cgi_bin/njt_doc.cgi?docid=219063.381871.

³⁷ Hungary, Governmental Decree no. 148/2020 on the local measures that may be taken in relation to the restriction on movement for the weekend (*148/2020. IV.23) a kijárási korlátozással összefüggésben a hétvégére meghozható önkormányzati intézkedésekről*), 23 April 2020, Article 1, available at: http://njt.hu/cgi_bin/njt_doc.cgi?docid=219167.382151.

³⁸ Privátbankár (2020), 'The Decree is out: more stringent restriction on movement may come for the weekend' (*Megjelent a rendelet: kijárási szigor jöhet hétvégére*), 17 April 2020, available at: <https://privatbankar.hu/cikkek/makro/megjelent-a-rendelet-kijarasi-szigor-johet-hetvegere.html>.

³⁹ Menedzsment Fórum (2020), 'Foreigners not allowed to enter: more stringent rules for Easter' (*Idegeneknek belépni tilos – Szigorúbb szabályok Húsvétra*), 9 April 2020, available at: <https://mfor.hu/cikkek/makro/drasztikus-rendori-szigorral-reagaltak-orban-viktor-dontesere-a-polgarmesterek.html>.

⁴⁰ Hungary, Governmental Decree no. 168/2020 on protective measures (*168/2020. Korm. rendelet a védelmi intézkedésekről*), 30 April 2020, available at: https://njt.hu/translated/doc/J2020R0168K_20200518_FIN.pdf.

⁴¹ Hungary, Governmental Decree no. 168/2020 on protective measures (*168/2020. Korm. rendelet a védelmi intézkedésekről*), 30 April 2020, Article 1(2), available at: https://njt.hu/translated/doc/J2020R0168K_20200518_FIN.pdf.

⁴² Hungary, Governmental Decree no. 168/2020 on protective measures (*168/2020. Korm. rendelet a védelmi intézkedésekről*), 30 April 2020, Articles 4(1) and 4(6), available at: https://njt.hu/translated/doc/J2020R0168K_20200518_FIN.pdf.

Restaurants may serve patrons only on the patio or terrace.⁴³ The special shopping time, between 9am and 12pm, for the elderly, however, remains in place.⁴⁴ No public events can be held excluding religious services, funerals and weddings without restrictions on the number of people attending these events.⁴⁵ People must cover the nose and face with a mask or scarf in the shops and when using public transport.⁴⁶ As two-thirds of the infected people were identified in Budapest and Pest County, the decree on restricting movement will remain in place there.⁴⁷

1.2.2 Education

Focus on:

- *Ensuring continuity of education for children from socioeconomically disadvantaged backgrounds, including measures to ensure distance learning for this group*

In **Hungary**, there is no national policy on ensuring continuity of education for children from socioeconomically disadvantaged backgrounds. The media reported that schools established diverse measures to help the education of these groups in small villages, especially of those who have no access to the Internet or to Internet-capable devices.⁴⁸ The President of the Democratic Union of Teachers (*Pedagógusok Demokratikus Szakszervezet*) reported in an interview that schools print materials and tasks out and deliver them to the houses of students with socioeconomically disadvantaged backgrounds twice a week in the towns of Tarnabod, Heresznye, Pálmajor, Alsóbogát and Bélavár.⁴⁹ Upon delivering new materials, previously assigned tasks are also collected. Feedback on the completed assignments are given back to students when the next round of materials is distributed.⁵⁰ The President of the Union also stated that it was extremely difficult to convince pupils

⁴³ Hungary, Governmental Decree no. 168/2020 on protective measures (168/2020. Korm. rendelet a védelmi intézkedésekről), 30 April 2020, Article 4(2), available at: https://njt.hu/translated/doc/J2020R0168K_20200518_FIN.pdf.

⁴⁴ Hungary, Governmental Decree no. 168/2020 on protective measures (168/2020. Korm. rendelet a védelmi intézkedésekről), 30 April 2020, Article 3, available at: https://njt.hu/translated/doc/J2020R0168K_20200518_FIN.pdf.

⁴⁵ Hungary, Governmental Decree no. 168/2020 on protective measures (168/2020. Korm. rendelet a védelmi intézkedésekről), 30 April 2020, Article 6, available at: https://njt.hu/translated/doc/J2020R0168K_20200518_FIN.pdf.

⁴⁶ Hungary, Governmental Decree no. 168/2020 on protective measures (168/2020. Korm. rendelet a védelmi intézkedésekről), 30 April 2020, Article 2(2), available at: https://njt.hu/translated/doc/J2020R0168K_20200518_FIN.pdf.

⁴⁷ Kormany.hu (2020), 'We won the first battle against the virus' (*Az első csatát megnyertük a vírussal szemben*), 1 May 2020, available at: <https://www.kormany.hu/hu/a-miniszterelnok/hirek/az-első-csatat-megnyertuk-a-virussal-szemben>.

⁴⁸ Népszava (2020), 'The city major or the apparitor delivers homework to the doorstep' (*Polgármester vagy pedellus viszi házhoz a tananyagot*), 6 April 2020, available at: https://nepszava.hu/3073551_polgarmester-vagy-pedellus-viszi-hazhoz-a-tananyagot.

⁴⁹ Eduline (2020), 'Twice a week on paper – this is how towns facing socioeconomical disadvantages solve distance learning' (*Kétszer egy héten papíron – így oldják meg a hátrányos helyzetű települések a távoktatást*), 6 April 2020, available at: https://eduline.hu/kozoktatas/20200406_tavoktatas_nehez_korulmenyek_kozott; Népszava (2020), 'The city major or the apparitor delivers homework to the doorstep' (*Polgármester vagy pedellus viszi házhoz a tananyagot*), 6 April 2020, available at: https://nepszava.hu/3073551_polgarmester-vagy-pedellus-viszi-hazhoz-a-tananyagot.

⁵⁰ Eduline (2020), 'Twice a week on paper – this is how towns facing socioeconomical disadvantages solve distance learning' (*Kétszer egy héten papíron – így oldják meg a hátrányos helyzetű települések a távoktatást*), 6 April 2020, available at: https://eduline.hu/kozoktatas/20200406_tavoktatas_nehez_korulmenyek_kozott.

to continuously study in the form of this paper-exchange communication, and, in many cases, a lot depends on the parents and how much attention they can pay to make their children fulfil these tasks, therefore, the communication remains unilateral in many cases.⁵¹

In **Hungary**, The Ministry for Innovation and Technology (*Innovációs és Technológiai Minisztérium*) sent out an email to the rectors of all higher education institutions on 24 April 2020, asking for information on how universities ensure equal access to distance learning by 29 April 2020. The justification given in the email for the sudden information request was the increased attention of the EU and of international institutions on granting equal treatment to students in the distance learning scenarios.⁵² The email and the justification for the information request are not available in the public domain.

In **Hungary**, kindergartens, schools and universities remained closed for pupils and students in April 2020. Governmental Decree no. 168/2020 was adopted on 30 April 2020, and it foresees the possibility of reopening universities starting from 4 May 2020 in case the rector of the university decides so.⁵³

1.2.3 Work

Focus on:

- *People in precarious work*
- *Measures related to 'essential workers' and those already returning to work, e.g. what is identified as an 'essential' function, physical distancing measures in the workplace, relaxing restrictions on working hours, additional financial support*

In **Hungary**, the Government adopted new flexible rules for seasonal workers in the agricultural sector on 17 April 2020.⁵⁴ Instead of 120 days, seasonal workers may work up to 180 days a year, and instead of 15 days a months, the new rules increased this maximum to 20 days.⁵⁵ To ensure that both companies acting in the agricultural sector and the people seeking seasonal work can find each other, the Ministry for Agriculture (*Agrárminisztérium*) launched a new website that aims to connect seasonal job seekers and potential employers.⁵⁶

In **Hungary**, the Government established more stringent rules on the work conditions of military personnel on 16 April 2020.⁵⁷ According to the new rules, the average daily cap on working hours is

⁵¹ Eduline (2020), 'Twice a week on paper – this is how towns facing socioeconomical disadvantages solve distance learning' (*Kétszer egy héten papíron – így oldják meg a hátrányos helyzetű települések a távoktatást*), 6 April 2020, available at: https://eduline.hu/kozoktatas/20200406_tavoktatas_nehez_korulmenyek_kozott.

⁵² The email was sent by the Ministry for Innovation and Technology (*Innovációs és Technológiai Minisztérium*) on 24 April 2020 to the rectors of all higher education institutions. The email is not available in the public domain.

⁵³ Hungary, Governmental Decree no. 168/2020 on the protective measures (*168/2020. Korm. rendelet a védelmi intézkedésekről*), 30 April 2020, Article 7, available at: https://njt.hu/translated/doc/J2020R0168K_20200518_FIN.pdf.

⁵⁴ Koronavirus.gov.hu (2020), 'Starting from today, the rules on agricultural work are simplified' (*Mától kedvezőbbek a mezőgazdasági egyszerűsített munkavállalás szabályai*), 17 April 2020, available at: <https://koronavirus.gov.hu/cikkek/matol-kedvezobbek-mezogazdasagi-egyszerusített-munkavallalas-szabalyai>.

⁵⁵ Koronavirus.gov.hu (2020), 'Starting from today, the rules on agricultural work are simplified' (*Mától kedvezőbbek a mezőgazdasági egyszerűsített munkavállalás szabályai*), 17 April 2020, available at: <https://koronavirus.gov.hu/cikkek/matol-kedvezobbek-mezogazdasagi-egyszerusített-munkavallalas-szabalyai>.

⁵⁶ Munkaszuret.hu, information portal established by the Ministry for Agriculture (*Agrárminisztérium*), available at: <https://www.munkaszuret.hu>.

⁵⁷ Hungary, Governmental Decree no. 120/2020 on the special rules on the military personnel for the state of danger situation (*120/2020. (IV. 16.) a honvédelmi szervezetek személyi állományára a veszélyhelyzet ideje alatt*

increased to 12 hours (previously it was 8 hours), while the average weekly cap on working hours is now up to 60 hours (previously it was 48 hours).⁵⁸ The rest period in between two workdays is decreased from 11 hours to eight hours.⁵⁹

In **Hungary**, the Prime Minister announced on 3 April 2020 that all healthcare workers (care workers are excluded) would receive a 500,000 HUF (€1,400) bonus in 2020 to express the country's gratitude for their work.⁶⁰

In **Hungary**, Governmental Decree 152/2020 established detailed rules on granting day care to children whose parents are unable to provide for supervision to their children while the parents are at work.⁶¹ The Decree obliges nurseries and kindergartens that were closed in relation to the state of danger to provide day care services per the request of those who, for reasons of work, cannot take care of their children during the state of danger.⁶² The day care service should be available on workdays between 6am and 6pm.⁶³ A maximum of five children can be placed in a group for day care.⁶⁴ For the day care services, nurseries and kindergartens cannot charge a fee.⁶⁵ Food must also be provided for these children.⁶⁶

alkalmazandó egyes eltérő szabályokról), 16 April 2020, Article 5, available at: http://njt.hu/cgi_bin/njt_doc.cgi?docid=219065.381877.

⁵⁸ Hungary, Governmental Decree no. 120/2020 on the special rules on the military personnel during the state of danger (120/2020. (IV. 16.) a honvédelmi szervezetek személyi állományára a veszélyhelyzet ideje alatt alkalmazandó egyes eltérő szabályokról), 16 April 2020, Article 5(1), available at: http://njt.hu/cgi_bin/njt_doc.cgi?docid=219065.381877.

⁵⁹ Hungary, Governmental Decree no. 120/2020 on the special rules on the military personnel during the state of danger (120/2020. (IV. 16.) a honvédelmi szervezetek személyi állományára a veszélyhelyzet ideje alatt alkalmazandó egyes eltérő szabályokról), 16 April 2020, Article 5(4), available at: http://njt.hu/cgi_bin/njt_doc.cgi?docid=219065.381877.

⁶⁰ koronavirus.gov.hu (2020), 'Gratitude and half a million forint bonus to healthcare workers' (*Köszönet és félmillió forintos pluszjuttatás az egészségügyi dolgozóknak*), 3 April 2020, available at: <https://koronavirus.gov.hu/cikkek/koszonet-es-felmillio-forintos-pluszjuttatas-az-egeszsegugyi-dolgozoknak>.

⁶¹ Hungary, Governmental Decree no. 152/2020 on measures related to day care for children in the state of danger (152/2020. (IV. 27.) a veszélyhelyzet során a gyermekek napközbeni felügyeletével kapcsolatos intézkedésekről), 27 April 2020, available at http://njt.hu/cgi_bin/njt_doc.cgi?docid=219234.382320.

⁶² Hungary, Governmental Decree no. 152/2020 on measures related to day care for children in the state of danger (152/2020. (IV. 27.) a veszélyhelyzet során a gyermekek napközbeni felügyeletével kapcsolatos intézkedésekről), 27 April 2020, Article 1(1), available at http://njt.hu/cgi_bin/njt_doc.cgi?docid=219234.382320.

⁶³ Hungary, Governmental Decree no. 152/2020 on measures related to day care for children in the state of danger (152/2020. (IV. 27.) a veszélyhelyzet során a gyermekek napközbeni felügyeletével kapcsolatos intézkedésekről), 27 April 2020, Article 1(3), available at http://njt.hu/cgi_bin/njt_doc.cgi?docid=219234.382320.

⁶⁴ Hungary, Governmental Decree no. 152/2020 on measures related to day care for children in the state of danger (152/2020. (IV. 27.) a veszélyhelyzet során a gyermekek napközbeni felügyeletével kapcsolatos intézkedésekről), 27 April 2020, Article 1(4), available at http://njt.hu/cgi_bin/njt_doc.cgi?docid=219234.382320.

⁶⁵ Hungary, Governmental Decree no. 152/2020 on measures related to day care for children in the state of danger (152/2020. (IV. 27.) a veszélyhelyzet során a gyermekek napközbeni felügyeletével kapcsolatos intézkedésekről), 27 April 2020, Article 1(5), available at http://njt.hu/cgi_bin/njt_doc.cgi?docid=219234.382320.

⁶⁶ Hungary, Governmental Decree no. 152/2020 on measures related to day care for children in the state of danger (152/2020. (IV. 27.) a veszélyhelyzet során a gyermekek napközbeni felügyeletével kapcsolatos intézkedésekről), 27 April 2020, Article 1(6), available at http://njt.hu/cgi_bin/njt_doc.cgi?docid=219234.382320.

In **Hungary**, there has been no specific measures adopted on the identification of essential work functions, on special physical distancing measures in the workplace and on relaxing restrictions on working hours. Also, there have been no developments and announcements concerning certain workers returning to work.

1.2.4 Access to justice

Focus on:

- *Restrictions to court proceedings (e.g. adjournment of proceedings, written procedures, extension of deadlines, determination of what constitutes ‘urgent cases’)*
- *Use of alternatives to detention*

In **Hungary**, the extraordinary suspension of judicial proceedings that was ordered⁶⁷ on 15 March 2020 ended on 31 March.⁶⁸ According to Government Decree 74/2020 on certain procedural measures, courts operate during the state of danger; however, the measures to protect the health of court staff and clients in the current epidemiological situation must continue to be complied with. As a general rule, clients are still not allowed to enter the court building and personal client reception is also suspended at the administrative offices of the courts.⁶⁹ The court shall, as far as possible, conduct the proceedings in all cases by means of an electronic communications’ network or other means capable of transmitting electronic images and sound. Court procedures can still be initiated, electronic submissions and paper submissions if sent by postal mail are possible in all types of cases. Customer gateway, company gateway or office gate registration is, however, required to initiate a procedure by electronic submissions.⁷⁰ In criminal proceedings, however, any form of electronic communication is available, including email communication, for the participants of the proceeding.⁷¹ The central website of the Hungarian Judiciary reports on the successful implementation of electronic hearings in April thanks to the Via Video system. The communication of the Court states that the number of electronic hearings increased by 60% compared to the average monthly use during the first two months of 2020. The communication adds that the national electronic hearing system was completed by the end of

⁶⁷ Hungary, Governmental Decree no. 45/2020. on the measures to be taken during the state of danger declared for the prevention of the human epidemic endangering life and property and causing massive disease outbreaks, for the elimination of its consequences, and for the protection of the health and lives of Hungarian citizens (II) (45/2020. (III. 14.) Korm. rendelet az élet- és vagyonbiztonságot veszélyeztető tömeges megbetegedést okozó humánjárvány megelőzése, illetve következményeinek elhárítása, a magyar állampolgárok egészségének és életének megóvása érdekében elrendelt veszélyhelyzet során teendő intézkedésekről (II.)) 14 March 2020, Article 1, available at: https://njt.hu/translated/doc/J2020R0045K_20200316_FIN.pdf.

⁶⁸ Hungary, Governmental Decree no. 74/2020 on procedural measures during the state of danger situation (74/2020. (III. 31.) Korm. rendelet a veszélyhelyzet ideje alatt érvényesülő egyes eljárásjogi intézkedésekről), 31 March 2020, available at: https://njt.hu/translated/doc/J2020R0074K_20200508_FIN.pdf.

⁶⁹ Hungary, Governmental Decree no. 74/2020 on certain procedural measures applicable during the period of state of danger (74/2020. (III. 31.) Korm. rendelet a veszélyhelyzet ideje alatt érvényesülő egyes eljárásjogi intézkedésekről), 31 March 2020, Article 21, available at: https://njt.hu/translated/doc/J2020R0074K_20200508_FIN.pdf.

⁷⁰ Hungary, Governmental Decree no. 74/2020 on certain procedural measures applicable during the period of state of danger (74/2020. (III. 31.) Korm. rendelet a veszélyhelyzet ideje alatt érvényesülő egyes eljárásjogi intézkedésekről), 31 March 2020, Article 26, available at: https://njt.hu/translated/doc/J2020R0074K_20200508_FIN.pdf.

⁷¹ Hungary, Governmental Decree no. 74/2020 on certain procedural measures applicable during the period of state of danger (74/2020. (III. 31.) Korm. rendelet a veszélyhelyzet ideje alatt érvényesülő egyes eljárásjogi intézkedésekről), 31 March 2020, Article 60, available at: https://njt.hu/translated/doc/J2020R0074K_20200508_FIN.pdf.

2019; therefore, in all court buildings in Hungary, there is at least one hearing room equipped with a technology capable of conducting distance hearings.⁷²

In **Hungary**, while Governmental Decree no. 74/2020 established special rules for criminal proceedings for the duration of the state of danger, it did not introduce alternatives to detention and did not urge law enforcement authorities and courts to choose measures other than detention.⁷³

1.2.5 Freedom of movement

Focus on:

- *Closure of borders/restrictions on movement within the EU and categories of people allowed to enter the Member State (including EU citizens, legally-residing third country nationals and their families, asylum applicants)*
- *Special provisions for cross-border commuters (especially health and care workers) or other workers from neighbouring non-EU countries*

In **Hungary**, Governmental Decree no. 81/2020 prohibits non-Hungarian citizens arriving from abroad in passenger traffic to enter Hungary.⁷⁴ Exception under this rule is only allowed with the permission of the National Police Headquarters (*Országos Rendőr-főkapitányság*) provided that the person concerned undergoes a medical examination that does not result in the suspicion of a COVID-19 infection and that the person is listed in the registry of the epidemiological authority.⁷⁵ This may be the only option even to those residing lawfully in Hungary who are trying to get back to the country. Moreover, the Decree states EEA citizens who are entitled to permanent residence in Hungary and who can prove this right with a permanent residence card enjoy the same treatment as Hungarian citizens in relation to entry into Hungary.⁷⁶ The Head of the National Police Headquarters is authorised to establish special rules to the citizens of neighbouring countries and, based on humanitarian purposes, to those transiting through Hungary.⁷⁷ The Head of the National Police Headquarters

⁷² Biorasag.hu (2020), 'The Via Video system is a major help to the courts in the time of the state of danger' (*Jelentős segítséget nyújt a veszélyhelyzet idején a bíróságok működésében a Via Video rendszer*), 22 April 2020, available at: <https://birosag.hu/hirek/kategoria/birosagokrol/jelentos-segitseget-nyujt-veszelyhelyzet-idejen-birosagok-mukodeseben>.

⁷³ Hungary, Governmental Decree no. 74/2020 on certain procedural measures applicable during the period of state of danger (*74/2020. (III. 31.) Korm. rendelet a veszélyhelyzet ideje alatt érvényesülő egyes eljárási intézkedésekről*), 31 March 2020, Articles 44-94, available at: https://njt.hu/translated/doc/J2020R0074K_20200508_FIN.pdf.

⁷⁴ Hungary, Governmental Decree no. 81/2020 on extraordinary measures relating to the state of danger declared for the protection of health and lives and for the restoration of national economy (*81/2020. (IV. 1.) Korm. rendelet az egészség és élet megóvása, valamint a nemzetgazdaság helyreállítása érdekében elrendelt veszélyhelyzettel kapcsolatos rendkívüli intézkedésekről*), 1 April 2020, Article 2, available at: https://njt.hu/translated/doc/J2020R0081K_20200514_FIN.pdf.

⁷⁵ Hungary, Governmental Decree no. 81/2020 on extraordinary measures relating to the state of danger declared for the protection of health and lives and for the restoration of national economy (*81/2020. (IV. 1.) Korm. rendelet az egészség és élet megóvása, valamint a nemzetgazdaság helyreállítása érdekében elrendelt veszélyhelyzettel kapcsolatos rendkívüli intézkedésekről*), 1 April 2020, Article 4(1), available at: https://njt.hu/translated/doc/J2020R0081K_20200514_FIN.pdf.

⁷⁶ Hungary, Governmental Decree no. 81/2020 on extraordinary measures relating to the state of danger declared for the protection of health and lives and for the restoration of national economy (*81/2020. (IV. 1.) Korm. rendelet az egészség és élet megóvása, valamint a nemzetgazdaság helyreállítása érdekében elrendelt veszélyhelyzettel kapcsolatos rendkívüli intézkedésekről*), 1 April 2020, Article 7, available at: https://njt.hu/translated/doc/J2020R0081K_20200514_FIN.pdf.

⁷⁷ Hungary, Governmental Decree no. 81/2020 on extraordinary measures relating to the state of danger declared for the protection of health and lives and for the restoration of national economy (*81/2020. (IV. 1.)*

published a notice on 1 April 2020 in which he allows citizens of the neighbouring countries which have an agreement with Hungary on humanitarian transit to enter Hungary if such citizens undergo a medical examination that does not result in the suspicion of the Covid-19 infection. These people can only enter Hungary in the timeframe assigned to them in the agreement between the countries. People can transit through Hungary; however, they must leave the country in the shortest possible time following a designated route. They can only stop if it is unavoidable and necessary, and only at the designated petrol stations and rest areas along the highway.⁷⁸

In **Hungary**, three border crossing points along the Hungarian-Serbian borderline (Röszke, Tompa, Hercegszántó) were opened for the cross-border commuters and for farmers on 23 April 2020. People should prove that they live in a 50km radius of either side of the Hungarian-Serbian borderline and, through an employer's certificate, they have to prove that the workplace is in a 50km radius of the borderline in order to enter the other country. Farmers must prove the farming land lies in a 50km radius of the borderline.⁷⁹ Moreover, Serbian citizens working in Western Europe may cross at the border crossing point of Röszke everyday between 2-6pm; however, they can only use the designated Hungarian highways and can only stop in Hungary at the designated petrol stations.⁸⁰

In **Hungary**, the submission of claims for asylum in the two transit zones at the southern borders of Hungary (Röszke and Tompa) were suspended as of 1 March 2020.⁸¹ The Ministry of the Interior (*Belügyminisztérium*) confirmed that the transit zones remained sealed in March and April 2020.⁸²

1.3 Impact of measures on particular groups

Select the three most relevant groups from the following:

- *persons with disabilities,*
- *homeless people,*
- *older people (which should include older persons in institutions),*

Korm. rendelet az egészség és élet megóvása, valamint a nemzetgazdaság helyreállítása érdekében elrendelt veszélyhelyzettel kapcsolatos rendkívüli intézkedésekről), 1 April 2020, Article 4(2), available at: https://njt.hu/translated/doc/J2020R0081K_20200514_FIN.pdf.

⁷⁸ Notice of the Head of the National Police Headquarters no. 29000/9828/2020 on the rules for crossing the border, staying in the territory of Hungary, transiting, possibilities to stop and on special traffic rules for humanitarian transit of citizens of the neighboring states and for humanitarian purposes, (Az Országos Rendőrfőkapitány 29000/9828/2020. számú közleménye a szomszédos állam polgárai esetében, valamint a humanitárius célból történő tranzitáthaladás során a határátlépésre, a Magyarország területén tartózkodásra, az áthaladásra, az útvonalra, a megállási lehetőségekre, a humanitárius tranzitforgalomra vonatkozó különös közlekedésre vonatkozó szabályokról), 1 April 2020, available at: <https://net.jogtar.hu/jogszabaly?docid=a20k0171.egk>.

⁷⁹ Koronavirus.gov.hu (2020), 'Hungarian-Serbian border crossing points were opened for commuters and farmers' (*Magyar-szerb határátkelőket nyitottak meg az ingázók és a földművesek előtt*), 23 April 2020, available at: <https://koronavirus.gov.hu/cikkek/magyar-szerb-hataratkeloket-nyitottak-meg-az-ingazok-es-foldmuvesek-elott>.

⁸⁰ Koronavirus.gov.hu (2020), 'Hungarian-Serbian border crossing points were opened for commuters and farmers' (*Magyar-szerb határátkelőket nyitottak meg az ingázók és a földművesek előtt*), 23 April 2020, available at: <https://koronavirus.gov.hu/cikkek/magyar-szerb-hataratkeloket-nyitottak-meg-az-ingazok-es-foldmuvesek-elott>.

⁸¹ Infostart (2020), 'Transit zones shut down for illegal migrants' (*Bezár a tranzitzóna az illegális migránsok előtt*), 1 March 2020, available at: <https://infostart.hu/belfold/2020/03/01/bezar-a-tranzitzona-az-illegalis-migransok-elott>.

⁸² Information was confirmed by the Minister of the Interior (*Belügyminisztérium*) in email on 29 April 2020.

- *Roma and Travellers (FRA would like to see this group covered in those Member States with significant Roma populations)*
- *detainees*
- *or another group not listed that have immersed in your country as facing particular challenges - before selection, this should be discussed with FRA.*

Older people

In **Hungary**, Governmental Decree no. 71/2020 on restricting movement assigned specific timeframes for those over 65 years of age to visit grocery stores, drugstores, pharmacies and farmer's markets: every day between 9am and 12pm.⁸³ During this timeframe, younger people (excluding the employees there) are banned from these stores.⁸⁴ The media reported that businesses criticised these specific timeframes, claiming it is too long and increases the morning traffic (before 9am) resulting in big crowds in the stores.⁸⁵

In **Hungary**, a significant number of people identified as infected by the Coronavirus are residents of elderly care facilities in Budapest, Borsodnádásd, Dunakeszi and Dabas.⁸⁶ In a facility in Budapest, the authorities identified more than 200 infected people. A debate started between the Government and the Local Government of Budapest on who is liable for the spread of the virus in the facility. The Government emphasised the responsibility of the city's Local Government, claiming that no proper sanitary rules and measures were in place.⁸⁷ The City Mayor disclosed documents proving that the national authorities let people back to the elderly homes from hospitals without testing them for COVID-19, and that the authorities did not provide the elderly homes with sanitary tools.⁸⁸

Roma

In **Hungary**, despite the significant Roma population in the country, no special measures were adopted to protect specifically Roma people from the Coronavirus. The media reported that many Roma people in Hungary live in poor sanitary circumstances (e.g. no water in the house, no bathroom in the house),

⁸³ Hungary, Governmental Decree no. 71/2020 on restricting movement(71/2020. (III. 27.) Korm. rendelet a kijárási korlátozásról), 27 March 2020, Article 6(1), available at: https://njt.hu/translated/doc/J2020R0071K_20200410_FIN.pdf.

⁸⁴ Hungary, Governmental Decree no. 71/2020 on restricting movement(71/2020. (III. 27.) Korm. rendelet a kijárási korlátozásról), 27 March 2020, Article 6(2), available at: https://njt.hu/translated/doc/J2020R0071K_20200410_FIN.pdf.

⁸⁵ Magyar Nemzet (2020), 'The elderly timeframe in stores may change' (*Változhat az időseknek járó idősáv a boltokban*), 23 April 2020, available at: <https://magyarnemzet.hu/gazdasag/valtozhat-az-idoseknek-jaro-idosav-a-boltokban-8031965/>.

⁸⁶ Index (2020), 'The virus sweeps over elderly homes' (*Végigsöpör az idősotthonokon a vírus*), 17 April 2020, available at: https://index.hu/belfold/2020/04/17/idosotthonok_idosek_otthona_koronavirus_pesti_uti_borsodnadasd_debrecen_operativ_torzs_muller_cecilia_allitasai/.

⁸⁷ Koronavirus.gov.hu (2020), 'Pesti street elderly home – The Chief Public Health Officer obliged the Local Government of Budapest to adopt immediate measures' (*Pesti úti idősotthon – Azonnali intézkedések végrehajtására kötelezte az országos tisztifőorvos a Fővárosi Önkormányzatot*), 10 April 2020, available at: <https://koronavirus.gov.hu/cikkek/pesti-uti-idosotthon-azonnali-intezkedesek-vegrehajtasara-kotelezte-az-orszagos-tisztifoorvos>.

⁸⁸ Index (2020), 'Pesti street elderly home – Karácsony fights back the government using secret documents' (*Pesti úti idősotthon – Karácsony eddig titkos dokumentumokkal vág vissza a kormánynak*), 10 April 2020, available at: https://index.hu/belfold/2020/04/10/karacsony_4_dokumentum_nyilvanossagra_hozasaval_reagalt_a_kormany_vadjaira/.

and large families of generations live together in small houses.⁸⁹ Also, Roma people often have seasonal work, jobs that require them to work in public spaces (e.g. markets, streets); therefore, they can be particularly vulnerable to the economic impact of virus. The current restrictive measures in Hungary (most importantly the movement restrictions) often result in a significant loss of income for Roma families, and the financial aid provided to those who had lost their jobs are not available to seasonal workers.⁹⁰ The media also reported discrimination against the Roma when employers decided on which employee they should discharge first.⁹¹ The Office of the Commissioner for Fundamental Rights (*Alapvető Jogok Biztosának Hivatala*), in a statement sent to the press, stressed that the difficulties vulnerable groups including Roma face may deepen as a result of the current crisis and some of the measures.⁹² On 22 March 2020, the Hungarian Academy of Sciences (*Magyar Tudományos Akadémia*) translated the Coronavirus information video of the National Ambulance Service (*Országos Mentőszolgálat*) into the Roma language and published it on their website.⁹³

Homeless people

In **Hungary**, the media reported on 31 March 2020 an increased demand for beds in homeless shelter facilities as many people who had lost their jobs as a consequence of the Coronavirus outbreak and had previously lived in workers' hostels or in cheap rented apartments became homeless.⁹⁴ Among these people, many were Ukrainian and Romanian citizens. The homeless shelters in Budapest tried to convince the operators of workers' hostels not to discharge these people; however, by the end of March, 1500-1800 new homeless people appeared in the homeless shelters in Budapest.⁹⁵ As a response to this, the Local Government of Budapest (*Fővárosi Önkormányzat*) decided on 3 April 2020 to give away 71 empty apartments and three storage facilities to the Budapest homeless shelters free of charge to increase their capacities.⁹⁶

⁸⁹ Euronews (2020), 'Coronavirus pandemic – forgotten Romas' (*Koronavírus járvány: elfeledett romák*), 5 April 2020, available at: <https://hu.euronews.com/2020/04/05/koronavirus-jarvany-elfeledett-romak>.

⁹⁰ Euronews (2020), 'Coronavirus pandemic – forgotten Romas' (*Koronavírus járvány: elfeledett romák*), 5 April 2020, available at: <https://hu.euronews.com/2020/04/05/koronavirus-jarvany-elfeledett-romak>.

⁹¹ Statement of the Commissioner for Fundamental Rights and his deputies, 26 March 2020, available at: <https://www.ajbh.hu/en/kozlemenyek/-/content/qzykPkTyQAvM/az-alapveto-jogok-biztosanak-es-helyetteseinek-kozlemen-1>.

⁹² Euronews (2020), 'Coronavirus pandemic – forgotten Romas' (*Koronavírus járvány: elfeledett romák*), 5 April 2020, available at: <https://hu.euronews.com/2020/04/05/koronavirus-jarvany-elfeledett-romak>.

⁹³ Hungarian Academy of Sciences (2020), 'The education research team of HAS made an information video in sign language and in Roma language on the Coronavirus' (*Jelnyelven és cigány nyelven készített koronavírus-tájékoztatót az MTA oktatási kutatócsoportja*), 22 March 2020, available at: https://mta.hu/tudomany_hirei/jelnyelven-keszített-koronavirus-tajekoztatot-az-mta-oktatasi-kutato-csoportja-110468.

⁹⁴ 24.hu (2020), 'The homeless care facilities in Budapest already feel the mass arriving from the workers' hostels' (*Már érzi a budapesti hajléktalan-ellátás a munkásszállókról érkező tömeget*), 31 March 2020, available at: <https://24.hu/belfold/2020/03/31/koronavirus-hajlektalan-koronavirus/>.

⁹⁵ 24.hu (2020), 'The homeless care facilities in Budapest already feel the mass arriving from the workers' hostels' (*Már érzi a budapesti hajléktalan-ellátás a munkásszállókról érkező tömeget*), 31 March 2020, available at: <https://24.hu/belfold/2020/03/31/koronavirus-hajlektalan-koronavirus/>.

⁹⁶ Local Government of Budapest, Decision no. 316/2020, 3 April 2020, available at: <http://einfoszab.budapest.hu/list/fovarosi-kozgyules-nyilvanos-ulesei?id=107930;type=3;parentid=12104;parenttype=2>.

2 Users' data - privacy and data protection

2.1 Arrangements between public authorities and other actors to allow collection, sharing and processing of user data

In Hungary, Governmental Decree no. 46/2020 entitles the Minister for Innovation and Technology to get to know and to control any data available in the country if he finds it useful in the fight against the Coronavirus (purposes of preventing and waiving consequences of COVID-19 and protecting life and health of the citizens, as well as modelling and analysing the spread of the epidemic). This broad authorisation also obliges public bodies, local governments, businesses and private individuals to support the Minister in performing his task to establish models and to analyse data in order to map the spread of the virus and to save the lives and health of Hungarian citizens.⁹⁷ There is no further elaboration in legislation on how the obliged parties should support the Minister in performing his tasks, and also no policy measures and protocols are available on this in the public domain. There has been no information available on how the Decree was implemented in practice; however, there is no report on specific apps developed to map the spread of the Coronavirus. It is, however, important to add the decrees adopted during the state of danger did not contain any deviation from the provisions of the GDPR, therefore, the safeguards provided for in the GDPR still apply in Hungary.

2.2 Legal framework enabling collection, processing, sharing and storage of user data

In Hungary, the Government adopted Governmental Decree no. 93/2020 on 6 April 2020 that entitles the Operational Corps (*Operatív Törzs*), established to function as the central body in coordination of the measures applied in relation to the Coronavirus outbreak, to obtain data from any organisation, legal entity, private and public association in order to prevent, understand, investigate and to block the further spread of the virus and to coordinate the tasks of the authorities. The Operational Corps has 11 members including the National Chief Medical Officer, the Minister of Interior, the Head of the National Police Headquarters, the Head of the National Directorate-General for Aliens Policing and leaders of hospitals.⁹⁸ The Decree stipulates this information request of the Operational Corps is part of the epidemic control mechanisms and is free of charge for the Operational Corps.⁹⁹ The Decree further entitles the Operational Corps to get to know the personal data of private individuals affected by the virus and the data of those suspected to have been infected by the virus, and also of those who established contact with the infected or suspicious persons. The Decree labels these people

⁹⁷ Hungary, Governmental Decree no. 46/2020. on the measures to be taken during the state of danger declared for the prevention of the human epidemic endangering life and property and causing massive disease outbreaks, for the elimination of its consequences, and for the protection of the health and lives of Hungarian citizens (III) (46/2020. (III. 11.) Korm. rendelet az élet- és vagyonbiztonságot veszélyeztető tömeges megbetegedést okozó humánjárvány megelőzése, illetve következményeinek elhárítása, a magyar állampolgárok egészségének és életének megóvása érdekében elrendelt veszélyhelyzet során teendő intézkedésekről (III.)), 16 March 2020, Article 10, available at: https://njt.hu/translated/doc/J2020R0046K_20200410_FIN.pdf.

⁹⁸ Hungary, Governmental Decision no. 1012/2020 on the establishment of an Operational Corps in Defence against the Coronavirus Epidemic (1012/2020. (I. 31.) Korm. határozat a Koronavírus-járvány Elleni Védekezésért Felelős Operatív Törzs felállításáról), 31 January 2020, available at: http://njt.hu/cgi_bin/njt_doc.cgi?docid=217994.379357.

⁹⁹ Hungary, Governmental Decree no. 93/2020 on certain rules relating to data processing and traffic applicable during the period of state of danger (93/2020. (IV.6.) Korm. rendelet a veszélyhelyzet során alkalmazandó egyes adatkezelési és közlekedési tárgyú szabályokról), 6 April 2020, Article 2, available at: https://njt.hu/translated/doc/J2020R0093K_20200421_FIN.pdf.

‘endangered group from the perspective of the pandemic situation’.¹⁰⁰ The Operational Corps is entitled to get medical data of the endangered group from the operator of the Medical Electronic Service Area (*Egészségügyi Elektronikus Szolgáltatási Tér*) directly.¹⁰¹ The Decree overwrites the general rules on data protection which require public bodies to indicate the purpose of the data request and to justify the cause.¹⁰² There has been no information available in the public domain on how the Operational Corps used these powers and how these powers differ from those entrusted to the Minister of Innovation and Technology.

2.3 Privacy and data protection concerns and possible solutions

In Hungary, in relation to the broad authorisation for the Minister for Innovation and Technology as stipulated in Governmental Decree no. 46/2020, the media added that Hungary has not yet amended the laws that transposed the Data Retention Directive¹⁰³ that was declared invalid by the Court of Justice of the European Union¹⁰⁴ in 2014.¹⁰⁵ Therefore, according to Hungarian law, metadata is still retained by the electronic service providers and the telecommunication service providers for up to a year.¹⁰⁶ A media article reminds people that the Minister, based on the data retention obligation, is authorised to get access to a massive amount of data now. The media article expresses concerns on the lack of adequate safeguards in granting access to any data to the Minister. The pool of data is not specified in the Decree given that it uses the general term ‘any’ instead of narrowing the scope of the authorisation. Moreover, there is no time limitation provided for in the Decree, therefore, the Minister can control and retain the requested data without limitation.¹⁰⁷ The Decree also fails to specialise the purpose of the data request as the broad wording ‘to avoid the negative consequences of the epidemic’ makes it unclear whether the economic consequences of the virus would also fall under this

¹⁰⁰ Hungary, Governmental Decree no. 93/2020 on certain rules relating to data processing and traffic applicable during the period of state of danger (93/2020. (IV.6.) Korm. rendelet a veszélyhelyzet során alkalmazandó egyes adatkezelési és közlekedési tárgyú szabályokról), 6 April 2020, Article 3(1), available at: https://njt.hu/translated/doc/J2020R0093K_20200421_FIN.pdf.

¹⁰¹ Hungary, Governmental Decree no. 93/2020 on certain rules relating to data processing and traffic applicable during the period of state of danger (93/2020. (IV.6.) Korm. rendelet a veszélyhelyzet során alkalmazandó egyes adatkezelési és közlekedési tárgyú szabályokról), 6 April 2020, Article 3(2), available at: https://njt.hu/translated/doc/J2020R0093K_20200421_FIN.pdf.

¹⁰² Hungary, Act CXII of 2011 on the right to informational self-determination and on the information freedom (2011. évi CXII. törvény az információs önrendelkezési jogról és az információszabadságról), 27 July 2011, Article 4, available at: https://njt.hu/translated/doc/J2011T0112P_20200101_FIN.PDF.

¹⁰³ Directive 2006/24/EC of the European Parliament and of the Council of 15 March 2006 on the retention of data generated or processed in connection with the provision of publicly available electronic communications services or of public communications networks and amending Directive 2002/58/EC.

¹⁰⁴ Court of Justice of the European Union, Judgment in joined cases C-293/12 and C-598/12 Digital Rights Ireland and Seitlinger and Others, 8 April 2014, available at: <http://curia.europa.eu/juris/document/document.jsf?sessionId=11467BB78A45BDF5B9B94365271937CE?text=&docid=150642&pageIndex=0&doclang=EN&mode=lst&dir=&occ=first&part=1&cid=7558341>.

¹⁰⁵ Azonnali (2020), ‘Can the state spy on us referring to the Coronavirus pandemic?’ (*Kémkedhet-e utánunk az állam a koronavírus-járványra hivatkozva?*), 1 April 2020, available at: https://azonnali.hu/cikk/20200401_kemkedhet-e-utanunk-az-allam-a-koronavirus-jarvanyra-hivatkozva.

¹⁰⁶ Hungary, Act C of 2003 on electronic media (2003. évi C. törvény az elektronikus hírközlésről), 1 January 2004, Article 159/A, available at: http://njt.hu/cgi_bin/njt_doc.cgi?docid=75939.381615.

¹⁰⁷ Azonnali (2020), ‘Can the state spy on us referring to the Coronavirus pandemic?’ (*Kémkedhet-e utánunk az állam a koronavírus-járványra hivatkozva?*), 1 April 2020, available at: https://azonnali.hu/cikk/20200401_kemkedhet-e-utanunk-az-allam-a-koronavirus-jarvanyra-hivatkozva.

category or whether the authorisation is limited only to fight the medical consequences of the virus.¹⁰⁸ It is, however, important to stress the decrees adopted in the state of danger do not contain any deviation from the provisions of the GDPR, therefore, the GDPR still applies.¹⁰⁹ The journalists approached the National Authority for Data Protection and Information Freedom (*Nemzeti Adatvédelmi és Információszabadság Hatóság*) and learned that the Government did not reach out to the Authority to ask for their opinion on the proposed legislation. Still, the Head of the Authority stressed that, even if the Government had approached them on the draft of the Decree, they would not have raised concerns due to the speciality of the Coronavirus situation. The Head of the Authority added that the Government also did not request the Authority's opinion on the application of the Decree, therefore, they have no information on how the information requests are performed and for what purposes the Minister uses the requested data in practice.¹¹⁰ The Ministry for Innovation and Technology organised an online conference on the role of mathematics and of other researches in the protection against the Coronavirus on 25 April 2020. In his speech at the conference, the Minister stressed that they relied on location data requested from the telecommunication service providers and on questionnaires that people could fill in online to map the spread of the virus in Hungary.¹¹¹

2.4 Any other privacy and data protection concerns

In Hungary, the authorities decided on 31 March 2020 to publish detailed information on those who died in connection with COVID-19 on the official information website the Government, which was established to inform people on the Coronavirus outbreak. Since then, the list on the deceased persons shows the age, the gender and the chronic diseases that the deceased persons suffered from.¹¹² On 31 March 2020, the Hungarian Civil Liberties Union (*Társaság a Szabadságjogokért*) raised concerns regarding the presentation of information on the deceased persons. In its statement, the Hungarian Civil Liberties Union believes that the list infringes the personality rights of the deceased people by providing for detailed information on their medical history. The Union adds that several victims of the virus were identified in the media earlier, therefore, people can connect these victims to the persons listed as deceased in the Government's official information website; in this way, sensitive medical data of the deceased would become available to everybody. The Union also provided

¹⁰⁸ Azonnali (2020), 'Can the state spy on us referring to the Coronavirus pandemic?' (*Kémkedhet-e utánunk az állam a koronavírus-járványra hivatkozva?*), 1 April 2020, available at: https://azonnali.hu/cikk/20200401_kemkedhet-e-utanunk-az-allam-a-koronavirus-jarvanyra-hivatkozva.

¹⁰⁹ Hungary, Governmental Decree no. 93/2020 on certain rules relating to data processing and traffic applicable during the period of state of danger (*93/2020. (IV.6.) Korm. rendelet a veszélyhelyzet során alkalmazandó egyes adatkezelési és közlekedési tárgyú szabályokról*), 6 April 2020, available at: https://njt.hu/translated/doc/J2020R0093K_20200421_FIN.pdf.

¹¹⁰ Azonnali (2020), 'Can the state spy on us referring to the Coronavirus pandemic?' (*Kémkedhet-e utánunk az állam a koronavírus-járványra hivatkozva?*), 1 April 2020, available at: https://azonnali.hu/cikk/20200401_kemkedhet-e-utanunk-az-allam-a-koronavirus-jarvanyra-hivatkozva.

¹¹¹ Digital Welfare Programme (*Digitális Jólét Program*) (2020), 'The role of mathematics and other researches in the protection against the Coronavirus' (*A játvány-matematika és egyéb kutatások szerepe a koronavírussal szembeni védekezésben*), 25 April 2020, available at: <https://www.youtube.com/watch?v=q7vnYyzm00g&feature=youtu.be>.

¹¹² Koronavirus.gov.hu (2020), 'Deceased' (*Elhunytak*), 31 March 2020, available at: <https://koronavirus.gov.hu/elhunytak>.

for infographics at the end of its statement to show how statistics on the victims of the virus should have been presented.¹¹³

¹¹³ Hungarian Civil Liberties Union (*Társaság a Szabadságjogokért*), 'The state published unlawful list on the victims of the Coronavirus' (*Jogsértő listát közölt az állam a koronavírus áldozatairól*), 31 March 2020, available at: <https://tasz.hu/cikkek/jogserto-listat-kozolt-az-allam-a-koronavirus-aldozatairol>.