

Coronavirus pandemic in the EU – Fundamental Rights Implications

Country: Hungary

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Date: 2 July 2020

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1 Measures taken by government/public authorities

1.1 Emergency laws/states of emergency

Provide information on emergency laws/declarations of states of emergency, including actions taken by police to enforce them and court rulings concerning the legality of such measures. Please include in particular information on developments relating to the protection of the right of association/demonstration; for example, with respect to the public gatherings that took place concerning the death of George Floyd, or other such events.

In **Hungary**, the Government declared a state of danger¹ on 11 March 2020 in relation to the Coronavirus outbreak. This special legal order 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.² These decrees, according to the limitation provided for in the Fundamental Law, could only remain in force for 15 days unless the Parliament extended their application.³ The Hungarian Parliament adopted Act XII of 2020 on the containment of Coronavirus on 30 March 2020 (hereinafter: Authorisation Act).⁴ The Authorisation Act entitled 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. The decrees issued based on the Authorisation Act did not require authorisation from the Parliament to remain in force for the period determined by the Government.⁵ On 16 June 2020 the Parliament adopted Act LVII of 2020 that repealed the Authorisation Act and called on the Government to terminate the state of danger.⁶ The Government terminated the state of danger on 18 June 2020. Therefore, all Governmental Decrees adopted with respect to the state of danger became ineffective.⁷ The Parliament adopted Act LVIII of 2020 (hereinafter: Act on Transitional Rules) that provides for special transitional rules for the period after the state of danger, and entrusts the Government to declare epidemiological preparedness that is not one of the special legal orders listed in the Fundamental Law.⁸ The Eötvös Károly Policy Institute, a civil society organisation established in 2011 by the Soros Foundation to establish a novel and unconventional institutional framework for shaping democratic public affairs in Hungary, criticised the Act on Transitional Rules. The Institute believes the Act on Transitional Rules authorises the Government to introduce extraordinary measures and to adopt governmental decrees which may restrict the fundamental

¹ 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.

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

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

⁴ 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.

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 Hungary, Act LVII of 2020 on terminating the state of danger (2020. évi LVII. törvény a veszélyhelyzet megszüntetéséről), 18 June 2020, available at: https://njt.hu/translated/doc/J2020T0057P_20200618_FIN.pdf.

⁷ Hungary, Governmental Decree no. 282/2020 on terminating the state of danger declared on 11 March 2020 (282/2020. (VI. 17.) a 2020. március 11-én kihirdetett veszélyhelyzet megszüntetéséről), 18 June 2020, available at: https://njt.hu/translated/doc/J2020R0282K_20200618_FIN.pdf.

⁸ Hungary, Act LVIII of 2020 on the transitional rules related to the termination of the state of danger and on the epidemiological preparedness (2020. évi LVIII. törvény a veszélyhelyzet megszűnésével összefüggő átmeneti szabályokról és a járványügyi készületségről), 18 June 2020, available at: http://njt.hu/cgi_bin/njt_doc.cgi?docid=220120.384679.

rights of the citizens. The Institute's opinion is that the Act on Transitional Rules provides for formal legal grounds to the Government to govern by decrees. The Institute adds the Act on Transitional Rules also maintains several measures the Government introduced in the state of danger (e.g. military commanders leading the hospitals, the Operational Corps (*Operatív Törzs*) may control personal data of the citizens, the Government may decide on the operation of health care service providers). The Institute recognises some restrictive measures might be necessary and unavoidable to contain the Coronavirus (e.g. restrictions related to events); however, they believe the Government may misuse the power granted to them by the Act to strengthen their own aspirations of power.⁹

The Government declared an epidemiological preparedness on 18 June 2020.¹⁰ The epidemiological preparedness will be in effect for six months (until 18 December 2020),¹¹ and the Government will revise its necessity every three months.¹²

In **Hungary**, the Government launched a national consultation on 15 June 2020. The consultation aims to get the citizens' opinions about what measures they feel necessary, efficient and still proportionate for the prospected second wave of infections expected for the autumn of 2020. Also, several of the consultations' questions relate to the economy and what measures should be taken for its recovery. The scope of the consultation is, however, broader as general questions on economy (e.g. takeovers of Hungarian companies by foreign enterprises, workplace protection measures) are also listed in the questionnaire. Under the consultation, a questionnaire is delivered to every citizen with active voting rights by regular mail. Citizens may send their answers back free of charge by 15 August 2020.¹³ The questionnaire contains the following questions closely related to protective measures with regard to the containment of the Coronavirus:¹⁴

- In case of another outbreak of the pandemic, what measures do you support being introduced? (There are nine options in the questionnaire: restriction of movement, ordering physical distancing, wearing facial masks, closing the borders, closing educational institutions and switching to digital teaching, restricting events, protected timeframe for the elderly (a dedicated timeframe for shopping exclusively to those over 65 years of age), imposing a ban on the export of tools necessary for protection, free of charge parking.)
- Do you agree to keep the pandemic preparedness in healthcare in place as long as the risk of a recurrence of the epidemic exists?
- Do you feel the need to further strengthen the epidemiological protection of the residential care homes for the elderly?

⁹ Eötvös Károly Policy Institute (Eötvös Károly Intézet) (2020), 'Saved power concentration: Coronavirus inventory – Constitutional evaluation of the Hungarian Government's crisis management' (Átmentett hatalomkoncentráció: koronavírus-leltár – A magyar kormány válságkezelésének alkotmányjogi értékelése), 19 June, 2020, available at: http://ekint.org/lib/documents/1592554960-EKINT_Koronavirus-leltar_elemzes.pdf.

¹⁰ Hungary, Governmental Decree no. 283/2020 on introducing a state of epidemiological preparedness (283/2020. (VI. 17.) Korm. rendelet a járványügyi készütség bevezetéséről), 18 June 2020, available at: https://njt.hu/translated/doc/J2020R0283K_20200618_FIN.pdf.

¹¹ Hungary, Governmental Decree no. 283/2020 on introducing a state of epidemiological preparedness (283/2020. (VI. 17.) Korm. rendelet a járványügyi készütség bevezetéséről), 18 June 2020, Section 3, available at: https://njt.hu/translated/doc/J2020R0283K_20200618_FIN.pdf.

¹² Hungary, Governmental Decree no. 283/2020 on introducing a state of epidemiological preparedness (283/2020. (VI. 17.) Korm. rendelet a járványügyi készütség bevezetéséről), 18 June 2020, Section 1(2), available at: https://njt.hu/translated/doc/J2020R0283K_20200618_FIN.pdf.

¹³ Kormany.hu (2020), 'They have started to deliver the questionnaire' (Megkezdték a kérdőívek kézbesítését), 16 June 2020, available at: <https://www.kormany.hu/hu/a-kormanysovivo/kormanysovivo/hirek/megkezdték-a-kerdoivek-kezbesiteset>.

¹⁴ Kormany.hu (2020), 'National consultation on the Coronavirus and on rebooting economy' (Nemzeti konzultáció a koronavírusról és a gazdaság újraindításáról), 15 June 2020, available at: <https://www.kormany.hu/hu/nemzeti-konzultacio-a-koronavirusrol-es-a-gazdasag-ujrainditasarol>.

- Do you agree the Government should encourage the manufacture of all the medical devices and other tools necessary to fight against the infection, in Hungary?
- Do you agree that the Internet should be made available free of charge to families raising school-age children and to teachers?
- Do you agree there is a need for a permanent body to monitor the epidemiological situation in Hungary in order to diminish the vulnerability of the country? (Prior to the question, the questionnaire provides for a statement that the European Centre for Disease Prevention and Control did not realise the threat of the Coronavirus in time.)
- Do you agree that banks and multinational enterprises should contribute to the costs related to the containment of the Coronavirus?
- Do you agree that the purchase of Hungarian products and services needs to be encouraged and national tourism needs to be promoted?
- Do you agree that the Government should keep the employment protection programmes in place even after the pandemic is over?
- Do you contest the plan of György Soros that could put the country in debt for a long time? (Prior to the question, the questionnaire provides for a statement that György Soros recommends that the EU should issue perpetual bonds.)
- Do you agree that the Government should protect Hungarian enterprises from hostile foreign takeovers?
- Do you agree that the Government should continue to take action against immigration and maintain the strict control of the borders?
- Do you agree that the Government should defend the rules on prohibiting immigration, even if it results in an open conflict with Brussels?

In **Hungary**, the Government ordered a ban on all events (outdoor and indoor events, including assemblies and demonstrations) on 17 March 2020.¹⁵ As part of the reopening, a Governmental Decree allowed outdoor events to be held as from 28 May 2020.¹⁶ Under these rules, an outdoor event was defined as an event that is held, for its full duration, outside of a covered building that has walls on all sides.¹⁷ The organiser of the event had to ensure that all protective measures (e.g. physical distancing) were kept during the event.¹⁸ Assemblies and demonstrations, however, were not under the scope of the Decree.¹⁹ The Act on Transitional Rules allows all events to be held as of 18 June 2020; however, it entitled the Government to establish special rules for attending these events.²⁰ The

¹⁵ 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, Section 3, available at: https://njt.hu/translated/doc/J2020R0046K_20200410_FIN.pdf.

¹⁶ Hungary, Governmental Decree no. 241/2020 on outdoor events (241/2020. (V. 27.) Korm. rendelet a szabadtéri rendezvényekről), 28 May 2020, available at: http://njt.hu/cgi_bin/njt_doc.cgi?docid=219716.383540.

¹⁷ Hungary, Governmental Decree no. 241/2020 on outdoor events (241/2020. (V. 27.) Korm. rendelet a szabadtéri rendezvényekről), 28 May 2020, Section 2(3), available at: http://njt.hu/cgi_bin/njt_doc.cgi?docid=219716.383540.

¹⁸ Hungary, Governmental Decree no. 241/2020 on outdoor events (241/2020. (V. 27.) Korm. rendelet a szabadtéri rendezvényekről), 28 May 2020, Section 2(1), available at: http://njt.hu/cgi_bin/njt_doc.cgi?docid=219716.383540.

¹⁹ Hungary, Governmental Decree no. 241/2020 on outdoor events (241/2020. (V. 27.) Korm. rendelet a szabadtéri rendezvényekről), 28 May 2020, Section 1(e), available at: http://njt.hu/cgi_bin/njt_doc.cgi?docid=219716.383540.

²⁰ Hungary, Act LVIII of 2020 on the transitional rules related to the termination of the state of danger and on the epidemiological preparedness (2020. évi LVIII. törvény a veszélyhelyzet megszűnésével összefüggő átmeneti szabályokról és a járványügyi készütségről), 18 June 2020, Section 86, available at: http://njt.hu/cgi_bin/njt_doc.cgi?docid=220120.384679.

Government, based on this authorisation, only prohibited music and dance events held either indoor or outdoor if the number of participants, including those working for the event, would exceed 500 persons.²¹

The media reported there was only one event concerning the death of George Floyd held in Hungary on 7 June 2020. Back then, as the ban on demonstrations and assemblies were in effect, the organisers of the event stressed that it was not a demonstration, but a commemoration where everybody should wear facial masks and keep the protective distance of 1.5 metres. The organisers of the event were members of the Animal Rebellion Hungary movement (the movement was organised by a popular singer-influencer, G. Ras on Facebook). The event was held in front of the Embassy of the United States in Hungary, in Budapest (at Szabadság square) and lasted only one hour in the early afternoon. The media reported that a couple hundred people attended the event and they all wore facial masks, kept the protective distance and were peaceful. A few speeches were given by the organisers and some students and a nine-minute long silent kneeling was given in memory of George Floyd. Three people showed up who belonged to a far-right group called 'Identity Generation' (*Identitás Generáció*) and claimed they would like to protest against racism targeting white European people. The police identified and found these people, then sent them away claiming they had not registered their event earlier. Otherwise, the commemoration concerning the death of George Floyd was peaceful and the police did not have to intervene.²²

1.2 Measures affecting the general population

1.2.1 Social distancing

Focus on:

- *Lifting of stay at home restrictions, and measures/rules for general physical distancing when in public or at home.*
- *Enforcement and penalties.*

In **Hungary**, the Governmental Decrees on protective measures for Budapest²³ and for the rest of the country²⁴ became ineffective on 18 June 2020 when the state of danger was terminated.²⁵ For the

²¹ Hungary, Governmental Decree no. 285/2020 on protective measures during the period of epidemiological preparedness (285/2020. (VI. 17.) Korm. rendelet a járványügyi készültségi időszak védelmi intézkedéseiről), 18 June 2020, Section 2, available at: http://njt.hu/cgi_bin/njt_doc.cgi?docid=220126.384770.

²³ Hungary, Governmental Decree no. 211/2020 on protective measures in the capital (211/2020. Korm. rendelet a fővárosi védelmi intézkedésekről), 18 May 2020, Section 10(4)-(5), available at: https://njt.hu/translated/doc/J2020R0211K_20200519_FIN.pdf.

²⁴ Hungary, Governmental Decree no. 168/2020 on protective measures (168/2020. (IV. 30.) Korm. rendelet a védelmi intézkedésekről), 4 May 2020, Section 10(5)-(6), available at: https://njt.hu/translated/doc/J2020R0168K_20200518_FIN.pdf.

²⁵ Hungary, Governmental Decree no. 282/2020 on terminating the state of danger declared on 11 March 2020 (282/2020. (VI. 17.) a 2020. március 11-én kihirdetett veszélyhelyzet megszüntetéséről), 18 March 2020, available at: https://njt.hu/translated/doc/J2020R0282K_20200618_FIN.pdf.

period of epidemiological preparedness that the Government introduced on 18 June 2020,²⁶ the following protective measures are established:²⁷

- People must wear mouth and nose coverings (e.g. medical masks, scarfs or shawls) when shopping in a store or using public transport.²⁸ Children under the age of six are not obliged to wear mouth and nose coverings.²⁹
- employees of catering facilities are obliged to wear mouth and nose coverings in the inner (closed) part of the premises which can be visited by customers;³⁰
- Music and dancing events, including outdoor and indoor, public and private, occasional or frequently held events, can only be held if the number of participants (including those working there) does not exceed 500 persons.³¹

In **Hungary**, those who violated the protective measures during the state of danger that became ineffective on 18 June 2020, committed a minor offence and the sanctions – as stipulated in the Minor Offences Act³² – were applied against them by the Police. The respective Governmental decrees on the protective measures in Budapest and for the rest of the country, however, set the minimum and maximum thresholds for on-site monetary fines. Those who violated the rules on maintaining protective distance were subject to monetary fines of between 5,000 HUF and 500,000 HUF (cc. €14 and €1,430). For those who violated other protective measures, the monetary fines were between 5,000 HUF and 100,000 HUF (cc. €14 and €285). If the violation was committed repeatedly, the maximum amount of the fine was 150,000 HUF (cc. €428).³³

In **Hungary**, the National Police Headquarters reported that, as regards violating the rules on the decrees on protective measures during the state of danger, between 1-17 June, the Police warned

²⁶ Hungary, Governmental Decree no. 283/2020 on introducing a state of epidemiological preparedness (283/2020. (VI. 17.) Korm. rendelet a járványügyi készültség bevezetéséről), 18 June 2020, available at: https://njt.hu/translated/doc/J2020R0283K_20200618_FIN.pdf.

²⁷ Hungary, Governmental Decree no. 285/2020 on protective measures during the period of epidemiological preparedness (285/2020. (VI. 17.) Korm. rendelet a járványügyi készültségi időszak védelmi intézkedéseiről), 18 June 2020, available at: http://njt.hu/cgi_bin/njt_doc.cgi?docid=220126.384770.

²⁸ Hungary, Governmental Decree no. 285/2020 on protective measures during the period of epidemiological preparedness (285/2020. (VI. 17.) Korm. rendelet a járványügyi készültségi időszak védelmi intézkedéseiről), 18 June 2020, Section 1(1), available at: http://njt.hu/cgi_bin/njt_doc.cgi?docid=220126.384770.

²⁹ Hungary, Governmental Decree no. 285/2020 on protective measures during the period of epidemiological preparedness (285/2020. (VI. 17.) Korm. rendelet a járványügyi készültségi időszak védelmi intézkedéseiről), 18 June 2020, Section 1(3), available at: http://njt.hu/cgi_bin/njt_doc.cgi?docid=220126.384770.

³⁰ Hungary, Governmental Decree no. 285/2020 on protective measures during the period of epidemiological preparedness (285/2020. (VI. 17.) Korm. rendelet a járványügyi készültségi időszak védelmi intézkedéseiről), 18 June 2020, Section 1(2), available at: http://njt.hu/cgi_bin/njt_doc.cgi?docid=220126.384770.

³¹ Hungary, Governmental Decree no. 285/2020 on protective measures during the period of epidemiological preparedness (285/2020. (VI. 17.) Korm. rendelet a járványügyi készültségi időszak védelmi intézkedéseiről), 18 June 2020, Section 2, available at: http://njt.hu/cgi_bin/njt_doc.cgi?docid=220126.384770.

³² Hungary, Act II of 2012 on minor offences, minor offence procedures and the registration system of minor offences (2012. évi II. törvény a szabálysértésekről, a szabálysértési eljárásról és a szabálysértési nyilvántartási rendszerről), 15 April 2012, available at: http://njt.hu/cgi_bin/njt_doc.cgi?docid=143166.377040.

³³ Hungary, Governmental Decree no. 168/2020 on protective measures (168/2020. (IV. 30.) Korm. rendelet a védelmi intézkedésekről), 4 May 2020, Section 10(5)-(6), available at: https://njt.hu/translated/doc/J2020R0168K_20200518_FIN.pdf; Governmental Decree no. 211/2020 on protective measures in the capital (211/2020. Korm. rendelet a fővárosi védelmi intézkedésekről), 18 May 2020, Section 10(4)-(5), available at: https://njt.hu/translated/doc/J2020R0211K_20200519_FIN.pdf. Both Decrees became ineffective on 18 June 2020.

violators in 20 cases, they had to impose on-site monetary fines against 14 people and initiated infraction proceedings against six people.³⁴

In **Hungary**, those who violate the protective measures related to the period of epidemiological preparedness commit the offence of violating a protective measure which is a new type of offence in the Minor Offences Act.³⁵ Regarding the offence of violating a protective measure, the minor offence proceeding is conducted by the national health authority (National Public Health Centre (*Nemzeti Népegészségügyi Központ*)); however, an officer of the disaster management authority (National Directorate-General for Disaster Management (*Országos Katasztrófavédelmi Főigazgatóság*)) may also impose a monetary fine of up to 150,000 HUF (cc. €428).³⁶ Statistics on how many people were subject to a minor offence proceeding based on this new infraction are not available in the public domain.

In **Hungary**, the National Chief Public Health Officer (*Országos Tisztifőorvos*) published guidance for spa complexes on how to minimise the risk of infection among employees and visitors to these facilities.³⁷ The guidance states the spread of the Coronavirus through water is minimal. It suggests operators should take precautions to avoid congestion at the entrances and at the cash desks, enabling visitors to keep at least 1.5 metres from each other. The National Chief Public Health Officer also recommends operators to visibly mark this distance on benches. Also, employees at the cash desk are recommended to be protected by a plexi/glass wall. The guidance recommends operators frequently monitor the health condition of employees.

In **Hungary**, the Act on Transitional Rules orders financial service providers not to use strong client identification on card transactions which do not exceed 15,000 HUF (cc. €43). This eliminates the need to enter a PIN code on the PIN pad of card terminals in stores.³⁸ For the same reason, to minimise physical contact and the need to touch objects in public places, the Act abolishes parking fees in public spaces until 1 July 2020.³⁹ In order to encourage catering facilities to use open spaces (terraces, patios), the Act abolishes fees charged for the use of such public spaces by catering facilities until 1 September 2020.⁴⁰

³⁴ National Police Headquarters (Országos Rendőrfőkapitányság) (2020), 'Daily national statistics' (Országos összesítő), 18 June 2020, available at: <http://www.police.hu>.

³⁵ Hungary, Act II of 2012 on minor offences, minor offence procedures and the registration system of minor offences (2012. évi II. törvény a szabálysértésekről, a szabálysértési eljárásról és a szabálysértési nyilvántartási rendszerről), 15 April 2012, Section 239/A, available at: http://njt.hu/cgi_bin/njt_doc.cgi?docid=143166.377040. Section 239/A was introduced by Act LVIII of 2020 on the transitional rules related to the termination of the state of danger and on the epidemiological preparedness (2020. évi LVIII. törvény a veszélyhelyzet megszűnésével összefüggő átmeneti szabályokról és a járványügyi készütségről), 18 June 2020, Section 365/(2), available at: http://njt.hu/cgi_bin/njt_doc.cgi?docid=220120.384679.

³⁶ Hungary, Act II of 2012 on minor offences, minor offence procedures and the registration system of minor offences (2012. évi II. törvény a szabálysértésekről, a szabálysértési eljárásról és a szabálysértési nyilvántartási rendszerről), 15 April 2012, Section 239/A(2), available at: http://njt.hu/cgi_bin/njt_doc.cgi?docid=143166.377040.

³⁷ National Public Health Centre (Nemzeti Népegészségügyi Központ) (2020), 'Guidelines on the operation and the monitoring of hygienic conditions of public baths in relation to the COVID-19 epidemiological preparedness' (Útmutató a közfürdők üzemeltetéséről, higiénés feltételeiről és ellenőrzéséről a COVID-19 járványügyi készütség időszakában), 18 June 2020, available at: <https://www.nnk.gov.hu/index.php/koronavirus-tajekoztato/683-utmutato-a-kozfurdok-uzemelteteserol-higienes-felteteleiről-es-ellenorzeserol-a-covid-19-jarvanyugyi-keszultseg-idoszakaban-2-kiadas>.

³⁸ Hungary, Act LVIII of 2020 on the transitional rules related to the termination of the state of danger and on the epidemiological preparedness (2020. évi LVIII. törvény a veszélyhelyzet megszűnésével összefüggő átmeneti szabályokról és a járványügyi készütségről), 18 June 2020, Section 68, available at: http://njt.hu/cgi_bin/njt_doc.cgi?docid=220120.384679.

³⁹ Hungary, Act LVIII of 2020 on the transitional rules related to the termination of the state of danger and on the epidemiological preparedness (2020. évi LVIII. törvény a veszélyhelyzet megszűnésével összefüggő átmeneti szabályokról és a járványügyi készütségről), 18 June 2020, Section 69(1), available at: http://njt.hu/cgi_bin/njt_doc.cgi?docid=220120.384679.

⁴⁰ Hungary, Act LVIII of 2020 on the transitional rules related to the termination of the state of danger and on the epidemiological preparedness (2020. évi LVIII. törvény a veszélyhelyzet megszűnésével összefüggő átmeneti szabályokról és

1.2.2 Education

Focus on:

- *Steps to reopen educational institutions (schools, third level and kindergartens). Include any specific measures aimed at children from socioeconomically disadvantaged backgrounds.*
- *Measures to protect students and staff as they return to educational institutions (e.g. related to physical distancing, shift patterns, health and hygiene, etc.).*

In **Hungary**, Government Decree 215/2020. (V. 20.),⁴¹ allowing kindergartens, nurseries, and day-care centres to reopen – from 25 May 2020 in settlements other than the capital and from 2 June in Budapest –, authorises that these institutions can continue regular operations applied before the crisis. To complete this measure, the National Public Health Centre (NPH) published on 22 May guidelines for the safe operations, including guidelines how to use hand sanitizers, tissues, to promote personal hygiene, to reduce the number of unnecessary personal contacts, and as to activities, to favour open air activities, etc. In this frame of guidelines, the NPH advised against wearing masks for the children. After having been advised so, a number of institutions still started to use unnecessary preventive measures, as the public informed the relevant authorities.

In **Hungary**, on 8 June 2020, the National Public Health Centre (*Nemzeti Népegészségügyi Központ*) published a warning on the epidemiological measures applied despite the guidelines of 22 May by kindergartens and nurseries.^{42,43} Among these unnecessary measures, the Centre lists the mandatory wearing of facial masks, the prohibition of using indoor toys, the prohibition of bringing toys into these facilities from home, abolishing toothbrushing after lunch, or the lack of providing individual drinking glasses to children. The Centre still does not support the application of these unnecessary rules in order to protect children's health and makes it clear that these measures are harmful to the health of children and constitute unnecessary restrictions. The Centre emphasises that the pandemic situation puts stress on children too, therefore, it is vital to make them feel comfortable through settling them into their natural environment and returning them to their everyday practices.

In **Hungary**, the Act on Transitional Rules provides for vocational training schools with the possibility of finishing the 2019/2020 school year in either digital, distance learning or in normal (presence) formats.⁴⁴

In **Hungary**, elementary and secondary schools must provide day care services for pupils and students until 26 June 2020. During the supervision of pupils and students, schools may organise individual or group activities aiming to develop certain skills for the pupils and students, and to help them catch up

a járványügyi készültségről), 18 June 2020, Section 69(2), available at: http://nit.hu/cgi_bin/njt_doc.cgi?docid=220120.384679.

⁴¹ Hungary, Governmental Decree no. 215/2020 on reopening nurseries and kindergartens and on the organisation of summer camps (215/2020. (V. 20.) Korm. rendelet az óvodák és bölcsődék újranyitásáról, valamint a nyári táborok megszervezéséről), 25 May 2020, Section 1(1), available at: http://nit.hu/cgi_bin/njt_doc.cgi?docid=219555.383171.

⁴² National Public Health Centre (Nemzeti Népegészségügyi Központ) (2020), 'Warning in relation to epidemiological rules in nurseries and kindergartens' (Figyelemfelhívás az óvodai, bölcsődei járványügyi szabályokkal kapcsolatban), 8 June 2020, available at: <https://www.nnk.gov.hu/index.php/koronavirus-tajekoztato/663-figyelemfelhivas-az-ovodai-bolcsodei-jarvanyugyi-szabalyokkal-kapcsolatban>.

⁴³ Hungary, Governmental Decree no. 215/2020 on reopening nurseries and kindergartens and on the organisation of summer camps (215/2020. (V. 20.) Korm. rendelet az óvodák és bölcsődék újranyitásáról, valamint a nyári táborok megszervezéséről), 25 May 2020, Section 1(1), available at: http://nit.hu/cgi_bin/njt_doc.cgi?docid=219555.383171.

⁴⁴ Hungary, Act LVIII of 2020 on the transitional rules related to the termination of the state of danger and on the epidemiological preparedness (2020. évi LVIII. törvény a veszélyhelyzet megszűnésével összefüggő átmeneti szabályokról és a járványügyi készültségről), 18 June 2020, Section 25, available at: http://nit.hu/cgi_bin/njt_doc.cgi?docid=220120.384679.

with the material discussed during the school year.⁴⁵ Pupils and students who normally go to school in a town other than where they live, and are unable to visit this school for the purpose of day care, should be accepted by the educational institution located in the place of residence of these pupils or students.⁴⁶

In **Hungary**, there were no new and specific measures aimed at children from socioeconomically disadvantaged backgrounds other than the above-mentioned day care services during which individual and group activities may assist pupils and students to catch up with the material.⁴⁷

In **Hungary**, the Act on Transitional Rules provides for special rules for universities:

- University senates (the supreme decision-making body), if they adopt decisions through electronic communication, must send the proposal and the agenda to the members of the senate at least two hours before the start of the voting. Members must have at least four hours to cast their votes.⁴⁸
- There is no reclassification of students (changing their status with respect to paying a tuition) in 2020.⁴⁹
- In cases where the Education Office (*Oktatási Hivatal*) provided for the possibility for students to pay the tuition in instalments, and an instalment was due during the state of danger, the student receives a six-month deferral on that particular instalment(s).⁵⁰
- Students who pass their state exams concluding their studies by 31 August 2020 are not obliged to pass a foreign language exam in order to receive their diplomas.⁵¹ This language examination, prior to the state of danger, used to be a precondition for the issuance of the diploma.

⁴⁵ Hungary, Act LVIII of 2020 on the transitional rules related to the termination of the state of danger and on the epidemiological preparedness (2020. évi LVIII. törvény a veszélyhelyzet megszűnésével összefüggő átmeneti szabályokról és a járványügyi készületségről), 18 June 2020, Section 76(1), available at: http://njt.hu/cgi_bin/njt_doc.cgi?docid=220120.384679.

⁴⁶ Hungary, Act LVIII of 2020 on the transitional rules related to the termination of the state of danger and on the epidemiological preparedness (2020. évi LVIII. törvény a veszélyhelyzet megszűnésével összefüggő átmeneti szabályokról és a járványügyi készületségről), 18 June 2020, Section 76(2), available at: http://njt.hu/cgi_bin/njt_doc.cgi?docid=220120.384679.

⁴⁷ Hungary, Act LVIII of 2020 on the transitional rules related to the termination of the state of danger and on the epidemiological preparedness (2020. évi LVIII. törvény a veszélyhelyzet megszűnésével összefüggő átmeneti szabályokról és a járványügyi készületségről), 18 June 2020, Section 76(1), available at: http://njt.hu/cgi_bin/njt_doc.cgi?docid=220120.384679.

⁴⁸ Hungary, Act LVIII of 2020 on the transitional rules related to the termination of the state of danger and on the epidemiological preparedness (2020. évi LVIII. törvény a veszélyhelyzet megszűnésével összefüggő átmeneti szabályokról és a járványügyi készületségről), 18 June 2020, Section 79(2), available at: http://njt.hu/cgi_bin/njt_doc.cgi?docid=220120.384679.

⁴⁹ Hungary, Act LVIII of 2020 on the transitional rules related to the termination of the state of danger and on the epidemiological preparedness (2020. évi LVIII. törvény a veszélyhelyzet megszűnésével összefüggő átmeneti szabályokról és a járványügyi készületségről), 18 June 2020, Section 79(6), available at: http://njt.hu/cgi_bin/njt_doc.cgi?docid=220120.384679.

⁵⁰ Hungary, Act LVIII of 2020 on the transitional rules related to the termination of the state of danger and on the epidemiological preparedness (2020. évi LVIII. törvény a veszélyhelyzet megszűnésével összefüggő átmeneti szabályokról és a járványügyi készületségről), 18 June 2020, Section 79(9), available at: http://njt.hu/cgi_bin/njt_doc.cgi?docid=220120.384679.

⁵¹ Hungary, Act LVIII of 2020 on the transitional rules related to the termination of the state of danger and on the epidemiological preparedness (2020. évi LVIII. törvény a veszélyhelyzet megszűnésével összefüggő átmeneti szabályokról és a járványügyi készületségről), 18 June 2020, Section 79(10), available at: http://njt.hu/cgi_bin/njt_doc.cgi?docid=220120.384679.

In **Hungary**, on 2 June 2020, the National Public Health Centre published guidance for universities in relation to exams.⁵² The guidance emphasises that only healthy professors and students with no symptoms of a COVID-19 infection can participate in exams. A minimum of 1.5 metre distance should be kept between the persons. This applies to both oral and written examination of students. The windows of the classroom should be kept open or at least be tilted during the exam. The supervising professor and students should wear a facial mask during a written examination. The social norms on coughing in public must be kept (e.g. turning away from others when coughing, use of a handkerchief, coughing into the elbow). During an oral examination, a maximum of two students are allowed be present in the classroom as well as the professors. Disinfectants and hand sanitisers must be placed in the toilets. Before and after all exams, a thorough clean using disinfectants must be performed. During the exam, the Centre does not recommend sharing objects between students (e.g. dictionaries, pens).

1.2.3 Work

Focus on:

- *Steps for specific sectors/the general population to return to work and measures to protect employees in the workplace (physical distancing, health and hygiene, shift patterns, etc.). Please include any specific measures aimed at people in precarious work.*
- *Ending of furlough/short-time work programmes for specific sectors/the general population.*

In **Hungary**, according to the Act on Transitional Rules employers may, until 1 July 2020:

- amend the worktime schedule of employees;
- unilaterally order employees to work from home;
- implement the measures necessary to monitor the health condition of employees;
- derogate from the provisions of the Labour Code with the mutual agreement of the employee.⁵³

In accordance with the objectives set out in the preamble to the Act on Transitional Rules, the measures taken by the employer must not be unlimited. They may only be taken for the purposes set out in the Act which was adopted to ensure the regulatory transition related to the emergency measures taken to prevent the pandemic and to address its consequences.⁵⁴

In **Hungary**, on 9 June 2020, the National Public Health Centre published videos on its website on how to put on and take off protective tools, shields and glasses applied in order to protect employees and patients in hospitals.⁵⁵

⁵² National Public Health Centre (Nemzeti Népegészségügyi Központ) (2020), 'Public health and epidemiological conditions in relation to organising exams in the premises of higher education institutions' (Felsőoktatási intézményekben a vizsgáztatás oktatási intézményekben történő megrendezése, közegészségügyi járványügyi feltételek), 2 June 2020, available at: <https://www.nnk.gov.hu/index.php/koronavirus-tajekoztato/659-felsooktatasi-intezmenyekben-a-vizsgaztatas-oktatasi-intezmenyekben-torteno-megrendezese-kozegeszsegugyi-jarvanyugyi-feltetelek>.

⁵³ Hungary, Act LVIII of 2020 on the transitional rules related to the termination of the state of danger and on the epidemiological preparedness (2020. évi LVIII. törvény a veszélyhelyzet megszűnésével összefüggő átmeneti szabályokról és a járványügyi készütségről), 18 June 2020, Section 56(2), available at: http://njt.hu/cgi_bin/njt_doc.cgi?docid=220120.384679.

⁵⁴ Hungary, Act LVIII of 2020 on the transitional rules related to the termination of the state of danger and on the epidemiological preparedness (2020. évi LVIII. törvény a veszélyhelyzet megszűnésével összefüggő átmeneti szabályokról és a járványügyi készütségről), 18 June 2020, Preamble, available at: http://njt.hu/cgi_bin/njt_doc.cgi?docid=220120.384679.

⁵⁵ National Public Health Centre (Nemzeti Népegészségügyi Központ) (2020), Videos on putting on and taking off of protective tools, shields and glasses applied in the protection of employees and patients, 9 June 2020, available at:

In **Hungary**, in appreciation of the work of employees working in the healthcare sector, the Government ordered a one-time bonus of 500,000 HUF (cc. €1,445) to be paid until 1 July 2020.⁵⁶ Employees of residential care homes are not entitled to the bonus paid from the country's central budget. The media reported that the Local Government of Budapest, however, gave a 100,000 HUF (cc. €290) bonus to those employees in the Budapest-based residential care homes who did the most during the state of danger. The Catholic Church provided extra benefits in kind for those working in the residential care homes operated by the Church. The Reformed Church is also considering awarding these employees. However, the Church hopes that the Government would provide some extra source to them beyond the regular support in order to finance this appreciation.⁵⁷

In **Hungary** in June, there were no new measures for people in precarious work.

In **Hungary**, both the short time work scheme and the wage subsidy available for companies after their highly skilled employees in the research, development and innovation (RDI) sector are being gradually phased out. Accordingly, applications can be submitted until 31 August and be paid until the end of December.⁵⁸

1.2.4 Access to justice

Focus on:

- *Steps to lift restrictions previously imposed on court proceedings and any strategies to deal with case backlog or increased litigation due to COVID-19 measures (e.g. criteria to prioritise certain types of cases/disputes).*
- *Continued use of remote hearings and videoconferences within court proceedings despite the lifting of restrictions (e.g. for which proceedings).*

In **Hungary**, a new Government Decree, amending Government Decree no. 74/2020 and outlining changes to the pandemic-related procedural rules entered into force on 1 June 2020.⁵⁹ The new rules detailed the rules of online hearings, and provided for measures to decrease the presence of the

<https://www.nnk.gov.hu/index.php/koronavirus-tajekoztato/672-dolgozo-vedelme-erdekeben-alkalmazott-vedoeszkoz-vedoszemueg-levetele>; <https://www.nnk.gov.hu/index.php/koronavirus-tajekoztato/670-az-ellatott-vedelme-erdekeben-alkalmazott-vedoeszkoz-levetele>.

⁵⁶ Hungary, Governmental Decree no. 275/2020 on the one-time bonus provided to employees working in healthcare in appreciation of their work during the state of danger (275/2020. (VI. 12.) a veszélyhelyzet során nyújtott többletmunkájuk elismeréseként az egészségügyi és egészségügyben dolgozókat érintő egyszeri rendkívüli juttatásról), 13 June 2020, available at: http://nit.hu/cgi_bin/njt_doc.cgi?docid=220051.384520.

⁵⁷ Index (2020), 'The capital and the churches provide for bonuses to workers at residential care homes' (A főváros és az egyházak adnak jutalmat az időotthoni dolgozóknak), 10 June 2020, available at: https://index.hu/belfold/2020/06/10/idosotthon_koronavirus_dolgozok_kasler_miklos_emmi_szocialis_500_ezer_forint_j_utamom_gyogyszereszek/.

⁵⁸ National Employment Service (Nemzeti Foglalkoztatási Szolgálat) (2020), 'Action plan to protect the economy: Starting from 16 April 2020, the wage subsidy to short time work plans is available' (Gazdaságvédelmi Akcióterv: 2020. április 16-tól elérhető a Munkahelyvédelmi bértámogatás csökkentett munkaidős foglalkoztatás támogatása), available at: https://nfsz.munka.hu/cikk/601/Gazdasagvedelmi_Akcioterv_2020_aprilis_16tol_elerhető_a_Munkahelyvedelmi_bertamogatas_csokkentett_munkaidos_foglalkoztatás_tamogatas_a; https://nfsz.munka.hu/cikk/600/Gazdasagvedelmi_akcioterv_2020_aprilis_15tol_lehet_jelentkezni_a_kutatasi_fejlesztési_es_innovációs_tamogatasokra.

⁵⁹ Hungary, Governmental Decree no. 229/2020 on the amendment of Governmental Decree no. 74/2020 on certain measures applicable during the period of state of danger and of Governmental Decree no. 90/2020 on amending certain rules related to penitentiary law in relation to the promulgation of state of danger (229/2020. (V. 25.) Korm. rendelet a veszélyhelyzet ideje alatt érvényesülő egyes eljárásjogi intézkedésekről szóló 74/2020. (III. 31.) Korm. rendelet, valamint a veszélyhelyzet kihirdetésével összefüggésben egyes büntetés-végrehajtási szabályok módosításáról szóló 90/2020. (IV. 5.) Korm. rendelet módosításáról), 25 May 2020, available at http://nit.hu/cgi_bin/njt_doc.cgi?docid=219685.383456.

parties in court buildings. As of 18 June 2020, the Act on Transitional Rules provides for the following important derogations from the normal rules established to govern court proceedings:

- If it is justified by epidemiological measures, trials in civil litigation and non-litigious proceedings may be held via an electronic telecommunications' network.⁶⁰
- Parties with no legal representation in civil litigation proceedings may submit motions, petitions and other requests to the court without using the pre-printed forms.⁶¹
- If the parties already communicated their settlement agreement to the civil court between 31 March and 1 June 2020, the court may approve the settlement without holding a trial.⁶²
- In appellate and review proceedings in civil cases, if the court already informed the parties between 31 March and 1 June 2020 that it conducts the proceeding without holding a trial, the court shall deliberate in the proceeding without holding a trial.⁶³
- In criminal proceedings, a person (a victim or a witness who is involved in the proceeding) over 65 years of age continues to be considered a person requiring special treatment.⁶⁴ The Criminal Procedure Act orders the authorities to, among others, conduct procedural actions requiring the participation of such person in a manner that avoids meeting other participants involved in the proceeding. Also, the authorities may ensure the presence of the person requiring special treatment through telecommunication devices throughout the proceeding.⁶⁵
- In criminal proceedings, if a procedural action requires the presence of persons participating in the proceeding, the court primarily ensures the presence of these persons through telecommunication devices.⁶⁶ The same is required from the prosecutor.⁶⁷

⁶⁰ Hungary, Act LVIII of 2020 on the transitional rules related to the termination of the state of danger and on the epidemiological preparedness (2020. évi LVIII. törvény a veszélyhelyzet megszűnésével összefüggő átmeneti szabályokról és a járványügyi készségről), 18 June 2020, Section 138(2), available at: http://njt.hu/cgi_bin/njt_doc.cgi?docid=220120.384679.

⁶¹ Hungary, Act LVIII of 2020 on the transitional rules related to the termination of the state of danger and on the epidemiological preparedness (2020. évi LVIII. törvény a veszélyhelyzet megszűnésével összefüggő átmeneti szabályokról és a járványügyi készségről), 18 June 2020, Section 140(1), available at: http://njt.hu/cgi_bin/njt_doc.cgi?docid=220120.384679.

⁶² Hungary, Act LVIII of 2020 on the transitional rules related to the termination of the state of danger and on the epidemiological preparedness (2020. évi LVIII. törvény a veszélyhelyzet megszűnésével összefüggő átmeneti szabályokról és a járványügyi készségről), 18 June 2020, Section 142(4), available at: http://njt.hu/cgi_bin/njt_doc.cgi?docid=220120.384679.

⁶³ Hungary, Act LVIII of 2020 on the transitional rules related to the termination of the state of danger and on the epidemiological preparedness (2020. évi LVIII. törvény a veszélyhelyzet megszűnésével összefüggő átmeneti szabályokról és a járványügyi készségről), 18 June 2020, Section 143(1), available at: http://njt.hu/cgi_bin/njt_doc.cgi?docid=220120.384679.

⁶⁴ Hungary, Act LVIII of 2020 on the transitional rules related to the termination of the state of danger and on the epidemiological preparedness (2020. évi LVIII. törvény a veszélyhelyzet megszűnésével összefüggő átmeneti szabályokról és a járványügyi készségről), 18 June 2020, Section 190, available at: http://njt.hu/cgi_bin/njt_doc.cgi?docid=220120.384679.

⁶⁵ Hungary, Act XC of 2017 on the criminal proceeding (2017. évi XC. törvény a büntetőeljárásról), 1 July 2018, Section 85, available at: http://njt.hu/cgi_bin/njt_doc.cgi?docid=202672.377061.

⁶⁶ Hungary, Act LVIII of 2020 on the transitional rules related to the termination of the state of danger and on the epidemiological preparedness (2020. évi LVIII. törvény a veszélyhelyzet megszűnésével összefüggő átmeneti szabályokról és a járványügyi készségről), 18 June 2020, Section 191(3), available at: http://njt.hu/cgi_bin/njt_doc.cgi?docid=220120.384679.

⁶⁷ Hungary, Act LVIII of 2020 on the transitional rules related to the termination of the state of danger and on the epidemiological preparedness (2020. évi LVIII. törvény a veszélyhelyzet megszűnésével összefüggő átmeneti szabályokról és a járványügyi készségről), 18 June 2020, Section 191(4), available at: http://njt.hu/cgi_bin/njt_doc.cgi?docid=220120.384679.

- In criminal proceedings, the deadlines for practicing the rights of the defendant and the legal counsel with respect to submitting motions, challenging decisions are extended.⁶⁸
- In criminal proceedings, subpoenas and notifications may be communicated via e-mail or other electronic devices enabling voice transmission, if the authority or the court has official knowledge of the electronic contact information of the person concerned.⁶⁹
- In criminal proceedings and proceedings for minor offences, if the court or the authority orders punishment or sanction that deprives the defendant/person from his/her personal liberty, based on the person's personal and family circumstances or other reasons related to the epidemiological measures or the health crisis situation, the court/authority may postpone the start date of the punishment/sanction by a maximum of six months.⁷⁰

In **Hungary**, there were no laws or publicly available strategies adopted in June 2020 to deal with case backlog or increased litigation due to COVID-19 measures. There were no reports on such phenomena either.

1.2.5 Freedom of movement

Focus on:

- *Steps to reopen borders/lift restrictions on freedom of movement to and within the EU, including rules or restrictions applying to certain categories of people (e.g. citizens; 'essential workers'). Please mention what requirements are in place for various categories of people to enter country (e.g. negative COVID-19 test result and/or obligation to self-isolate etc).*
- *Changes to asylum application procedures (e.g. lifting of temporary suspensions or restrictions on procedures) or available statistics on numbers of asylum applications (e.g. being much lower than for same period in previous years due to travel restrictions).*

In **Hungary**, after the termination of the state of danger on 18 June 2020, Government Decree no. 291/2020 provides for rules on travel restrictions during the epidemiological preparedness period.⁷¹ Hungarian nationals, EU nationals and nationals of EEA member states and Switzerland (excluding the United Kingdom), and third country national family members of the above mentioned persons can enter Hungary without restrictions.⁷² Moreover, nationals of Serbia are granted free entry through

⁶⁸ Hungary, Act LVIII of 2020 on the transitional rules related to the termination of the state of danger and on the epidemiological preparedness (2020. évi LVIII. törvény a veszélyhelyzet megszűnésével összefüggő átmeneti szabályokról és a járványügyi készütségről), 18 June 2020, Section 193, available at: http://njt.hu/cgi_bin/njt_doc.cgi?docid=220120.384679.

⁶⁹ Hungary, Act LVIII of 2020 on the transitional rules related to the termination of the state of danger and on the epidemiological preparedness (2020. évi LVIII. törvény a veszélyhelyzet megszűnésével összefüggő átmeneti szabályokról és a járványügyi készütségről), 18 June 2020, Section 194(1), available at: http://njt.hu/cgi_bin/njt_doc.cgi?docid=220120.384679.

⁷⁰ Hungary, Act LVIII of 2020 on the transitional rules related to the termination of the state of danger and on the epidemiological preparedness (2020. évi LVIII. törvény a veszélyhelyzet megszűnésével összefüggő átmeneti szabályokról és a járványügyi készütségről), 18 June 2020, Section 236(3), available at: http://njt.hu/cgi_bin/njt_doc.cgi?docid=220120.384679.

⁷¹ Hungary, Governmental Decree no. 291/2020 on travel restrictions in the period of epidemiological preparedness (291/2020. (VI. 17.) Korm. rendelet a járványügyi készütségi időszak utazási korlátozásairól), 18 June 2020, available at: http://njt.hu/cgi_bin/njt_doc.cgi?docid=220132.384776.

⁷² Hungary, Governmental Decree no. 291/2020 on travel restrictions in the period of epidemiological preparedness (291/2020. (VI. 17.) Korm. rendelet a járványügyi készütségi időszak utazási korlátozásairól), 18 June 2020, Section 1(1), available at: http://njt.hu/cgi_bin/njt_doc.cgi?docid=220132.384776.

reciprocity.⁷³ To facilitate cross-border work, nationals of Ukraine may enter⁷⁴ only in a restricted timeframe (for a maximum of 24 hours) and only within a 30 kilometre radius of the border.⁷⁵ Any foreign national travelling for business purposes from South Korea and Japan and who is a senior member of or employed by a company registered in South Korea or Japan and operating as a related undertaking with a company registered in one of these countries may also enter Hungary without restrictions. In the latter scenario, the business nature of the visit is to be presumed by the authorities (i.e. no proof is requested from the person concerned) upon entry.⁷⁶ In all other cases not listed above, foreign nationals are not allowed to enter Hungary (there is no end date or date of review foreseen for lifting this restriction; nevertheless the current situation is continuously under examination by the Operational Corps (*Operatív Törzs*)), with the exception of those given an exemption based on a leniency application that has to be submitted electronically in the Hungarian language to the National Police Headquarters.⁷⁷ The law defines leniency as follows:

- the person needs to enter in relation to a Hungarian court or public administration proceeding to participate at a procedural action;
- the purpose of entry is of a business or employment related nature that is justified by an invitation letter issued by a central government body, independent regulatory body or autonomous public administration body;
- the purpose of entry is to get access to medical care justified by the health care service provider;
- the purpose of entry is to meet the study or exam requirements that education institutions set for students and pupils justified by a certificate issued by the education institution;
- the purpose of entry is to reach the place of commencement to conduct cargo transport activities or to get back to Hungary after performing such tasks certified by the employer;
- attending family events (conclusion of marriage, baptism, funeral);
- taking care of a relative;
- attending a sports, cultural or religious event of paramount importance and of international dimension;

⁷³ Hungary, Decree of the Minister of Foreign Affairs and Trade no. 9/2020 on authorising entry based on international reciprocity in the period of epidemiological preparedness and on the countries whose citizens can enter in a restricted timeframe (9/2020. (VI. 17.) KKM rendelet a járványügyi készültségi időszakban nemzetközi viszonyosság alapján belépésre jogosultság, valamint a korlátozott sávban történő határátlépés körébe tartozó államokról), 18 June 2020, Section 1, available at: http://njt.hu/cgi_bin/njt_doc.cgi?docid=220136.384801.

⁷⁴ Hungary, Decree of the Minister of Foreign Affairs and Trade no. 9/2020 on authorising entry based on international reciprocity in the period of epidemiological preparedness and on the countries whose citizens can enter in a restricted timeframe (9/2020. (VI. 17.) KKM rendelet a járványügyi készültségi időszakban nemzetközi viszonyosság alapján belépésre jogosultság, valamint a korlátozott sávban történő határátlépés körébe tartozó államokról), 18 June 2020, Section 2, available at: http://njt.hu/cgi_bin/njt_doc.cgi?docid=220136.384801.

⁷⁵ Hungary, Governmental Decree no. 291/2020 on travel restrictions in the period of epidemiological preparedness (291/2020. (VI. 17.) Korm. rendelet a járványügyi készültségi időszak utazási korlátozásairól), 18 June 2020, Section 10, available at: http://njt.hu/cgi_bin/njt_doc.cgi?docid=220132.384776.

⁷⁶ Hungary, Governmental Decree no. 291/2020 on travel restrictions in the period of epidemiological preparedness (291/2020. (VI. 17.) Korm. rendelet a járványügyi készültségi időszak utazási korlátozásairól), 18 June 2020, Section 8, available at: http://njt.hu/cgi_bin/njt_doc.cgi?docid=220132.384776.

⁷⁷ Hungary, Governmental Decree no. 291/2020 on travel restrictions in the period of epidemiological preparedness (291/2020. (VI. 17.) Korm. rendelet a járványügyi készültségi időszak utazási korlátozásairól), 18 June 2020, Section 4, available at: http://njt.hu/cgi_bin/njt_doc.cgi?docid=220132.384776; The form is available at: <http://www.police.hu/hu/ugyintezes/elektronikus-ugyintezes/meltanyossagi-kerelem-magyarorszagra-torteno-beutazashoz>.

- other reasonable grounds not listed above.⁷⁸

In **Hungary**, a mandatory health check is carried out on all third-country nationals who are given an exemption upon entry under the leniency policy. In case of a suspicion of COVID-19 infection, the person is prohibited from entering. All other persons given an exemption must stay in quarantine either at home or at a place designated by the epidemiological authority for 14 days.⁷⁹

In **Hungary**, Governmental Decree no. 291/2020 provides for special rules on the entry of third-country nationals of the neighbouring countries (Ukraine, Serbia) who enter Hungary for the purpose of working in the agricultural sector. These people can only enter in a group at a border crossing point designated by the head of the National Police Headquarters. The employer of these people must notify the border authority of the designated border crossing point on the arrival of the group at least 48 hours prior to entry.⁸⁰ All agricultural workers in the group must have had a medical examination (not necessarily a negative test result) that ruled out the suspicion of COVID-19 infection prior to entering Hungary.⁸¹ The employer must transport these workers directly to the accommodation.⁸² These workers must stay in a workplace quarantine for 14 days.⁸³

In **Hungary**, the Act on Transitional Rules kept the rules of the new asylum regime⁸⁴ which was originally introduced by Governmental Decree no. 233/2020⁸⁵ on 27 May 2020 and which became

⁷⁸ Hungary, Governmental Decree no. 291/2020 on travel restrictions in the period of epidemiological preparedness (291/2020. (VI. 17.) Korm. rendelet a járványügyi készültségi időszak utazási korlátozásairól), 18 June 2020, Section 4(2), available at: http://njt.hu/cgi_bin/njt_doc.cgi?docid=220132.384776.

⁷⁹ Hungary, Governmental Decree no. 291/2020 on travel restrictions in the period of epidemiological preparedness (291/2020. (VI. 17.) Korm. rendelet a járványügyi készültségi időszak utazási korlátozásairól), 18 June 2020, Section 5(3), available at: http://njt.hu/cgi_bin/njt_doc.cgi?docid=220132.384776.

⁸⁰ Hungary, Governmental Decree no. 291/2020 on travel restrictions in the period of epidemiological preparedness (291/2020. (VI. 17.) Korm. rendelet a járványügyi készültségi időszak utazási korlátozásairól), 18 June 2020, Section 11, available at: http://njt.hu/cgi_bin/njt_doc.cgi?docid=220132.384776; The form is available at: <http://www.police.hu/hu/ugyintezes/elektronikus-ugyintezes/meltanyossagi-kerelem-magyarorszagra-torteno-beutazashoz>.

⁸¹ Hungary, Governmental Decree no. 291/2020 on travel restrictions in the period of epidemiological preparedness (291/2020. (VI. 17.) Korm. rendelet a járványügyi készültségi időszak utazási korlátozásairól), 18 June 2020, Section 11(4)(b), available at: http://njt.hu/cgi_bin/njt_doc.cgi?docid=220132.384776; The form is available at: <http://www.police.hu/hu/ugyintezes/elektronikus-ugyintezes/meltanyossagi-kerelem-magyarorszagra-torteno-beutazashoz>.

⁸² Hungary, Governmental Decree no. 291/2020 on travel restrictions in the period of epidemiological preparedness (291/2020. (VI. 17.) Korm. rendelet a járványügyi készültségi időszak utazási korlátozásairól), 18 June 2020, Section 12(1), available at: http://njt.hu/cgi_bin/njt_doc.cgi?docid=220132.384776; The form is available at: <http://www.police.hu/hu/ugyintezes/elektronikus-ugyintezes/meltanyossagi-kerelem-magyarorszagra-torteno-beutazashoz>.

⁸³ Hungary, Governmental Decree no. 291/2020 on travel restrictions in the period of epidemiological preparedness (291/2020. (VI. 17.) Korm. rendelet a járványügyi készültségi időszak utazási korlátozásairól), 18 June 2020, Section 11(8), available at: http://njt.hu/cgi_bin/njt_doc.cgi?docid=220132.384776; The form is available at: <http://www.police.hu/hu/ugyintezes/elektronikus-ugyintezes/meltanyossagi-kerelem-magyarorszagra-torteno-beutazashoz>.

⁸⁴ Hungary, Act LVIII of 2020 on the transitional rules related to the termination of the state of danger and on the epidemiological preparedness (2020. évi LVIII. törvény a veszélyhelyzet megszűnésével összefüggő átmeneti szabályokról és a járványügyi készültségről), 18 June 2020, Sections 267-275, available at: http://njt.hu/cgi_bin/njt_doc.cgi?docid=220120.384679.

⁸⁵ Hungary, Governmental Decree no. 233/2020 on the rules of asylum procedure during the state of danger 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 (233/2020. (V. 26.) 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 a menekültügyi eljárás szabályairól), 27 May 2020, available at: http://njt.hu/cgi_bin/njt_doc.cgi?docid=219700.383485.

ineffective when the state of danger was terminated on 18 June 2020. The Act on Transitional Rules requires a declaration of intent for lodging a claim for asylum to be submitted abroad at one of the Hungarian diplomatic missions.⁸⁶ This declaration of intent has to state that the asylum seeker wishes to enter Hungary in order to submit a claim for asylum.⁸⁷ The Government designated two Hungarian diplomatic missions where a declaration of intent can be submitted: Belgrade (Serbia) and Kiev (Ukraine).⁸⁸ A form must be used to submit the declaration of intent.⁸⁹ The National Directorate-General for Aliens Policing (*Országos Idegenrendészeti Főigazgatóság*) decides on this request in 60 days, and, if necessary, can undertake an official hearing with the applicant at the foreign diplomatic mission via telecommunication methods.⁹⁰ In case of a positive decision on the declaration of intent, the Hungarian foreign diplomatic mission issues an entry visa to the asylum seeker valid for one entry within 30 days after issuance.⁹¹ The person's intent to claim asylum in Hungary has to be communicated to the border authorities upon entry.⁹² The border authority must bring the person to the National Directorate-General for Aliens Policing within 24 hours after the person has entered Hungary.⁹³ The rights granted to asylum seekers can only be exercised once the claim for asylum is submitted to the Directorate General.⁹⁴ Upon receiving the claim for asylum, the Directorate-General designates accommodation to the asylum seekers in a closed detention centre (MÖBEK) in Hungary.⁹⁵

⁸⁶ Hungary, Act LVIII of 2020 on the transitional rules related to the termination of the state of danger and on the epidemiological preparedness (2020. évi LVIII. törvény a veszélyhelyzet megszűnésével összefüggő átmeneti szabályokról és a járványügyi készületségről), 18 June 2020, Section 268(2), available at: http://nit.hu/cgi_bin/njt_doc.cgi?docid=220120.384679.

⁸⁷ Hungary, Act LVIII of 2020 on the transitional rules related to the termination of the state of danger and on the epidemiological preparedness (2020. évi LVIII. törvény a veszélyhelyzet megszűnésével összefüggő átmeneti szabályokról és a járványügyi készületségről), 18 June 2020, Section 268(1), available at: http://nit.hu/cgi_bin/njt_doc.cgi?docid=220120.384679.

⁸⁸ Hungary, Governmental Decree no. 292/2020 on designating diplomatic missions available to receive declaration of intent for lodging asylum applications (292/2020. (VI. 17.) Korm. rendelet a menedékjogi kérelem benyújtására irányuló szándéknyilatkozattal kapcsolatos nagykövetségek kijelöléséről), 18 June 2020, available at: http://nit.hu/cgi_bin/njt_doc.cgi?docid=220133.384777.

⁸⁹ National Directorate-General for Aliens Policing (Országos Idegenrendészeti Főigazgatóság) (2020), 'Form for the submission of declaration of intent aiming to lodge a claim for asylum' (Adatlap menedékkérelem benyújtására irányuló szándéknyilatkozat előterjesztéséhez), available at: http://oif.gov.hu/images/szandeknyilatkozat_magyar.pdf.

⁹⁰ Hungary, Act LVIII of 2020 on the transitional rules related to the termination of the state of danger and on the epidemiological preparedness (2020. évi LVIII. törvény a veszélyhelyzet megszűnésével összefüggő átmeneti szabályokról és a járványügyi készületségről), 18 June 2020, Section 268(3), available at: http://nit.hu/cgi_bin/njt_doc.cgi?docid=220120.384679.

⁹¹ Hungary, Act LVIII of 2020 on the transitional rules related to the termination of the state of danger and on the epidemiological preparedness (2020. évi LVIII. törvény a veszélyhelyzet megszűnésével összefüggő átmeneti szabályokról és a járványügyi készületségről), 18 June 2020, Sections 268(4) and 269, available at: http://nit.hu/cgi_bin/njt_doc.cgi?docid=220120.384679.

⁹² Hungary, Act LVIII of 2020 on the transitional rules related to the termination of the state of danger and on the epidemiological preparedness (2020. évi LVIII. törvény a veszélyhelyzet megszűnésével összefüggő átmeneti szabályokról és a járványügyi készületségről), 18 June 2020, Section 270(2), available at: http://nit.hu/cgi_bin/njt_doc.cgi?docid=220120.384679.

⁹³ Hungary, Act LVIII of 2020 on the transitional rules related to the termination of the state of danger and on the epidemiological preparedness (2020. évi LVIII. törvény a veszélyhelyzet megszűnésével összefüggő átmeneti szabályokról és a járványügyi készületségről), 18 June 2020, Section 270(3), available at: http://nit.hu/cgi_bin/njt_doc.cgi?docid=220120.384679.

⁹⁴ Hungary, Act LVIII of 2020 on the transitional rules related to the termination of the state of danger and on the epidemiological preparedness (2020. évi LVIII. törvény a veszélyhelyzet megszűnésével összefüggő átmeneti szabályokról és a járványügyi készületségről), 18 June 2020, Section 270(4), available at: http://nit.hu/cgi_bin/njt_doc.cgi?docid=220120.384679.

⁹⁵ Hungary, Act LVIII of 2020 on the transitional rules related to the termination of the state of danger and on the epidemiological preparedness (2020. évi LVIII. törvény a veszélyhelyzet megszűnésével összefüggő átmeneti szabályokról és a járványügyi készületségről), 18 June 2020, Section 270(5), available at: http://nit.hu/cgi_bin/njt_doc.cgi?docid=220120.384679.

If the authority does not decide on the claim within four weeks, and the conditions to order asylum detention are not met, the Directorate-General designates accommodation to the asylum seeker in an open refugee camp or in a community shelter.⁹⁶ If a foreign citizen crosses the border illegally and communicates his/her intention to submit a claim for asylum to the police, the police must direct the person to the Hungarian foreign diplomatic mission found in the closest neighbouring country.⁹⁷ Only those who are enjoying protective status in Hungary and are staying in Hungary, the family members of those who are enjoying refugee or protective status and are residing in Hungary, and those under coercive measures affecting personal liberty (excluding those who had crossed the borders of Hungary illegally) are exempted from the general rules to start the asylum procedure from abroad.⁹⁸ This temporary procedural regime will be in effect until 31 December 2020.⁹⁹ While UNHCR Hungary welcomed the decision to close the transit zones that previously functioned as the only places to submit a claim for asylum, they called on the Government to provide for the opportunity to the asylum seekers to enter the country and to grant them access to a fair, efficient and responsible asylum procedure in the territory of Hungary. UNHCR even offered their help to the Government to establish such a procedural regime, however, the Government has not responded to this.¹⁰⁰ In June, under the new rules, only three persons (all men) submitted a claim for asylum. Their nationalities were Bulgarian, Venezuelan and Vietnamese. It is, however, unknown how many of them initiated the asylum procedure from abroad (lodging a declaration of intent at the Hungarian diplomatic mission) or while being in the country (enjoying protective status or being a family member).¹⁰¹ The number of claims for asylum were typically around 30 per month in the first quarter of 2020. Since the sealing of the two transit zones at Röszke and Tompa as a result of the Coronavirus outbreak in Europe, and after the state of danger was declared, 11 claims have been lodged in March, 11 in April and eight in May.¹⁰² These claims were submitted by people who were either in alien-police detention in Hungary at the time of lodging the application or by people who lawfully resided in Hungary.¹⁰³

⁹⁶ Hungary, Act LVIII of 2020 on the transitional rules related to the termination of the state of danger and on the epidemiological preparedness (2020. évi LVIII. törvény a veszélyhelyzet megszűnésével összefüggő átmeneti szabályokról és a járványügyi készütségről), 18 June 2020, Section 270(5), available at: http://njt.hu/cgi_bin/njt_doc.cgi?docid=220120.384679.

⁹⁷ Hungary, Act LVIII of 2020 on the transitional rules related to the termination of the state of danger and on the epidemiological preparedness (2020. évi LVIII. törvény a veszélyhelyzet megszűnésével összefüggő átmeneti szabályokról és a járványügyi készütségről), 18 June 2020, Section 271(2), available at: http://njt.hu/cgi_bin/njt_doc.cgi?docid=220120.384679.

⁹⁸ Hungary, Act LVIII of 2020 on the transitional rules related to the termination of the state of danger and on the epidemiological preparedness (2020. évi LVIII. törvény a veszélyhelyzet megszűnésével összefüggő átmeneti szabályokról és a járványügyi készütségről), 18 June 2020, Section 271(1), available at: http://njt.hu/cgi_bin/njt_doc.cgi?docid=220120.384679.

⁹⁹ Hungary, Act LVIII of 2020 on the transitional rules related to the termination of the state of danger and on the epidemiological preparedness (2020. évi LVIII. törvény a veszélyhelyzet megszűnésével összefüggő átmeneti szabályokról és a járványügyi készütségről), 18 June 2020, Section 267, available at: http://njt.hu/cgi_bin/njt_doc.cgi?docid=220120.384679.

¹⁰⁰ UNHCR Hungary (2020), 'UNHCR calls Hungary to provide for entry to asylum seekers into the country' (Az UNHCR felszólítja Magyarországot, biztosítsa a menedékjogot kérő emberek bejutását az országba), 22 May 2020, available at: <https://www.unhcr.org/hu/5597-az-unhcr-felszolitja-magyarorszagot-biztositsa-a-menedekjogot-kero-emberek-bejutasat-az-oroszagba.html>.

¹⁰¹ National Directorate-General for Aliens Policing (Országos Idegenrendészeti Főigazgatóság), information was obtained through email on 1 July 2020.

¹⁰² National Directorate-General for Aliens Policing (Országos Idegenrendészeti Főigazgatóság), information was obtained through email on 8 June 2020.

¹⁰³ Ministry of the Interior (Belügyminisztérium), information was obtained through email on 17 June 2020.

1.3 Impact of measures on particular groups

Select the three most relevant groups from the following:

- *persons with disabilities,*
- *homeless people,*
- *older people,*
- *women,*
- *Roma and Travellers (Note – for those countries requested to collect additional data on the impact of COVID-19 on Roma – Service request No 33 (Belgium, Bulgaria, Czechia, Ireland, Greece, Spain, France, Croatia, Italy, Hungary, Netherlands, Portugal, Romania, Slovakia and Sweden), information submitted on Roma for Bulletin 4 should not be exactly duplicated in this additional data collection; however, a summary of main points concerning the Roma can be included in your submission for this Bulletin – to ensure that, where appropriate, any major developments in your Member State concerning this group are reported in Bulletin 4. The same approach applies regarding information supplied on asylum seekers/refugees).*
- *Detainees (including measures on early release or alternatives to detention)*
- *or another group not listed that have emerged in your country as facing particular challenges - before selection, this should be discussed with FRA.*

Older people

In **Hungary**, the protected timeframe for people over 65 years of age in the stores between 9am and 12am was lifted on 18 June 2020.¹⁰⁴ The protected timeframe was in effect during the times of restriction on movement and during the first and second phases of protective measures in the state of danger (between 28 March and 17 June 2020). The respective Governmental decrees provided for a dedicated timeframe for the elderly to visit grocery stores, drugstores, pharmacies or stores marketing medical products or medical devices. Other than the employees, no person under 65 years of age could stay in these stores during the dedicated timeframe.¹⁰⁵ The media reported that the protected timeframe became a nuisance in the eyes of many people by early June.¹⁰⁶ Those working in the retail business and advocacy organisations of the elderly found the protected timeframe counterproductive and useless. Retailers claimed there was almost nobody in the stores between 9-12am and their income was insignificant during the protected timeframe; this loss of income was not compensated by the growth of customers in the afternoon hours.¹⁰⁷ The advocacy organisations of the elderly emphasised that the protected timeframe does not apply to all types of stores; therefore, older people can meet younger customers in stores other than groceries, drugstores, pharmacies or

¹⁰⁴ Koronavirus.gov.hu (2020), 'Gulyás: Defence was successful, the shopping timeframes are lifted' (Gulyás: sikeres volt a védekezés, eltörlik a vásárlási időszavakat), 18 June 2020, available at: <https://koronavirus.gov.hu/cikkek/gulyas-sikeres-volt-vedekezes-eltorlik-vasarlas-i-dosavokat>.

¹⁰⁵ Hungary, Governmental Decree no. 168/2020 on protective measures (168/2020. (IV. 30.) Korm. rendelet a védelmi intézkedésekről), 4 May 2020, Section 3(1)-(2), available at: https://njt.hu/translated/doc/J2020R0168K_20200518_FIN.pdf.

¹⁰⁶ Napi.hu (2020), 'Nobody would like to keep the protected timeframe for the elderly' (Már senki sem tartaná meg a nyugdíjasok vásárlási kiváltságát), 16 June 2020, available at: https://www.napi.hu/magyar_gazdasag/mar_senki_sem_tartana_meg_a_nyugdijasok_vasarlasi_kedvezmenyet.708159.html.

¹⁰⁷ Napi.hu (2020), 'Nobody would like to keep the protected timeframe for the elderly' (Már senki sem tartaná meg a nyugdíjasok vásárlási kiváltságát), 16 June 2020, available at: https://www.napi.hu/magyar_gazdasag/mar_senki_sem_tartana_meg_a_nyugdijasok_vasarlasi_kedvezmenyet.708159.html.

stores marketing medical products and devices. They also added, everybody can use public transport under the same rules, therefore, older people can mix with others there as well.¹⁰⁸

In **Hungary**, the National Chief Public Health Officer lifted the ban on visits in residential care facilities on 18 June 2020. All visitors to these facilities, however, must wear masks to cover the mouth and nose. Also, the ban on leaving residential care facilities was lifted on 18 June 2020.¹⁰⁹

In the Government Decree 46/2020 (16 March),¹¹⁰ the Government requested that those who are above the age of 70 years not to leave their domicile or place of residence. The provisions also required that if a person who has attained the age of 70 years does not leave his/her home, this person should inform the local government, and the mayor of the local government shall be in charge of providing supplies to him/her. (In smaller villages the local authorities usually know those who are in need, while in bigger cities, and districts of the capital of Budapest free of charge hotlines were created where the elderly can ask help via a phone call). The ban on leaving their homes has been lifted by the Governmental decree terminating the state of danger as all Governmental Decrees adopted with respect to the state of danger become ineffective.¹¹¹

Detainees

In **Hungary**, there have been no reports on detainees diagnosed with COVID-19. There has been one staff member who was tested positive and was put in quarantine.¹¹² There have been no reports on further reaction of the prison in relation to the infection of the staff member. In Hungarian prisons, there is a mandatory health check before visitors are allowed onto the prison premises. Specifically, visitors' temperatures are measured before their visits. If visitors have symptoms such as fever, cough, etc. or if they were recently tested positive for the Coronavirus, they are not allowed entry to the prison. For all detainees, a 14 day quarantine is ordered.¹¹³ Visits are carried out in complete isolation of detainees and visitors, with the help of inside-telephones. Occasionally, detainees may receive a maximum of two visitors, excluding children and relatives over the age of 60.¹¹⁴ Other than

¹⁰⁸ Napi.hu (2020), 'Nobody would like to keep the protected timeframe for the elderly' (*Már senki sem tartaná meg a nyugdíjasok vásárlási kiváltságát*), 16 June 2020, available at: https://www.napi.hu/magyar_gazdasag/mar_senki_sem_tartana_meg_a_nyugdijasok_vasarlasi_kedvezmenyet.708159.html.

¹⁰⁹ National Public Health Centre (*Nemzeti Népegészségügyi Központ*) (2020), 'Amending the decision on ban on visits and leaving the institutions' (*Látogatási és kijárási tilalmat elrendelő határozat módosítása*), 19 June 2020, available at: <https://www.nnk.gov.hu/index.php/koronavirus-tajekoztato/684-latogatasi-es-kijarasi-tilalmat-elrendelo-hatarozat-modositasa>.

¹¹⁰ 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 vagyónbiztonságot 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, available at: http://njt.hu/translated/doc/J2020R0046K_20200410_FIN.pdf

¹¹¹ Hungary, Governmental Decree no. 282/2020 on terminating the state of danger declared on 11 March 2020 (*282/2020. (VI. 17.) a 2020. március 11-én kihirdetett veszélyhelyzet megszüntetéséről*), 18 March 2020, available at: https://njt.hu/translated/doc/J2020R0282K_20200618_FIN.pdf.

¹¹² European Organisation of Prison and Correctional Services (2020), 'COVID-19 Feedback Collection', 18 June 2020, available at: <https://www.europris.org/wp-content/uploads/2020/06/18-June-2020-Feedback-collection.pdf>.

¹¹³ Hungary, Act LVIII of 2020 on the transitional rules related to the termination of the state of danger and on the epidemiological preparedness (2020. évi LVIII. törvény a veszélyhelyzet megszűnésével összefüggő átmeneti szabályokról és a járványügyi készülségről), 18 June 2020, Section 237(1)-(2), available at: http://njt.hu/cgi_bin/njt_doc.cgi?docid=220120.384679.

¹¹⁴ European Organisation of Prison and Correctional Services (2020), 'Prevention measures in European Prisons against COVID-19 – Hungarian Prison Service', available at: <https://www.europris.org/hungarian-prison-service-hu/>.

alternatives to detention already provided for in Hungarian penal law (e.g. criminal supervision),¹¹⁵ there has been no further discussion on such alternatives with respect to the current epidemic preparedness.

Homeless

In **Hungary**, the Government Office of Budapest (*Budapest Főváros Kormányhivatala*) did not allow the city mayor of Budapest to separate a designated wing in the City Hall to accommodate homeless people.¹¹⁶ The city mayor of Budapest announced on 4 May 2020 that homeless people who otherwise would not be able to find a shelter would be able to use a wing of the City Hall of Budapest as a shelter for the duration of the state of danger. The designated wing of the City Hall of Budapest underwent a quick renovation in May to ensure that the rules on physical distancing can be kept there.¹¹⁷ The Government Office communicated its decision on 9 June 2020 and justified the prohibition by the following:

- the building of the City Hall is a protected monument;
- the building lies in the world heritage protected district that is visited by tourists;
- the building is part of a protected archaeological site;
- according to local building laws, the City Hall lies in a district of Budapest where providing accommodation is prohibited.¹¹⁸

The city mayor of Budapest reacted to the decision stating it was a 'worthless heartlessness'. He added the local government would challenge the decision and the planned shelter would be established to protect homeless people not only from the virus but from the 'representatives of the policy of heartlessness and insensibility'.¹¹⁹

In **Hungary**, the Streetlawyer Association (*Utcajogász Egyesület*), a civil society organisation providing free legal counsel to those in need on the streets of Budapest, reported they had to suspend their regular Friday consultation hours at Blaha Lujza square in Budapest due to the restrictions on public gatherings during the state of danger. Instead, they operated a phone hotline, an Internet helpdesk and they responded to questions of social workers. The Association experienced increased hatred against the homeless since many people blamed them as 'host bodies for the Coronavirus'. The Association added that in most homeless shelters in Budapest it was impossible to keep the rules on physical distancing during the state of danger; therefore, these shelters decreased the number of beds that forced many out of these facilities. The Association had to represent several homeless people who were subject to harassment by the police (e.g. during the restriction of movement, homeless

¹¹⁵ Hungary, Act XC of 2017 on the criminal proceeding (2017. évi XC. törvény a büntetőeljárásról), 1 July 2018, Section 281, available at: http://njt.hu/cgi_bin/njt_doc.cgi?docid=202672.377061.

¹¹⁶ Index (2020), 'The Government Office does not allow to accommodate homeless people in the City Hall' (A kormányhivatal nem engedi, hogy a Városházán szállásolják el a hajléktalanokat), 9 June 2020, available at: https://index.hu/belfold/2020/06/09/karacsony_gergely_fovaros_kormanyhivatal_hajlektalanszallo_varoshaza/.

¹¹⁷ Hvg (2020), 'The Budapest City Hall will welcome homeless people during the epidemic' (A budapesti Városházára fogadnak be hajléktalanokat a járvány idejére), 4 May 2020, available at: https://hvg.hu/itthon/20200504_varoshaza_budapest_csepel_hajlektalan_karacsony.

¹¹⁸ Index (2020), 'The Government Office does not allow to accommodate homeless people in the City Hall' (A kormányhivatal nem engedi, hogy a Városházán szállásolják el a hajléktalanokat), 9 June 2020, available at: https://index.hu/belfold/2020/06/09/karacsony_gergely_fovaros_kormanyhivatal_hajlektalanszallo_varoshaza/.

¹¹⁹ Index (2020), 'Karacsony: What a worthless heartlessness this is! (Karácsony: Micsoda semmirekellő szívtelenség ez!', 10 June 2020, available at: https://index.hu/belfold/2020/06/10/karacsony_micsoda_semmirekello_szivtelenseg_ez/.

people were questioned why they are in the street; a policeman told a homeless couple to sleep in the woods).¹²⁰

In **Hungary**, during the state of danger, social services were provided for people facing homelessness. Day care facilities operated continuously. Night shelters and external capacities were not covered by the ban on leaving the residential care facilities. The National Chief Public Health Officer lifted the ban on leaving homeless care facilities other than night shelters and external capacities on 5 June 2020.¹²¹

Women

In **Hungary** the Government has taken the responsible steps in order to mitigate the effects of COVID-19 on the financial situation and the everyday lives of women, especially the vulnerable groups of women. Women with small children could find themselves in an especially difficult situation due to the effects of COVID-19. They are supported by the Hungarian Government with the following measures:

As a result of the epidemic, extraordinary breaks were ordered in many kindergartens and nurseries **in Hungary**. It was mandatory for the mayors of the settlements and the capital districts to provide on-call service of childcare (5 children/group) free of charge for children whose placement could not be solved otherwise¹²². Child catering had to be provided for the entire duration of the duty. From 25th May 2020, nurseries and kindergartens were reopened in the countryside, and by 2nd June, children were received in the nurseries and kindergartens of Budapest (according to current data, 70% of young children enrolled in March have been taken to nurseries by their parents).¹²³ In the period of state of danger, employers had the opportunity to organize workplace childcare services for children between 20 weeks and 14 years of age (this measure has been extended until 31st August).¹²⁴ In addition, according to the decision of the Government, day-care and summer camps can be organized from 16th June, in compliance with the relevant epidemiological regulations.¹²⁵

During the state of danger **in Hungary**, the conditions for receiving benefits for some families raising children had been facilitated by the Government so that no one, including parents raising their children alone, would be deprived of these benefits as a result of the change of circumstances. This way, the disbursement of family support benefits was automatically prolonged. In the case if the parents' entitlement to child care fee (a benefit based on social security status), child care allowance

¹²⁰ Index (2020), 'Those who were left in the empty streets' (Akik a kiürült utcákon maradtak), 4 June 2020, available at: https://index.hu/velemeny/olvir/2020/06/04/utcajogasz_hajlektalan_lakhatasi_szegenyseg_koronavirus_szabalysertes/.

¹²¹ National Public Health Centre (Nemzeti Népegészségügyi Központ) (2020), 'Amending the decision on ban on visits and leaving the institutions' (Látogatási és kijárási tilalmat elrendelő határozat módosítása), 19 June 2020, available at: <https://www.nnk.gov.hu/index.php/koronavirus-tajekoztato/684-latogatasi-es-kijarasi-tilalmat-elrendelo-hatarozat-modositasa>.

¹²² A veszélyhelyzet során a gyermekek napközbeni felügyeletével kapcsolatos intézkedésekről szóló 152/2020. (IV. 27.) Korm. rendelet (Government Decree on measures on the daycare supervision of children during the state of danger), see text in Hungarian at: http://njt.hu/cgi_bin/njt_doc.cgi?docid=219234.383170.

¹²³ Az óvodák és bölcsődék újranyitásáról, valamint a nyári táborok megszervezéséről szóló 215/2020. (V. 20.) Korm. rendelet (Government Decree on the reopening of kindergarten and daycare facilities and the organisation of summer camps), see text in Hungarian at: http://njt.hu/cgi_bin/njt_doc.cgi?docid=219555.383175.

¹²⁴ Hungary, Act LVIII of 2020 on the transitional rules related to the termination of the state of danger and on the epidemiological preparedness (2020. évi LVIII. törvény a veszélyhelyzet megszűnésével összefüggő átmeneti szabályokról és a járványügyi készületségről), 18 June 2020, available at: http://njt.hu/cgi_bin/njt_doc.cgi?docid=220120.384679

¹²⁵ Az óvodák és bölcsődék újranyitásáról, valamint a nyári táborok megszervezéséről szóló 215/2020. (V. 20.) Korm. rendelet (Government Decree on the reopening of kindergarten and daycare facilities and the organisation of summer camps), see text in Hungarian at: http://njt.hu/cgi_bin/njt_doc.cgi?docid=219555.383175.

(a benefit provided on a subjective right) or child-raising support (a benefit for families with 3 or more children) would have expired during the state of danger, the entitlement to the benefit was automatically prolonged and paid for the entire duration of the state of danger.¹²⁶ Grandparents did not lose their entitlement to the so-called grandparent's child care fee even if the parent or a third party takes care of the child during the state of danger. These measures supported the preservation of jobs of parents as well, because during the difficult economic situation in the period of state of danger they were allowed to stay on unpaid leave in case they received child care fee or child care allowance.

Parents raising a chronically ill or severely disabled child got special support for this period as well **in Hungary**. If a parent was entitled to a higher amount of family allowance and eligible for child care allowance until the 10th years of age of the child, because of raising a chronically ill or severely disabled child, then there was no need for the necessary reviews to be done or the documentation to be sent until the end of the state of danger. Entitlement to benefits in this case did not end until the last day of the second month following the end of the state of danger. Students continuing education in public primary or secondary education institution or a vocational training establishment are eligible for schooling support until the age of 20 – or in case of special education needs until the age of 23. They received support not only until the end of school year 2019/2020, but until the end of the state of danger.

In Hungary there is also a moratorium on repayments on employer loans, rents of the National Asset Management Program and the guarantee fee for the Baby Expecting Subsidy until the end of the year, no interest or fees could be charged for the period of the moratorium.¹²⁷ In the case of the Baby Expecting Subsidy and the housing support (CSOK), in the event of the loss of a job, the duration of the social security relationship was not interrupted during the state of danger or for the following 60 days, if the claimant was re-employed by the end of this period.¹²⁸

NGOs representing large families and single parent families continued to receive support from the **Hungarian** Government during the state of danger as well, which shows that the situation of these vulnerable groups of families were handled.

Beside the responsible family support measures the Government had also reconsidered the necessary measures and changes in the service scheme for victims of domestic violence. The operation of the service scheme for victims of domestic violence was ensured with some changes **in Hungary**. The Crisis Centres and Secret Shelters are open to victims being in crisis situations as well as the National Crisis Management and Information Telephone Service continues to be available 24/7 free of charge. Ambulances had offered online services too. A leaflet has recently been disseminated online that aims

¹²⁶ Government Decree 59/2020 (23 March) on the extension of eligibility for certain health insurance and family benefits granted with regard to caring for and raising children 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, see full text in English at: http://njt.hu/translated/doc/J2020R0059K_20200324_FIN.pdf.

¹²⁷ Hungary, Government Decree 62/2020 (24 March) on detailed rules concerning payment moratorium of Government Decree 47/2020 (18 March) on immediate measures necessary for alleviating the effects of the coronavirus pandemic on national economy, see full text in English at: http://njt.hu/translated/doc/J2020R0062K_20200325_FIN.pdf.

¹²⁸ Hungary, Act LVIII of 2020 on the transitional rules related to the termination of the state of danger and on the epidemiological preparedness (2020. évi LVIII. törvény a veszélyhelyzet megszűnésével összefüggő átmeneti szabályokról és a járványügyi készségről), 18 June 2020, available at: http://njt.hu/cgi_bin/njt_doc.cgi?docid=220120.384679.

to help victims identifying the problems and provides information on the available protection and professional support in the different phases of domestic violence.

2 Selected issues emerging during the COVID-19 crisis

2.1 Xenophobic speech, acts of harassment and violent attacks

- *In reference to Bulletin #1 where these issues were addressed, please report incidents of xenophobic speech, acts of harassment and violent attacks against specific minority groups on the grounds of race or ethnic origin during the reporting period and on any key developments since you last reported on this issue.*

In **Hungary**, there have been no reports on incidents of xenophobic speech, acts of harassment and violent attacks against minority groups in relation to the Coronavirus pandemic.

2.2 Infringement of privacy and/or data protection rights

- *In reference to Bulletin # 1 and Bulletin #2 where these issues were addressed, please describe instances of infringement of privacy and/or data protection rights related to the pandemic during the reporting period and on any key developments since you last reported on this issue.*

In **Hungary**, the Police and the epidemiological authority are entrusted to monitor official home quarantines through electronic software, a mobile application as from 7 May 2020. The application uses GPS data to track the person's movement. The Police compare the movement data provided by the software against the data of the location designated for the official home quarantine.¹²⁹ The Act on Transitional Rules implemented provisions related to the electronic software that monitors home quarantine into the Healthcare Act.¹³⁰ Official home quarantines are ordered against people who are infected by the Coronavirus and do not require medical attention in hospitals, against people who are proved to have been in contact with infected persons, and against those third-country nationals arriving in Hungary from abroad and are under the legal obligation to stay in official home quarantine for 14 days (there is no quarantine obligation to Hungarian, EEA and Serbian citizens).¹³¹ The

¹²⁹ Koronavirus.gov.hu (2020), 'The electronic monitoring of the home quarantine works well' (Jól működik a hatósági házi karantén elektronikus ellenőrzése), 29 May 2020, available at: <https://koronavirus.gov.hu/cikkek/jol-mukodik-hatosagi-hazi-karanten-elektronikus-ellenorzese>.

¹³⁰ Hungary, Governmental Decree no. 181/2020 on the electronic monitoring of official home quarantines ordered with respect to the human epidemic endangering life and property and causing massive disease outbreaks (181/2020. (V. 4.) Korm. rendelet az élet- és vagyonbiztonságot veszélyeztető tömeges megbetegedést okozó humánjárvány vonatkozásában elrendelt hatósági házi karantén elektronikus ellenőrzéséről), 7 May 2020, ineffective since 18 June 2020, available at: https://njt.hu/translated/doc/J2020R0181K_20200521_FIN.pdf. The applicable rules on the monitoring of home quarantine through electronic means are provided for in Act CLIV of 1997 on healthcare (1997. évi CLIV. törvény az egészségügyről), 1 July 1998, Article 74/B, available at: http://njt.hu/cgi_bin/njt_doc.cgi?docid=30903.384704. These provisions were introduced by Act LVIII of 2020 on the transitional rules related to the termination of the state of danger and on the epidemiological preparedness (2020. évi LVIII. törvény a veszélyhelyzet megszűnésével összefüggő átmeneti szabályokról és a járványügyi készségről), 18 June 2020, Section 311, available at: http://njt.hu/cgi_bin/njt_doc.cgi?docid=220120.384679.

¹³¹ Hungary, Governmental Decree no. 291/2020 on travel restrictions in the period of epidemiological preparedness (291/2020. (VI. 17.) Korm. rendelet a járványügyi készségi időszak utazási korlátozásairól), 18 June 2020, available at: http://njt.hu/cgi_bin/njt_doc.cgi?docid=220132.384776.

epidemiological authority has competency to allow for the monitoring of the compliance with the rules of the official home quarantine to be conducted through the software that tracks movement and transfers the facial image and health data of the person concerned. The use of the software is voluntary and requires the consent of the person concerned who must have full capacity to act when providing for consent. If the person is willing to be monitored through the software, he/she must make a statement on meeting the requirements for installing the software.¹³² Data from the application may also be used as evidence in a criminal proceeding, typically in case the person concerned is being charged with the misdemeanour of violation of epidemic control regulation.¹³³ In lack of special rules in the Act on Transitional Rules, the general rules of data protection law (GDPR, Data Protection Act¹³⁴) provides for restriction to the further use of the data collected through the software. The software was developed by a company, Asura Technologies. The media reported, in an interview with the manager of the developer company, that the company did not develop the application per the request of the authorities. The manager was very satisfied with the reaction time and the efficiency of the authorities when working on the authorisation and the interoperability of the application that needed to connect the new app to the central databases of the authorities. The developer states it was a very smooth and fast procedure. He stressed that data protection principles and rules were all respected in the development of the mobile application. He added, the software will likely be connected to another system that enables the authorities to search for contacts of the infected persons more effectively.¹³⁵ Amnesty International raised concerns about the electronic monitoring of the official home quarantine. They emphasised the use of the electronic application seems voluntary, however, in reality, those who wish not to use the electronic software may expect a more rigid and increased control from the authorities.¹³⁶

In **Hungary**, to help with the search for contacts of an infected person, the Government earlier supported the development of a mobile application titled 'VirusRadar'. The contact search software was introduced in May. It does not send location data to the authorities, only the device of the user stores information on physical contacts with other users through a Bluetooth connection. The app, therefore, uses a decentralised architecture generating and storing the encryption keys and identifiers in the device of the person concerned. The application requires the user to stay in a two-metre radius of another person for the duration of at least 20 minutes in order to register it as physical contact. The app stores data for two weeks. The user must click the button 'Send' in order to authorise the application to send information to the central server operated by the authorities. The authorities may send alerts to users in case they find there is a risk of infection. Downloading the application is voluntary.¹³⁷ The media raised concerns about the low popularity of the 'VirusRadar' app. The media

¹³² Hungary, Act CLIV of 1997 on healthcare (1997. évi CLIV. törvény az egészségügyről), 1 July 1998, Article 74/B(1), available at: http://njt.hu/cgi_bin/njt_doc.cgi?docid=30903.384704.

¹³³ Hungary, Act C of 2012 on the Criminal Code (2012. évi C. törvény a Büntető Törvénykönyvről), 1 July 2013, Section 361, available at: https://njt.hu/translated/doc/J2012T0100P_20200331_FIN.PDF.

¹³⁴ Hungary, Act CXII of 2011 on the right to informational self-determination and on the freedom of information (2011. évi CXII. törvény az információs önrendelkezési jogról és az információszabadságról), 27 July 2011, available at: https://njt.hu/translated/doc/J2011T0112P_20200101_FINrev.pdf.

¹³⁵ Index (2020), 'The goal was not to insult people through the quarantine check app' (Nem az emberek szívatása a cél a karanténellenőrző appal), 3 June 2020, available at: https://index.hu/techtud/2020/06/03/koronavirus_jarvany_hazi_karanten_rendszer_hkr_app_alkalmazas_asura/.

¹³⁶ Amnesty International (2020), 'They will monitor those in quarantine using an almost mandatory electronic system' (Szinte kötelező elektronikus ellenőrzéssel figyelnek a karanténban lévőket), 5 May 2020, available at: <https://www.amnesty.hu/news/2716/szinte-kotelezo-elektronikus-ellenorzesel-figyelnek-a-karantenban-levoket>.

¹³⁷ Index (2020), 'The official Hungarian contact search app has been introduced' (Bemutatták a hivatalos magyar kontaktkövető appot), 13 May 2020, available at: https://index.hu/techtud/2020/05/13/kontaktkutato_app_magyar_bluetooth/.

reported the app was downloaded to only a bit more than 15,000 devices by the end of May and stressed, for a long time, the app was only available for Android devices as Apple did not authorise the app until early June. The media article suggested there might have been data protection issues that caused the delay in authorising the app by Apple that is known for a very strict data protection policy. These potential data protection concerns, however, have not been made available to the public.¹³⁸

2.3 Spread of disinformation online

- *In reference to Bulletin #1 where these issues were addressed, please describe measures taken to counter the spread of disinformation online, during the reporting period and on any key developments since you last reported on this issue.*

In **Hungary**, the Authorisation Act introduced amendments to the Criminal Code in relation to the criminal offence of fearmongering.¹³⁹ 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 of one to five years.¹⁴⁰ This new provision introduced more severe penalties for those committing the new form of fearmongering in a special legal order, since other forms of fearmongering are punished by imprisonment of up to only three years.¹⁴¹ On 15 June 2020, the Police reported that since 31 March 2020 altogether 126 criminal proceedings were initiated under the new provision of fearmongering.¹⁴² The media reported on 15 June 2020, however, that there was only one person who was found guilty of the new form of fearmongering by the criminal court, therefore, disinformation was not significant in Hungary despite the 126 cases that the Police reacted to.¹⁴³ As the state of danger ended on 18 June 2018, and the current epidemiological preparedness is not considered as a special legal order that is a precondition for the application of the new provision of the Criminal Code on fearmongering, this provision, while still in effect, cannot be applied by the authorities. In relation to this new provision on fearmongering in the Criminal Code, the Constitutional Court of Hungary (*Magyarország Alkotmánybírósága*) made a decision rejecting a complaint that stated the new provision restricted the freedom of speech unnecessarily and disproportionately. The complainant stressed that the new provision provided for a very broad interpretation for the authorities and the court. The Constitutional Court, in its decision delivered on 17 June 2020,¹⁴⁴ rejected the complaint and concluded the new provision on fearmongering in the

¹³⁸ HWSW (2020), 'The situation of the Covid-19 contact tracing app is devastating' (Hervasztó a magyar Covid-19 kontaktkövető app helyzete), 20 May 2020, available at: <https://www.hsw.hu/hirek/61813/covid19-virusradar-kontaktkoveto-app-alkalmazas-androi-apple-kifu.html>.

¹³⁹ Hungary, Act XII of 2020 on the containment of Coronavirus (2020. évi XII. törvény a koronavírus elleni védekezésről), 31 March 2020, Article 10(2), available at: https://njt.hu/translated/doc/J2020T0012P_20200401_FIN.pdf.

¹⁴⁰ 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.

¹⁴¹ 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.

¹⁴² Koronavirus.gov.hu (2020), 'Operational Corps: A family event can be held after the conclusion of marriage even in Budapest' (Operatív törzs: Már Budapesten is tartható házasságkötés után családi rendezvény), 15 June 2020, available at: <https://koronavirus.gov.hu/cikkek/operativ-torzs-mar-budapesten-tarthato-hazassagkotes-utan-csaladi-rendezveny>.

¹⁴³ 444.hu (2020), 'Only one person was found guilty of fearmongering' (Eddig egyetlen embert ítétek el rémhírtérjesztéses ügyben), 15 June 2020, available at: <https://444.hu/2020/06/15/eddig-egyetlen-embert-itetek-el-remhirterjesztetes-ugyben>.

¹⁴⁴ Constitutional Court of Hungary (Magyarország Alkotmánybírósága), Decision no. IV/699/2020, 17 June 2020, available at: <https://alkotmanybirosag.hu/dontes/ab-hatarozat-alkotmanyjogi-panasz-elutasitasarol-9>.

Criminal Code did not violate the Fundamental Law. However, the Constitutional Court stressed that only those disseminations which contained facts the offender had known the untrue nature thereof when committing the criminal offence, had to be punished.¹⁴⁵

¹⁴⁵ Constitutional Court of Hungary (Magyarország Alkotmánybírósága), Decision no. IV/699/2020, 17 June 2020, available at: <https://alkotmanybirosag.hu/dontes/ab-hatarozat-alkotmanyjogi-panasz-elutasitasarol-9>.