



STRATEGIC LITIGATION:
INTERNATIONAL HUMAN RIGHTS
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**Submission to the UN Human Rights Committee 145th session in Relation
to the List of Issues Prior to Reporting (LoIPR) of Hungary**

The situation of academic freedom in Hungary

Executive Summary

This submission draws attention to persistent abuses of academic freedom that have occurred in Hungary since the end of the sixth periodic reporting cycle before the UN Human Rights Committee, in breach of Article 19 of the International Covenant on Civil and Political Rights (ICCPR). Government meddling has weakened academic programs, targeted specific scholars, and compromised institutional autonomy. State-driven degradation of academic independence is exemplified by legal reforms such as those that led to the relocation of the Central European University and the transfer of control over universities to politically affiliated foundations.

Hungary's persistent low score on the Academic Freedom Index indicates that academic freedom is progressively declining despite the country's constitutional and international commitments under the ICCPR. To restore institutional and individual academic rights, the *Strategic Litigation: International Human Rights Legal Clinic* calls on the Committee to investigate Hungary's adherence to Article 19 and other ICCPR norms.

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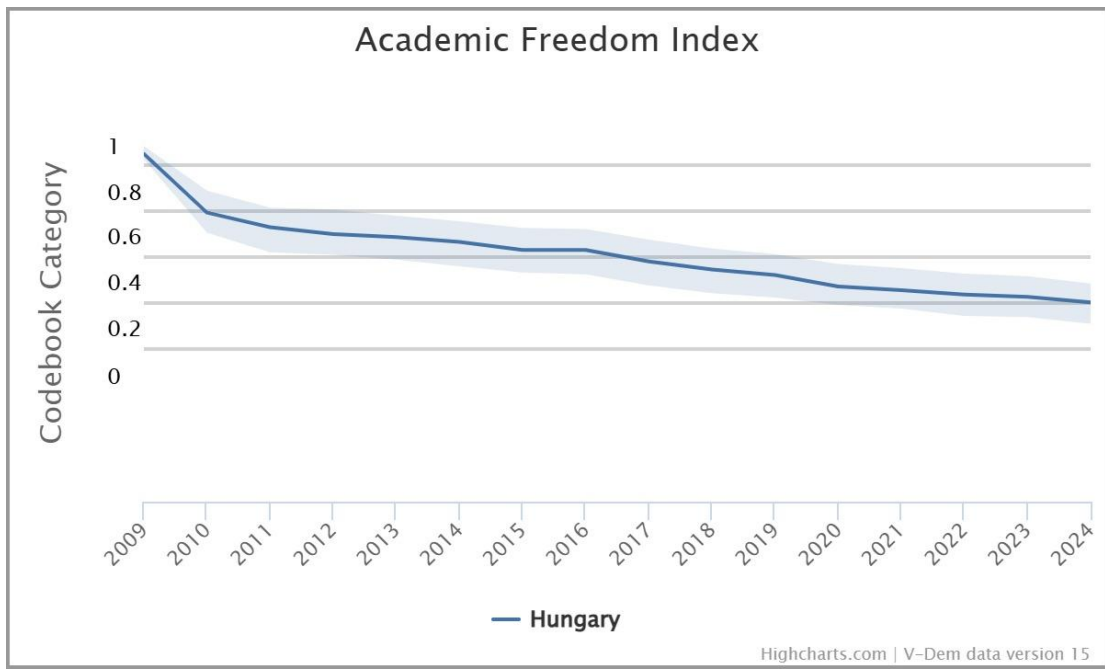
Introduction

1. This submission is the result of the work of the *Strategic Litigation: International Human Rights Legal Clinic* of the University of Turin, Italy.¹
2. This submission addresses Hungary's compliance with international obligations, specifically under the International Covenant on Civil and Political Rights (ICCPR), to uphold and protect academic freedom. From the moment in which the current government took power in 2010, and especially since 2016, scholars, students, scientists, and higher education institutions in Hungary have faced escalating pressures, including attacks on university autonomy such as the closure of Central European University and the placing of the Hungarian Academy of Sciences under government control; arrests and smear campaigns against students and academics; and restrictions on curricula. These actions, among others, have profoundly impacted the entire Hungarian higher education sector, leading to a climate of fear and self-censorship, and harming the university space overall.
3. According to the most recent update of the Academic Freedom Index (AFi),² which assesses levels of respect for academic freedom in 175 countries and territories based on surveys of more than 2,000 country experts around the globe, as recently as 15 years ago, Hungary ranked in the top 5% of countries worldwide. Its ranking has fallen precipitously in the years since, with its most recent score the lowest to date – in the “bottom 20%-30%” of states worldwide.³

¹ The *Strategic Litigation: International Human Rights Legal Clinic* provides students with the opportunity to actively participate in legal proceedings before jurisdictional and quasi-jurisdictional bodies, both at the European and international level. For the present submission, the team consisted of Negin Bandari, Carmela Ysabel Bartolome, Dafne Boriero, Sidorela Deda, Khalil Kassab, Lucia Murizasco, Erika Pio Picheca, Ana Fukai Sanchez Miguel Castro and Marta Travaglini, under the supervision of Giacomo Bruno and Margherita Penna, tutors of the Clinic, and Prof. Andrea Spagnolo, director of the Clinic. The submission may not reflect the views of the University of Turin, its faculty and students.

² Spannagel, J., & Kinzelbach, K. (2023). *The Academic Freedom Index and its indicators: Introduction to new global time-series V-Dem data. Quality & Quantity*, 57: 3969–3989. doi:10.1007/s11135-022-01544-0.

³ Kinzelbach, Katrin Lindberg, Staffan I. Lott, Lars (2025). *Academic Freedom Index – 2025 Update*. www.academic-freedom-index.net. The AFI project, started in 2017, is the most comprehensive data collection on academic freedom. AFI assesses the level of academic freedom based on five key indicators: freedom to research and teach; freedom of academic exchange and dissemination; campus integrity; institutional autonomy; and freedom of academic and cultural expression. As stated in the Report, Hungary results in the “Top Six Countries and Territories with Declines in Academic Freedom, 2000–2024”, with a major decline in institutional autonomy and freedom of academic and cultural expression.



4. The ongoing, concerted attacks described in this submission have had a devastating effect on Hungarian higher education, with impacts likely to continue for years to come. These attacks have been accompanied by broader, more systemic attacks on Hungarian democracy generally, and they have been replicated in numerous other countries where formerly strong democratic norms are imperiled. Indeed, attacks on academic freedom are among the signal phenomena that exemplify the global democratic backsliding of the past decade. In this light, and given the important connection between academic freedom and the right to freedom of opinion and expression, we respectfully draw the Committee’s attention to the individual attacks described below, and the broader democratic erosion of which they are a part.

Relevant Legal and Regulatory Standards

5. Hungary ratified the ICCPR in 1974 and is therefore bound by the Covenant, which codifies universal human rights enshrined in the Universal Declaration of Human Rights.
6. Under international human rights law, academic freedom is acknowledged as an independent and interdependent human right that enables the exercise of a range of other rights. Academic freedom is grounded in the rights to freedom of opinion and expression, the right to education,⁴ and the right to the benefits of science.⁵ As Article 19 of the ICCPR protects everyone’s right to hold an opinion without interference and to seek, receive, and impart information freely, the provision also protects academic freedom.

⁴ See also *International Covenant on Economic, Social and Cultural Rights (ICESCR)*, United Nations Treaty Series, vol. 993, p. 3, 16 December 1966, Article 13.

⁵ See also ICESCR, Article 15.

7. Article 19(1) of the Covenant affirms the right to hold opinions without interference. As clarified by the Human Rights Committee (from hereinafter HRCtee) in paragraph 9 of General Comment No. 34 (2011), “all forms of opinion are protected, including opinions of a political, scientific, historic, moral or religious nature”. Given this broad definition of opinion and the absence of limitations to exercise the right protected by Article 19(1), scholars and students cannot be subject to intimidation or harassment because of their intellectual work. Furthermore, Article 19(2) protects freedom of expression,⁶ which encompasses the “freedom to seek, receive and impart information and ideas of all kinds, regardless of frontiers, either orally, in writing or print, in the form of art, or through any other media of the individuals’ choice”.⁷ With regard to academic freedom, freedom of expression mainly involves the activities of teaching and publication of the results of one’s research. Under Article 19(3), the right to engage in such activities may be restricted only when prescribed by law and necessary “for respect of the rights or reputations of others” or “for the protection of national security or of public order or of public health and morals”. In this regard, the HRCtee clarified in General Comment No. 34 that laws intended to suppress or withhold information with legitimate public interest that do not threaten national security are not compatible with paragraph 3 of Article 19. At any rate, the HRCtee does not consider these laws to be generally appropriate to target “information as those relating to [...] scientific progress”.⁸
8. The rights enshrined in Article 19 protect two dimensions of academic freedom. On the one hand, they address the *individual dimension* of academic freedom. As noted by the Special Rapporteur (from hereinafter SR) on the promotion and protection of the right to freedom of opinion and expression, David Kaye, in his 2020 Report to the UN General Assembly, some of the core aspects of academic freedom are “freedom of expression and of action, freedom to disseminate information and freedom to conduct research and distribute knowledge and truth without restriction”.⁹ Violations of the individual dimension of academic freedom often stem from incidents which also constitute violations of other rights enshrined in the ICCPR, such as the right to non-discrimination (Article 2), the right to liberty and security of person (Article 9), freedom of movement (Article 12), the right to a fair trial (Article 14), freedom of assembly (Article 21), and freedom of association (Article 22).
9. On the other hand, academic freedom also has an *institutional dimension*.¹⁰ In this regard, UNESCO’s Recommendation concerning the Status of Higher-Education

⁶ *International Covenant on Civil and Political Rights (ICCPR)*, United Nations Treaty Series, vol. 999, Dec. 1966, p. 171, Article 19(2).

⁷ *Ibid.*

⁸ UN Human Rights Committee (HRCtee), General comment No. 34, Article 19, Freedoms of opinion and expression, CCPR/C/GC/34, 12 September 2011, para 30.

⁹ Annex to David Kaye (2020), A/75/261 – *Report of the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression*, para 9; European Court of Human Rights (27 May 2014), *Mustafa Erdoğan and Others v. Turkey*, Applications nos. 346/04 and 39779/04, Judgment para 40.

¹⁰ David Kaye (2020), A/75/261 – *Report of the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression*, para 9.

Teaching Personnel states that “autonomy is the institutional form of academic freedom and a necessary precondition to guarantee the proper fulfillment of the functions entrusted to higher-education teaching personnel and institutions”.¹¹ In the same vein, SR Kaye noted in his 2020 Report that academic freedom “also involves institutional protections – autonomy and self-governance, themselves rooted in human rights standards [...]”;¹² similarly, SR on the right to education Farida Shaheed stated that “scientific freedom involves respecting the autonomy of higher education institutions”.¹³ Institutional autonomy is thus essential to creating a space that allows scholars and students to exercise all the rights connected to academic freedom; such a space, in turn, enables the development of the higher education system in the interest and for the benefit of society as a whole and of the international scientific community.¹⁴ Violations of institutional autonomy may include encroachments on: physical autonomy of the campus space (e.g. uninvited presence of government troops on campus or closure of a campus by state authorities); academic autonomy (e.g. outside interference with decisions about curricula, research, grading, or admissions); governance (e.g. outside pressure with regard to hiring/firing of faculty, student discipline, or financial decisions).¹⁵ Politicization of school programs, meant to promote particular ideological views and political agendas, may also threaten university autonomy.¹⁶ Hence, Article 19 protects the autonomy of higher education institutions from improper interference by State authorities.

10. This analysis focuses primarily on the institutional dimension of academic freedom. Such violations of academic freedom – whether through institutional restrictions or censorship – will then be interpreted in light of the “Principles for implementing the right to academic freedom” (hereinafter Principles),¹⁷ introduced by the Working Group on Academic Freedom (hereinafter WGAF) at the fifty-sixth session of the Human Rights Council. These principles, while firmly grounded in existing human rights law, are intended to define and operationalize the right to academic freedom as recognized under international human rights law. Their purpose is to provide a coherent framework for states and institutions in understanding their obligations to protect academic freedom. The nine principles are summarized as (i) academic freedom is the right to

¹¹ *Ibid.* Para 13; UNESCO (1997), *Recommendation concerning the Status of Higher-Education Teaching Personnel*, para 18.

¹² David Kaye (2020), A/75/261 – *Report of the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression*, para 9.

¹³ Farida Shaheed (May 2012), A/HRC/20/26 – *Report of the Special Rapporteur in the field of cultural rights. The right to enjoy the benefits of scientific progress and its applications*, para. 40: “And the freedom of faculty and students to, inter alia, express opinions about the institution or system in which they work, and to fulfil their functions without discrimination or fear of repression by the State or any other actor”.

¹⁴ Annex to David Kaye (2020), A/75/261 – *Report of the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression*, paras 12-13.

¹⁵ David Kaye (2020), A/75/261 – *Report of the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression*, paras 14, 37, 40.

¹⁶ David Kaye (2018), A/HRC/38/35/Add.1 – *Overview of submissions received in preparation of the Report of the Special Rapporteur on the protection and promotion of the right to freedom of opinion and expression*, p 9, para 31.

¹⁷ Working group on academic freedom (2024, May 31), A/HRC/56/CRP.2 – *Principles for implementing the right to academic freedom*.

develop knowledge and ideas; (ii) academic freedom is protected by international human rights law; (iii) academic freedom requires autonomy of institutions; (iv) academic freedom includes intramural and extramural expression; (v) academic freedom requires access to information; (vi) academic freedom requires freedoms of movement and association; (vii) academic freedom is essential to all levels of education; (viii) students have the right to academic freedom; and (ix) respect for, protection of, and promotion of academic freedom is a shared responsibility.

Relevant Concluding Observations on the 6th Periodic Report

11. In its Concluding Observations on the sixth periodic report on Hungary,¹⁸ the HRCtee noted with concern the amendments introduced by Act XXV of 2017 to the National Higher Education Act (Act CCIV of 2011) – the law introduced in 2017 that came to be known as “lex CEU” for its apparent targeting of the Central European University. The Act introduced a set of new bureaucratic requirements for foreign-accredited universities, which effectively left CEU unable to function and led to the effective closure of its Budapest campus (and its relocation to Vienna). The law, *inter alia*, required that foreign-accredited higher education institutions maintain a campus in their countries of accreditation (CEU was accredited in the United States, but did not maintain a campus there); mandated that they operate under a Hungarian name (potentially stripping CEU of its name and accumulated reputation); and eliminated an agreement allowing faculty and staff from non-EU countries to work at CEU without requiring foreign work permits.¹⁹ The HRCtee found that such amendments imposed disproportionate restrictions on the exercise of academic freedom by foreign universities accredited in Hungary, as the constraints lacked a sufficient justification.²⁰ Furthermore, the HRCtee expressed concern that “the constraints particularly affect the Central European University [CEU] because of its links with George Soros”.²¹ Consequently, the HRCtee concluded that the State party should revise the amendments introduced by Act CCIV of 2011 to bring them in line with “the requirements of, *inter alia*, Articles 19(3), 21 and 22(2) of the Covenant”.²²
12. In its 2020 State Party report on Follow-up to Concluding Observations, Hungary did not address the HRCtee’s concerns regarding freedom of thought, opinion, and association in higher education in the State party.²³ Consequently, the HRCtee did not evaluate this aspect in its Follow-up to Concluding Observations.²⁴

¹⁸ Human Rights Committee (9 May 2018), CCPR/C/HUN/CO/6 – *Concluding observations on the sixth periodic report of Hungary*.

¹⁹ Scholars at Risk Academic Freedom Monitoring Project (SAR AFMP), April 10, 2017, <https://www.scholarsatrisk.org/report/2017-04-10-central-european-university/>.

²⁰ *Ibid.* paras 51-52.

²¹ *Ibid.*

²² *Ibid.*

²³ Human Rights Committee (21 October 2020), CCPR/C/HUN/CO/6 – *Information received from Hungary on follow-up to the concluding observations on its sixth periodic report*.

²⁴ Human Rights Committee (17 December 2021), CCPR/C/133/3/Add.2 – *Report on follow-up to the concluding observations of the Human Rights Committee*.

Contextual Assessment of Academic Freedom Violations

Overview

13. Although Article X of Hungary's Constitution explicitly recognizes academic freedom (providing, *inter alia*, that "the State shall not be entitled to decide on questions of scientific truth" and that "all institutions of higher education shall be autonomous in terms of the contents and methodology of research and teaching"),²⁵ the situation of academic freedom in the country is dire. Indeed, as described above, the Academic Freedom Index places Hungary in the "bottom 20%-30%" of states worldwide, after a steep decline in the past years.²⁶
14. This decline in academic freedom goes hand in hand with the generalized curtailment of freedom of opinion and expression in Hungary that has been taking place in the last decade under the government of Prime Minister Viktor Orban. Such generalized curtailment is particularly evident with respect to the Hungarian government's systematic attacks on media freedom, as noted – among others – by the HRCtee²⁷ and UNESCO.²⁸ In this regard, SR Irene Khan expressly highlighted that attacks on media freedom are part of a larger trend of actions aimed at "suppressing dissenting voices".²⁹
15. The aforementioned AFI data are reflective of several recent assessments of the situation of academic freedom in Hungary undertaken within the framework of the UN. In 2020, SR Kaye expressed concern over the negative effects of laws enacted by the Hungarian government on the autonomy of higher education institutions and academic freedom at large; for example, he highlighted that such laws imposed government control over the appointment of professors and university administrators and thus undermined institutional autonomy as well as the citizens' right to access information.³⁰
16. In November 2021, on the occasion of the third cycle of the Universal Periodic Review (UPR) on Hungary, several States raised the issue of the dire situation of academic freedom, freedom of opinion and expression, and freedom of assembly in the country. In particular, Switzerland recommended Hungary to ensure the protection and promotion of "freedom of association, peaceful assembly and expression";³¹ the same

²⁵ Fundamental Law of Hungary, Article X, commas 1, 2, 3.

²⁶ Kinzelbach, Katrin Lindberg, Staffan I. Lott, Lars (2025). *Academic Freedom Index – 2025 Update*. www.academic-freedom-index.net.

²⁷ Human Rights Committee (2018), CCPR/C/HUN/CO/6 – *Concluding observations on the sixth periodic report of Hungary*, para 57; Also referred to in (2021) A/HRC/WG.6/39/HUN/2 – *Compilation on Hungary. Report of the Office of the United Nations High Commissioner for Human Rights*, paras 20-21.

²⁸ (2021) *Contribution of the United Nations Educational, Scientific and Cultural Organization (UNESCO): Hungary*, para. 11. Universal Periodic Review (39th session).

²⁹ The SR stated: "Attacks on media freedom that we see are not an isolated phenomenon but worrying signs of a broader pattern of actions through laws, policies, and practices to suppress dissenting voices, discredit civil society, and weaken human rights protection." (22 November 2021). *Hungary: government's stranglehold on media poses serious risks to human rights – UN expert*. Press release by SR Irene Khan.

³⁰ David Kaye (2020), A/75/261 – *Report of the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression*, paras 34, 39, 49.

³¹ Human Rights Council (2021), A/HRC/49/8 – *Report of the Working Group on the Universal Periodic Review*. Section II, para 128, 132;

recommendation was made by Uruguay, specifying that the protection should include “civil society and academia”;³² Belgium recommended to “ensure protection of the scientific freedom and autonomy of universities and research institutes, including autonomy in determining curricula, teaching, research and management”;³³ similar recommendations were made by Liechtenstein and Germany.³⁴ All these recommendations were formally accepted by Hungary.³⁵

17. In 2022, SR Irene Khan published a report on her country visit to Hungary in November 2021.³⁶ She reported that, on this occasion, the Hungarian Minister for Innovation and Technology explained that changes had been made in the academic sector to strengthen the independence of institutions; however, the scholars with whom she met during the visit did not share the same view. The SR received extensive testimony from stakeholders in academia who felt “their institutional and individual freedoms were under attack from a range of legislative and policy changes introduced by the government since 2018”.³⁷ In particular, they mentioned “ideologically driven attacks against individual scholars by media supportive of the government” and “efforts to influence research and teaching on certain issues, such as gender studies”.³⁸ Moreover, stakeholders expressed concern over the reorganization of the highly esteemed research institutes of the Hungarian Academy of Sciences, which were placed under the indirect control of the government.³⁹ Lastly, experts pointed out the emerging trend of “capturing the academic sector”, undertaken by the Hungarian government by publicly criticizing scholars, applying political pressure on academic institutions, and transferring control of most of Hungary’s public universities to private entities governed by individuals close to the Fidesz Party.⁴⁰ As a general recommendation, the SR urged Hungary to “protect the scientific freedom and autonomy of universities and research institutes, including concerning the appointment and dismissal of leadership and professors, curricula, teaching and allocation of resources”.⁴¹
18. Most recently, in March 2025, SR Shaheed published a Statement on her country's visit to Hungary. She provided an alarming review of the situation of higher education in the country, which saw the transformation of 21 out of 63 public universities into foundation-run institutions with close political ties to the ruling government. This, according to her, “has weakened academic freedom and led to self-censorship and

³² *Ibid.*, paras 128, 133;

³³ *Ibid.*, Section II, paras 128, 134;

³⁴ *Ibid.*, Section II, paras 128, 135, 136;

³⁵ Human Rights Council (2022), A/HRC/49/8/ADD.1 – *Report of the Working Group on the Universal Periodic Review. Hungary. Addendum. Views on conclusions and/or recommendations, voluntary commitments and replies presented by the State under review*, paras 12, 18.

³⁶ Irene Khan (2022), A/HRC/50/29/Add.1 – *Country visit to Hungary. Report of the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression*, para 8.

³⁷ *Ibid.* para 60.

³⁸ *Ibid.* paras 59-60.

³⁹ *Ibid.* para 61.

⁴⁰ *Ibid.* para 62.

⁴¹ Irene Khan (2022), A/HRC/50/29/Add.11 – *Country visit to Hungary. Report of the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression*, para 95.

exclusion from key EU research and mobility programmes.”⁴² SR Shaheed additionally highlighted the high percentage of church-run schools, which amount to 20% across the state, characterized by a higher financial flexibility, better-qualified teachers, and greater curricular freedom with respect to public schools. She advised ensuring that the autonomy and academic freedom to research are free from political interference, with the aim of strengthening Hungary’s research sector: to this end, institutions should have the option to return to public control, with sustainable funding and competitive salaries for researchers to retain their talent in the country. On the topic of participation in decision-making, SR Shaheed noted that university students have a role in senates, but representation is inconsistent, and some student organizations are not legally recognized: the latter may face penalties or targeting in the event they speak up against administrative or political decisions, thus straining the freedom of speech in education.

19. European Union (EU) institutions have expressed strong concerns over the situation of academic freedom in Hungary as well. In 2018, the European Parliament adopted a Resolution requesting the Council of Europe to initiate proceedings against Hungary pursuant to Article 7(1) of the Treaty on the European Union, which can be activated in case of a clear risk of a serious breach by a Member State of the founding values of the EU.⁴³ In the Resolution and its Annex, the Parliament enumerated several areas of concern, including the situation of academic freedom in the country.⁴⁴ This situation has been ongoing since, and in 2022 the Parliament reiterated its findings, concerns, and recommendations on Hungary; it underlined that “academic freedom has to be fully restored in Hungarian universities by removing all possibilities for politically motivated intervention into independent operations by public authorities or asset management structures, such as public interest trusts”.⁴⁵ In light of Hungary’s failure to address several breaches of the rule of law, EU institutions decided to temporarily freeze funds to the Hungarian government.⁴⁶ In particular, the Council decided to suspend Horizon Europe and Erasmus+ funding to 21 of Hungary’s universities and institutions that have been transferred into public trust foundations.⁴⁷
20. Against the backdrop of the general situation of academic freedom in Hungary outlined above, this submission identifies three main categories of violations that occurred during the review period: violations affecting the governance structure of higher

⁴² Shaheed F. (2025, March 21). *Statement by the Special Rapporteur on the right to education, Ms. Farida Shaheed on her visit to Hungary, 10-21 March 2025*.

⁴³ European Parliament. Press release. (2018, September 12). *Rule of law in Hungary: Parliament calls on the EU to act*. European Parliament (2021, December 21), 2023/2691(RSP) – *European Parliament resolution of 1 June 2023 on the breaches of the Rule of Law and fundamental rights in Hungary and frozen EU funds*.

⁴⁴ European Parliament (2018, September 12), P8_TA(2018)0340, A8-0250/2018 – *Texts adopted. The situation in Hungary*.

⁴⁵ European Parliament (2021, December 21), 2023/2691(RSP) – *European Parliament resolution of 1 June 2023 on the breaches of the Rule of Law and fundamental rights in Hungary and frozen EU funds*, para 18.

⁴⁶ Council of the European Union. (2022, December 12). *Rule of law conditionality mechanism: Council decides to suspend €6.3 billion given only partial remedial action by Hungary*.

⁴⁷ Brent T. (2023, January 12). *Hungary calls Erasmus funding freeze ‘unacceptable’ as blame game with EU starts*. Science Business.

education institutions, violations affecting the autonomous determination of programs and curricula, and violations of the rights of individual scholars.

Violations Affecting the Governance Structure of Higher Education Institutions

21. As noted in para. 9, institutional autonomy is essential to the exercise of academic freedom as protected under Article 19 ICCPR. This right is reflected in *Principle 9*, which provides for the duty of the State to protect, promote, and fulfill all human rights, including academic freedom, at the national and international level. A key consideration on this aspect is whether the State has been implicated in attacks on education or academic freedom, either directly or through complicit support or toleration of actions by non-state groups or individuals, and whether the State has demonstrated primary responsibility for the protection, promotion, and enjoyment of academic freedom, including by ensuring that academic freedom is adequately protected in law and policy (*de jure* protection) and in practice (*de facto* protection). The *Strategic Litigation: International Human Rights Legal Clinic* would like to bring to the attention of the HRCtee the measures adopted by Hungary which alter the governance structure of higher education institutions and directly or indirectly limit their institutional autonomy.
22. As mentioned above, the amendments introduced by Act XXV of 2017 to the National Higher Education Act (Act CCIV of 2011) eventually forced the Central European University (CEU) to move its operations out of Budapest and into Vienna, Austria, in 2019.⁴⁸ This legislation resulted in a loss for Hungary in terms of academic freedom as the CEU represented an important international institution, known for its commitment to independence, promotion of “open society values”, critical spirit, and academic excellence.⁴⁹ In 2020, the Court of Justice of the European Union (judgment C-66/18) found that the amended Higher Education Act was in violation of the Charter of Fundamental Rights of the European Union.⁵⁰ In particular, the Court ruled that Hungary, by adopting the amendments, had violated Article 13 (freedom of the arts and sciences), Article 14(3) (freedom to found educational establishments), and Article 16 (freedom to conduct a business) of the Charter.
23. Furthermore, in 2019, the government of Prime Minister Orban created a new type of legal entity (“asset management foundations”) to which the financial administration of universities can be transferred (Act XIII of 2019).⁵¹ The structure of the foundations was completed and strengthened in April 2021, when the Hungarian Parliament adopted Act IX of 2021 on “public interest asset management foundations performing a public

⁴⁸ See para 11 of this report.

⁴⁹ Central European University, *Our Mission*, www.ceu.edu.

⁵⁰ Court of Justice of the European Union, Judgment of the Court (Grand Chamber) in Case C-66/18, ECLI:EU:C:2020:792.

⁵¹ Hungarian Helsinki Committee (HHC) (21 May 2021), *Creating a parallel state structure: public trust funds performing a public function. Information Note by the Hungarian Helsinki Committee (HHC)*; See also European University Association (March 2023) *The evolution of university autonomy in Hungary: A complementary analysis to University Autonomy in Europe IV: The Scorecard 2023*.

duty”.⁵² Since 2019, a series of Acts “set up foundations to which rights of control over the operation of the previously State-owned universities, of the management of their property and of the appointment of their faculty were delegated”.⁵³ These foundations have boards of trustees predominantly composed of government loyalists, appointed by the Government with open-ended mandates. Among other powers, the boards are authorized to adopt the budget of the university. In 2022, 21 universities out of 27 were transferred under the control of foundations created by the State.⁵⁴ For instance, in September 2020, Act LXXII of 2020⁵⁵ transferred control of the renowned University of Theatre and Film Arts in Budapest to a private foundation whose members have close links to the Orban Government.⁵⁶ Although the transfer must be formally agreed upon by the university senate, the effect of these laws is *de facto* a forced privatization of universities due to the poor funding that public universities receive from the government compared to foundation-owned ones.⁵⁷ Additionally, academics employed by privatized universities can draw their pension from the age of 65 while keeping their position and therefore earning a double income, which could influence those sitting in university senates to agree to the transfer.⁵⁸ In October 2022, in an attempt to implement remedial measures as a response to the suspension of funds for “the protection of the Union budget” as required by the European Commission,⁵⁹ Act IX of 2021 was amended to establish a prohibition of economic, political or personal conflict of interest for the foundations’ “chairs and members of the board and supervisory board, as well as their employees”.⁶⁰ Nonetheless, the EU Commission found this remedial measure to be inadequate as, employing an exception from the general prohibition which was introduced only one month after the amendment, senior political executives are not “excluded from sitting on boards of public interest asset management foundations” and

⁵² Act IX of 2021 on Public interest asset management foundations performing a public duty.

⁵³ See, for instance, Act XXIII of 2021 on the Establishment of the Foundation for the University of Szeged and on the transfer of endowment to the University of Szeged.

⁵⁴ Also, David Matthews (2021), *Graft fears as Hungary completes university privatisation*. Times Higher Education.

⁵⁵ Act LXXII of 2020 on the Foundation for the University for Theatre and Film Arts and on the endowment to the University for Theatre and Film Arts and the Foundation for the University for Theatre and Film Arts.

⁵⁶ Annex 1(a) to Act IX of 2021 listed those 14 foundations that had been granted the status of “public trust funds performing a public function”, many of which had been endowed by the legislature with public assets of enormous value. See also Upton, B. (2023, October 6). *Hungarian drama students under pressure over dual enrolments*. Times Higher Education.

⁵⁷ SAR, (2023), *Free to think*; See also Upton, B. (2022, September 20). *Pensions 'injustice' pressures Hungary's last public universities*. Times Higher Education.

⁵⁸ Act XXIII of 2021 on the Establishment of the Foundation for the University of Szeged and on the transfer of endowment to the University of Szeged; Tímea Drinóczi (5 February 2021): *Loyalty, Opportunism and Fear: The forced privatization of Hungarian universities*, VerfassungsBlog; Eva S. Balogh, 27 April 2021: *Looting the nation's wealth by privatizing universities*, Hungarian Spectrum.

⁵⁹ Brent, T. (2023, January 10). *EU Council action over Hungary's rule of law breaches sees 21 universities cut off from Erasmus and Horizon funds*. Science Business.

⁶⁰ European Commission (2022, November 30), COM(2022) 687 – *Communication from the commission to the council on the remedial measures notified by Hungary under regulation (EU, Euratom) 2020/2092 for the protection of the union budget*, paras 68-69; Act XXIX of 2022 was adopted to amend Act IX of 2021. The foundations are called ‘public interest asset management foundations’ by the Commission.

“may participate in decision-making relating to the disbursement of public funds to entities, in which they are employed and have key decision-making powers”.⁶¹

24. Moreover, through Act LXVIII of 2019,⁶² Hungary transferred control of 15 research institutes from the administration of the Hungarian Academy of Science (MTA), a public body known for its political independence, to a State-linked network named Eötvös Loránd Research Network (ELKH). It bears emphasis that, in the past, Prime Minister Orban had indicated his dissatisfaction with MTA, claiming that the Academy was involving itself in “unworthy” matters (related to the support to the CEU) and that members ought not to be “burdened” by such issues.⁶³ The newly constituted entity is governed by twelve representatives: six delegates of the Academy and six of the government; a president is jointly nominated by the Academy and the Government. All 12 delegates – both those representing the Academy and the Government – are nominated by the Prime Minister, raising serious concerns about the entity’s independence. Additionally, the research centers have no representation on the ELKH’s board.⁶⁴ This new administrative framework constitutes a direct encroachment on institutional autonomy, providing the government substantial control of scientific research and scholarship.⁶⁵ The new law also creates the National Scientific Policy Council, an advisory body led by the Minister of Innovation and Technology, meant to set the general directions of scientific research.⁶⁶ As a consequence of this reform, the budget normally devoted to the MTA was drastically reduced, in favor of more funding for the new ELKH. The president of MTA, Laszlo Lovász, voiced his criticism concerning the Act, saying that the decision was taken without any real intention of cooperation by the Government with the Academy and that “no substantive reason has been communicated to justify the separation of the research network”.⁶⁷

Violations Affecting the Autonomous Determination of Programs and Curricula

25. *Principle 3* requires the autonomy of academic, research, and teaching institutions for the protection, promotion, and enjoyment of academic freedom. To assess its implementation, the Principle suggests considering specific questions. Are rules and practices for determining academic, research, and teaching content, curricula, and materials free from political or outside interference or discrimination? Are academic, research, and teaching staff able to use their professional expertise, commensurate with their qualifications and experience, to judge, select, and deploy teaching materials, aids,

⁶¹ *Ibid.* para 70.

⁶² Act LXVIII of 2019 on the structure and financing of the research, development and innovation system (2/2019).

⁶³ Adam, C. (2018, December 6). *Hungarian Academy of Sciences funding cut — Ordered to get in line with Fidesz*. Hungarian Free Press.

⁶⁴ Kovács, Z. (2019, July 2). *Hungarian Academy of Sciences Stripped of Its Research Network*. Index, www.index.hu.

⁶⁵ (2019, February 7). *The Hungarian government to suppress the independence of the Academy of Sciences, says Academy Staff Forum*. Press release of the Hungarian Academy Staff Forum, www.dailynewshungary.com.

⁶⁶ Hungarian Academy of Sciences, *Parliament has passed the bill concerning the Academy*.

⁶⁷ Kovács, Z. (2019, July 2). *Hungarian Academy of Sciences Stripped of Its Research Network*. Index, www.index.hu; See also Hungarian Academy of Sciences, *MTA: latest government proposals do not guarantee freedom of science, and separation of research network still unjustified*.

and methods? Such Principle flanks Article 19 ICCPR, which provides for the right to autonomously determine programs and curricula according to non-discriminatory and academic criteria as part of the *institutional dimension* of academic freedom. As stated by SR Kaye, “the politicization of school programs and curricula erodes institutional autonomy and academic freedom”.⁶⁸ Article 19(3) sets forth the strict conditions for a lawful limitation of the rights protected under Article 19. In this regard, as stressed above, the HRCtee has found that imposing limitations on the diffusion of information relating to scientific progress is generally unlawful.⁶⁹ Against this background, the *Strategic Litigation: International Human Rights Legal Clinic* would like to bring to the attention of the HRCtee the measures adopted by Hungary to control the content of the curricula of the higher education institutions operating in the country.

26. Policy changes introduced since 2018 reveal the government’s efforts to influence research and teaching agendas to impose so-called ‘traditional’ values, including opposition to immigration and LGBTQ+ rights.⁷⁰ These views were expressed by members of the government, such as Hungary’s Deputy Prime Minister Zsolt Semjen, who stated that gender studies have “no business [being taught] in universities,” because they are “an ideology [and] not a science”.⁷¹ In accordance with this view, programs in gender studies were removed from the list of accredited Master Programs as announced in the National Gazette on 12 October 2018.⁷² In particular, the government rescinded the accreditation and funding for gender studies programs at two Hungarian universities, namely the Eötvös Loránd University and the former CEU (which were, at the time, two of the top universities in the country).⁷³ Additionally, in 2018, in the midst of pro-government media campaigns that aimed to intimidate critical academics and students, the MTA (which had not yet been placed under the control of the ELKH) rejected several conference proposals about issues such as gender equality or migrants’ rights due to their “gender and political angles.” This appears to have been a pattern of self-censorship, aimed at reducing the tension between the government and MTA.⁷⁴
27. Concerns regarding the institutional dimension of academic freedom are also raised by the founding, in 2020, of a new State research institute, the Hungarian Research Institute (MKI). The MKI presents itself as being devoted to uncovering the “past, language and origin of the Hungarians” and to promoting the notion that the Hungarian

⁶⁸ David Kaye (2020), A/75/261 – *Report of the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression*, para 37.

⁶⁹ UN Human Rights Committee (HRC), General comment no. 34, Article 19, Freedoms of opinion and expression, CCPR/C/GC/34, 12 September 2011, para 30.

⁷⁰ Fetherston, A. (2023, May 4). *Orbán’s Assault on Academic Freedom*. Berkeley Political Review.

⁷¹ Redden, E. (2018, December 5). *Gender studies scholars say the field is coming under attack in many countries around the globe*. Inside Higher Ed.

⁷² Hungarian Gazette No 158 of 2018; Irene Khan Report (2022) paras 59-60.

⁷³ Prager, B. *The Hungarian Ban on Gender Studies And Its Implications For Democratic Freedom*. Harvard Journal of Law and Gender.

⁷⁴ Pap, A. L. (2021). *Piecemeal Devourment: Academic Freedom in Hungary*. University of Illinois Chicago Law Review, 26(2), 1-3; Adam, C. (2018, October 2). *Hungarian Academy of Sciences Rejects Conference Proposals on Political Grounds*. Hungarian Free Press.

people are the organic heirs of Eurasian Steppe peoples, such as the Scythians, the Huns, and the Avars.⁷⁵ However, in a comprehensive report on the government's illiberal policies in the sectors of culture, education, science and the media,⁷⁶ the Hungarian Network of Academics (which comprises more than 500 Hungarian academics and journalists) has criticized the Institute, depicting it as one of several research institutes set up in Hungary to serve "an important ideological and propagandist function: to create a narrative which appropriates and rewrites history, and which forms the basis of the new political system constructed by Fidesz".⁷⁷ Scholars denounce the founding of the MKI as part of a trend of historical revisionism efforts, in which the Hungarian government has engaged with the aim of legitimizing its illiberal regime.⁷⁸

Violations Affecting Specific Individuals

28. As shown in paragraph 25, *Principle 3* is a determining factor in the assessment of the liberty of Hungarian scholars and students in the expression of their opinion. Article 19(2) of the ICCPR protects academic conduct and content as specific forms of opinion and expression. Nevertheless, many scholars have been targeted by Hungarian authorities for their intellectual work. Unfair dismissals, arbitrary prohibitions to participate in academic events and publish certain pieces of research, and verbal attacks on scholars by State officials amount to violations of the individual dimension of academic freedom. These infringements often entail breaches of other fundamental rights as well, including the right to freedom of association and protection against arbitrary detention, as enshrined in Articles 22 and 9 of the ICCPR respectively.⁷⁹ In addition to this, groups of intellectuals have been 'blacklisted' and labelled as "mercenaries" of George Soros in an attempt to prevent them from furthering and expanding their research.⁸⁰ These attacks create an atmosphere of intimidation and oppression, which interferes with teaching, research and learning.⁸¹
29. Against this generalized backdrop of pressure on scholars, we would like to bring to highlight two relevant incidents: In 2019, Andrea Kozáry, a distinguished authority in the field of hate crimes with a tenure of 25 years at Hungary's National University of Public Service, organized a conference on hate crimes, which also included discussions of anti-LGBTQ+ and anti-immigrant crimes. Despite their initial agreement to host the

⁷⁵ MKI. (2023, February 20). *The Institute of Hungarian Research has reinstated the genuine past of the nation, restoring the truths of our chronicles*. The Institute of Hungarian Research.

⁷⁶ Hungarian Network of Academics (2020), *Hungary Turns its Back on Europe: Dismantling Culture, Education, Science and the Media in Hungary 2010-2019*.

⁷⁷ Matthews, D. (2020, March 12). *Hungary 'manipulating history' with the national origins institute*, Times Higher Education; see also Hungarian Network of Academics (2020), *Hungary Turns its Back on Europe: Dismantling Culture, Education, Science and the Media in Hungary* (2010-2019), page 21.

⁷⁸ Di Vizio, T. (2022). *Rewriting the Past to Right the Present: Historical Revisionism in Hungary and Poland*. Living Histories, 1, 67.

⁷⁹ Körtvélyesi, Z. (16 September 2020). *Fear and (Self-)Censorship in Academia*. Verfassungsblog.

⁸⁰ *Ibid.*

⁸¹ European University Association (17 April 2018). *Hungary: EUA denounces attacks on academic freedom*; Tamas D. Ziegler (2019, January 17), *Academic Freedom in the European Union: Why the Single European Market is a Bad Reference Point*. Max Planck Inst. Comp. Pub. L. & Int'l L. Research paper No. 2019-03.

conference, university authorities abruptly canceled the event three weeks before it was scheduled to occur. Professor Kozáry's contract was terminated with immediate effect without due process, the possibility to appeal, or any other relevant administrative safeguards.⁸² In 2023, Zoltán Ádám, an associate professor at Corvinus University Budapest, declined to test a student who was found not to meet the prerequisites for taking the exam.⁸³ The university's administration and the student's family – which owned a Hungarian energy company whose president headed the foundation controlling Corvinus University – pressured Ádám to permit the student to sit for the exam. He refused, and successfully brought a complaint before the university's ethics committee, against the three university leaders who had pressured him; the Rector resigned in response. However, the committee's decision was eventually overturned by the university's board of trustees, and Professor Ádám was fired for "uncooperative attitude".⁸⁴

Conclusions and Recommendations

30. The *Strategic Litigation: International Human Rights Legal Clinic* expresses concern over the delicate yet critical situation of scholars and students in Hungary. The Clinic respectfully suggests that the Committee include the following questions in the LoIPR for the 7th periodic report of Hungary:

- a. In light of the Committee's previous Concluding Observations, please provide information on the steps taken to bring the amended Act CCIV of 2011 in line with the State Party's obligations under the ICCPR, in particular under Article 19.
- b. Please assess whether Act XIII of 2019, Act IX of 2021, and the subsequent legal decrees setting up the university-governance foundations (i.e., the public university foundations established under those laws) comply with Article 19 of the ICCPR, in view of the fact that their boards are dominated by Fidesz-aligned appointees.
- c. Please provide an explanation on whether the transfer, following Act LXVIII of 2019, of 15 research institutes from the administration of the Hungarian Academy of Science (MTA) to Eötvös Loránd Research Network (ELKH) is in line with the State Party's obligations under the ICCPR. Please explain whether the increased government control on research programs and scholarships due to ELKH's composition is compatible with Article 19 of the ICCPR.

⁸² SAR AFMP, October 17, 2019, <https://www.scholarsatrisk.org/report/2019-10-17-national-university-of-public-service/>.

⁸³ SAR AFMP, October 24, 2023, <https://www.scholarsatrisk.org/report/2023-10-24-corvinus-university-of-budapest/>.

Halmai, G., Majtényi, B., & Ryder, A. R. (2023, November 28). *The chilling dismissal of Hungarian academic Zoltán Ádám*. The Loop.

⁸⁴ *Ibid.*

- d. Please explain why gender studies were removed from the list of accredited Master's Programs in 2018 and whether the removal is compatible with Article 19 of the ICCPR.
- e. Please provide information on the reported attacks against members of the academic community and explain their compatibility with the State's duties under Article 19 of the ICCPR.
- f. Please provide information on the reported arbitrary dismissals of professors and prohibitions to publish certain content, and explain whether such actions are compatible with Article 19 of the ICCPR.