



Contribution by Office of the UN High Commissioner for Human Rights (OHCHR) to the 2026 Rule of Law Report - European Commission

Rule of law and human rights

The ‘rule of law’ is a concept at the heart of the United Nations’ mission. It refers to a principle of governance which is consistent with international human rights standards ([S/2004/616](#)). There is no rule of law within societies if human rights are not protected and human rights cannot be protected in societies without a strong rule of law. This interlinkage is reiterated by the UN Secretary-General in his [New Vision for the Rule of Law](#):

“Human rights and the rule of law are mutually reinforcing – the advancement of the rule of law is essential for the protection of all human rights, and human rights are central to the rule of law.”

Office of the UN High Commissioner for Human Rights (OHCHR)

The Office of the UN High Commissioner for Human Rights (OHCHR), also known as UN Human Rights Office, is the main human rights entity of the UN to protect and promote all human rights for everyone everywhere. The High Commissioner for Human Rights leads OHCHR. He is the principal human rights official of the United Nations.

OHCHR is mandated by the UN General Assembly to promote and protect the enjoyment and full realization, by all people, of all human rights. As part of its mandate, OHCHR works to mainstream human rights to strengthen the rule of law ([Management Plan 2024 - 2027](#)).

Established in 2009, OHCHR Regional Office for Europe (ROE) aims to advance the protection and promotion of human rights in the European Union and its Member States. ROE works to mainstream international human rights standards to strengthen the rule of law in the EU by engaging in and contributing to the European Commission’s Rule of Law Report. ROE furthermore promotes the UN human rights mechanisms and processes by giving their work visibility at the regional level.

OHCHR’s contribution

The current submission consists of a compilation of findings and recommendations contained in reports of UN human rights monitoring mechanisms including treaty-based mechanism (international human rights treaties), and Charter-based mechanism (special procedures and the Universal Periodic Review of the UN Human Rights Council). It further draws on statements and reports by the UN High Commissioner for Human Rights and the High Commissioner’s office (see diagram on the next page).

In line with the scope of the European Commission’s Rule of Law Report, this contribution covers 27 Member States of the European Union and four candidate States, namely, Albania, Montenegro, North Macedonia and Serbia.

UN human rights monitoring mechanisms

The below human rights bodies review the following nine core United Nations human rights treaties:

- International Covenant on Civil and Political Rights
- International Covenant on Economic, Social and Cultural Rights
- International Convention on the Elimination of All Forms of Racial Discrimination
- Convention on the Elimination of All Forms of Discrimination against Women
- Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment
- Convention on the Rights of the Child
- Convention on the Rights of Persons with Disabilities
- International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families
- International Convention for the Protection of All Persons from Enforced Disappearance

Treaty-based mechanism

Treaty monitoring bodies

- Committee on the Elimination of Racial Discrimination (CERD)
- Committee on Economic, Social and Cultural Rights (CESRC)
- Human Rights Committee (CCPR)
- Committee on the Elimination of Discrimination against Women (CEDAW)
- Committee Against Torture (CAT)
- Committee on the Rights of the Child (CRC)
- Committee on Migrant Workers (CMW)
- Subcommittee on Prevention of Torture and other Cruel, Inhuman or Degrading Treatment or Punishment (SPT)
- Committee on the Rights of Persons with Disabilities (CRPD)
- Committee on Enforced Disappearances (CED)

UN Charter-based mechanism

UN Human Rights Council

A subsidiary body of the UN General Assembly and the main intergovernmental body in the UN responsible for human rights.

Special Procedures

Independent human rights experts with mandates to report and advise on human rights from a thematic or country-specific perspective.

Universal Periodic Review

State-led mechanism that conducts a peer review of the human rights situation of each UN Member State

Human Rights Council-mandated Investigative Bodies

The Office of the UN High Commissioner for Human Rights (OHCHR) provides expertise and support to all of the different human rights bodies.

Human rights and rule of law (4 pillars of Rule of Law Report)

Pillar 1: Justice System

There is no true respect for the rule of law without a judicial power guaranteeing compliance therewith. Judges guarantee compliance with laws and with it the reality of democratic coexistence. The duty to promote equality among all persons, especially to ensure that everyone has the right to access justice on an equal basis with others, rests with the judiciary. Guaranteeing access to justice is indispensable to democratic governance and the rule of law, as well as to combating inequality and exclusion.

Respecting the rule of law through fostering the separation of powers and the independence of justice ensures protection of human rights. The judiciary is the ultimate guarantors of human rights. However, at the same time, judges, prosecutors and lawyers are subject to attacks and violations of their rights, including threats, intimidation, external interference in conducting their professional activities, arbitrary detention, prosecution, and killings. These attacks threaten the impartiality and independence of the judiciary and the legal profession and in turn, deter their role as guarantors of human rights and the rule of law.

For more info:

- [Basic Principles on the Independence of the Judiciary](#)
- [Human rights in the administration of justice: a manual on human rights for judges, prosecutors and lawyers](#)
- [International principles and guidelines on access to justice for persons with disabilities](#)
- [General Recommendation No. 33 on women's access to justice \(CEDAW/C/GC/33\)](#)
- [Special Rapporteur on the independence of judges and lawyers](#)

Pillar 3: Media Freedom

Free, independent, plural and diverse media are a core component of the right to freedom of expression, a cornerstone of democratic societies and plays an essential role in strengthening the rule of law. Journalists and the media are crucial to ensure transparency and accountability for public and governmental authorities.

For more info:

- [OHCHR and the safety of journalists and the issue of impunity](#)
- [Special Rapporteur on freedom of opinion and expression](#)
- [General comment No.34 on Article 19: Freedoms of opinion and expression \(CCPR/C/GC/34\)](#)

Pillar 2: Anti-corruption

Corruption has a destructive effect on State institutions and it undermines the functioning and legitimacy of institutions and processes, the rule of law and ultimately the State itself. In particular, corruption effects on the capacity of States to respect, protect and fulfil human rights particularly of those persons and groups in situation of vulnerability and marginalization.

Corruption pose a major challenge to many societies as they divert public revenues and cripple public budgets that should provide healthcare, housing, education, and other essential services, they undermine States' ability to meet their minimum core obligations and their pre-existing legal obligations to maximize all available resources to respect, protect and fulfil human rights.

For more info:

- [Corruption and human rights | OHCHR](#)
- [OHCHR Key messages on the negative impact of corruption in the enjoyment of human rights](#)

Pillar 4: Checks and Balances

Civic space is the environment that enables civil society to play a role in the political, economic and social life of our societies. In particular, civic space allows individuals and groups to contribute to policy-making that affects their lives, including by: (1) accessing information; (2) engaging in dialogue; (3) expressing dissent or disagreement, and (4) joining together to express their views. An open and pluralistic civic space that guarantees freedom of expression and opinion as well as freedom of assembly and association, is a prerequisite for making development and peace sustainable.

For more info:

- [OHCHR and protecting and expanding civic space](#)
- [Special Rapporteur on human rights defenders](#)
- [The Declaration on the Right and Responsibility of Individuals, Groups and Organs of Society to Promote and Protect Universally Recognized Human Rights and Fundamental Freedoms](#)



Hungary: Inside the contribution

- **Period of contribution: January – December 2025**
- **Contents of contribution and additional information:**
 - The Special Rapporteur on the right to education visited Hungary from 10 to 21 March 2025. At the end of the visit, the Special Rapporteur issued a [press release](#) and a [preliminary conclusion](#). An official report of the visit will be presented at the 62nd session of the UN Human Rights Council in June 2026.
 - The special procedures of the UN Human Rights Council sent a communication letter to Hungary ([HUN 1/2025](#), 9 April 2025) concerning three recent pieces of legislation introduced before the Parliament, including to amend the constitutional Fundamental Law; to amend related legislation, including the Equal Treatment Act; and to amend the Act on the Right of Assembly. A [response](#) was received (11 April 2025).
 - The UN Human Rights Office spokesperson [commented](#) on Hungary's new anti-LGBTIQ+ law (21 March 2025).
- **Summary of information which could be of particular relevance to the Rule of Law report:**
 - Under pillar 4 , relevant findings and recommendations (the enabling framework for civil society – rules and practices having an impact on the effective operation and safety of civil society organisations and human rights defenders, other) were issued by UN human rights mechanisms.
- **Forthcoming relevant information (January – May 2026):**
 - The UN Committee on the Elimination of Racial Discrimination will consider the State Party report from Hungary in a future session ([date to be confirmed](#)).
- **Resources:**
 - Rule of Law in Europe | [OHCHR](#)
 - Country page on [Hungary](#)
 - [Universal Human Rights Index \(UHRI\)](#) allows you to explore over 230.000 observations and recommendations made by the international human rights protection system (treaty bodies, special procedures and the Universal Periodic Review).

Pillar IV: Checks and Balances

Civic space is the environment that enables civil society to play a role in the political, economic and social life of our societies. In particular, civic space allows individuals and groups to contribute to policy-making that affects their lives, including by: (1) accessing information; (2) engaging in dialogue; (3) expressing dissent or disagreement, and (4) joining together to express their views. An open and pluralistic civic space that guarantees freedom of expression and opinion as well as freedom of assembly and association, is a prerequisite for making development and peace sustainable.

For more info:

- [OHCHR and protecting and expanding civic space](#)
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The enabling framework for civil society – rules and practices having an impact on the effective operation and safety of civil society organisations and human rights defenders (in particular, freedom of association and assembly)

The special procedures of the UN Human Rights Council sent a communication letter to Hungary ([HUN 1/2025](#) 9 April 25) concerning three recent pieces of legislation introduced before the Parliament, including to amend the constitutional Fundamental Law; to amend related legislation, including the Equal Treatment Act; and to amend the Act on the Right of Assembly:

- These amendments do not appear to meet the requirements of necessity and proportionality for legitimate restrictions on the right to freedom of peaceful assembly. The imposition of these apparently unlawful content-based limitations on peaceful assemblies was apparently framed in a manner and timeframe that was intended to prohibit the holding of the Pride March scheduled to take place in Budapest on 28 June 2025.
- The proposed amendments to the Fundamental Law and related legislation, particularly the Law on Equal Treatment, which are currently under consideration by the Legislative Committee, would establish a basis for these and further unlawful restrictions on the human rights to freedom of expression and peaceful assembly. In particular, they rely on the discriminatory assertion that the peaceful expression of gender-diverse identities poses a threat to public health and morality, especially that of children. The proposed criminalization of speech and assemblies related to the human rights of LGBT persons, as well as those advocating for their human rights, would also infringe upon the right to privacy, through amendments expanding the use of biometric facial recognition technology in the context of peaceful assemblies, with the effect of threatening, deterring, and targeting individuals seeking to exercise their rights to freedom of expression and peaceful assembly.
- While the protection of “public morals” may constitute a legitimate purpose for certain restrictions on individual freedoms, it can never serve as a pretext for prejudice or a tool for discrimination. Moral disapproval of same-sex conduct, even if widely held, does not constitute a legitimate ground for restricting fundamental human rights.
- The UN Human Rights Committee has specifically observed that “[r]estrictions on peaceful assemblies should only exceptionally be imposed for the protection of ‘morals’. If used at all, this ground should not be used to protect understandings of morality deriving exclusively from a single social, philosophical or religious tradition, and any such restrictions must be understood in the light of the universality of human rights, pluralism and the principle of non-discrimination. Restrictions based on this ground may not, for instance, be imposed because of opposition to expressions of sexual orientation or gender identity.” (CCPR/C/GC/37, para. 46)

The enabling framework for civil society – rules and practices having an impact on the effective operation and safety of civil society organisations and human rights defenders (in particular, surveillance and data collection)

The special procedures of the UN Human Rights Council sent a communication letter to Hungary ([HUN 1/2025](#) 9 April 25) concerning three recent pieces of legislation introduced before the Parliament, including to amend the constitutional Fundamental Law; to amend related legislation, including the Equal Treatment Act; and to amend the Act on the Right of Assembly:

- [T]he recently enacted amendments to the Act on the Right of Assembly also provide for expanded use of biometric facial recognition technologies to target, identify, and punish participants in such “prohibited assemblies” in contravention of internationally accepted standards for the use of such technology in law enforcement activities.
- The United Nations Human Rights Council has underscored the importance of the right to privacy for the realization of the right to freedom of peaceful assembly, including in relation to arbitrary surveillance and data collection that may unlawfully restrict this right, such as through the use of biometrics-based facial recognition technology.

The UN Human Rights Office spokesperson [commented](#) on Hungary’s new anti-LGBTIQ+ law (21 March 2025):

- We are deeply concerned at legislation passed this week in Hungary that results in arbitrary and discriminatory restrictions on the rights of LGBTIQ+ individuals to freedom of expression, peaceful assembly and privacy, including when advocating for their human rights in events such as Pride parades.
- The law also authorises the use of surveillance measures, including facial recognition technology, to identify and issue fines against participants in such events. To protect the right to privacy and non-discrimination, authorities should avoid using facial recognition technology to identify those peacefully participating in an assembly.
- Public surveillance measures should be limited to those strictly necessary and proportionate for achieving legitimate objectives and should never be deployed in a discriminatory manner through targeted surveillance of peaceful assemblies of LGBTIQ+ persons or other marginalised groups.

Other – concerns related to academic integrity and freedom

The Special Rapporteur on the right to education visited Hungary from 10 to 21 March 2025. At the end of the visit, the Special Rapporteur issued a [press release](#) and a [preliminary conclusion](#) which noted:

- The transformation of 21 out of Hungary’s 63 public universities into institutions run as public interest asset management foundations performing public duty is a subject of intense debate in Hungary. Most interlocutors the Special Rapporteur engaged with expressed concerns about reduced academic freedom, institutional autonomy and transparency caused by the transfer of control to a board that can override the university senate, including appointing rectors.
- As a result of the model change, university employees lost their civil servant status, reducing job security and making academic staff more vulnerable to dismissal, public assets were transferred under the foundation’s control. Transparency has suffered, with foundations lacking clear oversight or public accountability, their legal status being unclear.