

Introduction

1. Scholars at Risk (SAR) is an international network of higher education institutions dedicated to protecting threatened scholars, preventing attacks on higher education communities and promoting academic freedom worldwide. SAR has Special Consultative Status with ECOSOC (2013), and welcomes the opportunity provided by the Office of the High Commissioner on Human Rights to comment on conditions relating to academic freedom and attacks on higher education communities in Hungary.
2. As part of its advocacy work, SAR monitors and analyzes attacks on higher education around the world, including within Hungary. During this UPR period (May 2016-March 2021), SAR has received reports from colleagues within and outside Hungary, and from media, describing overall pressures and attacks on higher education throughout the country.
3. This submission is the product of a joint effort between Scholars at Risk's Academic Freedom Monitoring Project and the legal clinic of the Human Rights Centre of Ghent University, Belgium. SAR gratefully acknowledges the substantial research and drafting work of Ghent faculty and students.¹
4. This submission focuses on Hungary's compliance with its obligations under international law to protect and promote academic freedom and related rights within its territory. Since 2016, scholars, students, scientists, and higher education institutions in Hungary have faced escalating pressures, including attacks on university autonomy, in particular 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 banning of curricula. These actions have profoundly impacted the entire Hungarian higher education sector, harming thousands of individuals directly targeted, leading to a climate of fear and self-censorship, and harming the university space overall. SAR urges Hungarian authorities to take every available action to reverse this course and ensure that academic freedom and related values are protected going forward.

Applicable Legal Standards

5. Hungary is bound by several applicable international human rights instruments, including the International Covenant on Civil and Political Rights (ICCPR), the International Covenant on Social, Economic and Cultural Rights (ICESCR), and the European Convention for the Protection of Human Rights and Fundamental Freedoms (ECHR). Hungary is a member of the Council of Europe¹ and an executive board member of UNESCO.²
6. Academic freedom is fully and independently grounded in the rights to freedom of opinion and expression, the right to education, and the right to the benefits of science, as articulated, respectively, in ICCPR Article 19 and ICESCR Article 13, and Article 15(3) of the ICESCR, as well as other international instruments including the European Convention on Human Rights. Violations of academic freedom also frequently manifest as violations of other rights, including liberty and security of person, freedom of movement, freedom of assembly, and freedom of association.³
7. Institutional autonomy is an integral part of academic freedom and a precondition to the proper functioning of institutions.⁴ Institutional autonomy includes self-governance concerning academic work, curricula, standards, and management.⁵ It thus encompasses "decisions regarding administration and determination of policies of education, research, extension work, allocation of resources, and other related activities", allowing for the active

¹ This submission may not reflect the views of the Human Rights Centre, Ghent University, Ghent faculty and students, or individual Scholars at Risk Network members, institutions, or participating individuals. Scholars at Risk invites comments on this submission or inquiries about our work at scholarsatrisk@nyu.edu.

participation of the academic community.⁶ Consequently, “[e]xternal interference in the selection, appointment and dismissal of leadership and professors,” and the deprivation of an autonomous organisational structure constitute limitations on academic freedom.⁷ “States are under an obligation to protect higher education institutions from threats to their autonomy coming from any source.”⁸

8. As UNESCO has recognized, institutional autonomy “allows higher-education teaching personnel to shape the curricula they teach as well as ... associated materials based on informed research pursued in the relevant fields.”⁹
9. Article X of Hungary’s Constitution likewise explicitly recognizes academic freedom and related rights, providing:

- (1) Hungary shall ensure the freedom of scientific research and artistic creation, the freedom of learning for the acquisition of the highest possible level of knowledge, and the freedom of teaching within the framework determined by law.
- (2) The State shall not be entitled to decide on questions of scientific truth, and scientists shall have the exclusive right to evaluate any scientific research.
- (3) Hungary shall defend the scientific and artistic freedom of the Hungarian Academy of Sciences and the Hungarian Academy of Arts. All institutions of higher education shall be autonomous in terms of the contents and methodology of research and teaching, and their organisations and financial management shall be regulated by a special Act.¹⁰

10. Further, as the Committee on Economic, Social, and Cultural Rights stated, within the context of the right to education:

There is a strong presumption of impermissibility of any retrogressive measures taken in relation to the right to education, as well as other rights enunciated in the Covenant. If any deliberately retrogressive measures are taken, the State party has the burden of proving that they have been introduced after the most careful consideration of all alternatives and that they are fully justified by reference to the totality of the rights provided for in the Covenant and in the context of the full use of the State party’s maximum available resources.¹¹

11. In its recent general comment No. 25 on the right to the benefits of scientific progress, the Committee further elucidated the applicable standards:

Examples of retrogressive measures include the removal of programmes or policies necessary for the conservation, the development and the diffusion of science; the imposition of barriers to education and information on science; the imposition of barriers to citizen participation in scientific activities, including misinformation intended to erode citizen understanding and respect for science and scientific research; and the adoption of legal and policy changes that reduce the extent of international collaboration on science. In the exceptional circumstances under which retrogressive measures may be inevitable, States must ensure that such measures are necessary and proportionate.¹²

Overview

12. Hungarian higher education has experienced a spectrum of pressures during this review cycle – ranging from the effective forced closure of Central European University, to legal and administrative measures that strip or otherwise limit university control over their budgets, curricula, or other aspects of university and scientific life. Collectively, these measures amount to a severe and ongoing threat to university autonomy throughout Hungary.

13. Direct attacks have been launched against academics, both individually and collectively. For example, in 2018, Figyelő, a pro government magazine, published the names of professors, intellectuals, and institutions considered to be enemies of the state.¹³ There have also been reports of newspapers asking students to inform on professors who criticize the government.¹⁴

Central European University

14. The effective closure of the main campus of Central European University (CEU), in Budapest, remains one of the most notable recent encroachments on academic freedom within Europe, and bears discussion here.
15. Founded in 1990 by Hungarian-American financier and philanthropist George Soros to promote democratic ideals,¹⁵ CEU has become a world-renowned institution, boasting more than 15,000 alumni from more than 130 countries.¹⁶ Soros has been a frequent target of populist attacks by Hungary’s government, which has passed various laws, known collectively as “Stop Soros,” attacking his efforts to promote democratic values and immigration in Hungary.¹⁷
16. On April 10, 2017, Prime Minister Orban signed an amendment to Hungary’s National Higher Education Act which, while not naming CEU explicitly, appeared to target CEU exclusively. Among other provisions, the amendment, which quickly came to be known as “Lex CEU,” required foreign-accredited higher education institutions to 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.¹⁸ Together, the combined financial and administrative burdens of these provisions appeared likely to make CEU’s continued operation in Hungary impossible.¹⁹
17. Recognizing its unique impact on CEU, CEU and its supporters charged that the amendment was another populist effort by the Orban government to target the democratic values that CEU represented.²⁰ Nevertheless, CEU attempted to comply with the law, entering into an agreement with Bard College in New York to establish a US-based campus.²¹ Hungarian authorities refused to approve the agreement,²² ultimately forcing CEU to relocate most of its programs to Vienna, where it now operates.²³
18. On October 6, 2020, the European Court of Justice ruled that Lex CEU violated Hungary’s commitments to the World Trade Organization, infringed on academic freedom as enshrined in the EU Charter of Fundamental Rights, and deprived “the universities concerned of the autonomous infrastructure necessary for conducting their scientific research and for carrying out their educational activities.”²⁴

Hungarian Academy of Sciences (MTA)

19. On July 12, 2019, the President signed into law a bill effectively placing a network of independent scientific research institutes under government control.
20. The Hungarian Academy of Sciences (MTA) has for several decades been responsible for the cultivation and support of scientific research throughout Hungary, including overseeing a network of more than thirty independent academic research institutes, employing thousands of scientists and researchers, focusing on natural sciences, social sciences and the humanities.²⁵ As described above, Hungary’s Constitution explicitly provides for the MTA’s scientific freedom.²⁶ Further, under previous Hungarian law, an independent body of researchers was responsible for managing the MTA and supervising the academic research network, with the MTA’s funding negotiated annually, on a non-partisan basis.²⁷

21. In July 2018, however, Hungary's Ministry of Innovation and Technology (the ITM) announced, with little warning,²⁸ a bill purportedly aimed at improving Hungarian research output²⁹ that would effectively strip the MTA of financial and administrative control of its research institutes, and place them in the hands of the government or government appointees. The MTA and its allies raised fierce objections to the bill over the subsequent year about the loss of the MTA's autonomy and the politicization of scientific research.³⁰
22. Despite those objections, and the MTA's efforts to negotiate a compromise, the bill became law in July 2019.³¹ The final version placed the MTA's research institutes under control of a government-run agency known as Eötvös Loránd Research Network (ELKH). ELKH's governing board consists of six members nominated by the MTA, six members nominated by the ITM, and a president, who casts a decisive vote absent a consensus, appointed by the Prime Minister.³² ELKH chooses the directors for each research institute, and makes decisions concerning funding, creation and closure of existing research institutes, and other matters including administration of grants and scholarships.³³

University of Theater and Film Arts

23. On September 1, 2020, a new law entered into force, transferring control of the 155-year-old University of Theater and Film Arts (SZFE) to a private foundation whose members are connected to Prime Minister Orban.³⁴ In addition, the ITM appointed five new members to the university's board of trustees, and rejected the university senate's board nominees. The law and the ITM's decision combined to effectively strip financial and administrative control over the institution from the university, and vested it with the board. The SZFE's newly-appointed board chair, Attila Vidnyanszky, added to concerns about the university's politicization and loss of autonomy when he publicly expressed a desire to make the University more "national" and "Christian."³⁵
24. In response to the law, the university's entire administration and a number of teachers resigned in protest. In addition, shortly after the law took effect, a group of students occupied one of the main university buildings in nonviolent protest.³⁶
25. The model of university governance imposed on SZFE has been implemented in a growing cohort of universities, including Corvinus University of Budapest (where it was first adopted in 2019, and dubbed the "Corvinus model"),³⁷ University of Veterinary Medicine, University of Miskolc, Moholy-Nagy University of Arts, Neumann János University, University of Sopron, and Széchenyi István University.³⁸ Hungarian academics and their allies have raised grave concerns about the potential impacts of this model. The Hungarian Network of Academics, for example, referred to the plan as amounting to "the abolition of [university] autonomy."³⁹

Government Restrictions on Curricula

26. On October 12, 2018, Prime Minister Orban signed Decree 42294/2018 eliminating gender studies at Hungarian universities by defunding and refusing to accredit degrees in the subject.⁴⁰
27. Government officials made several arguments in support of the decree, including: that gender studies programs are underpopulated and thus a waste of resources; that there was no employment demand for graduates in this field;⁴¹ that gender studies was an "ideology, not a science;"⁴² and that "people are born either male or female and we do not consider it acceptable for us to talk about socially-constructed genders, rather than biological sexes."⁴³
28. At the time of the ban, only two Hungarian universities offered degrees in gender studies: CEU and Eötvös Loránd University (ELTE). CEU had been teaching gender studies for 20 years⁴⁴ and could continue the program under its USA accreditation (until its relocation to Vienna).⁴⁵ ELTE University started offering gender studies courses in Hungarian in 2016 and

introduced a gender studies master's program in 2017.⁴⁶

29. On October 1, 2018, just before the decree went into effect, the Hungarian Academy of Sciences reportedly cancelled two presentations by CEU scholars that were scheduled to be held at the Hungarian Science Festival in November 2018, on the grounds that they would involve unacceptable political content. These presentations were on the topics of gender differentials in employment and computing, and law and social media, respectively. Dr. Beáta Mária Barnabás, the Deputy Secretary General of the Academy, reportedly cancelled the first lecture because it involved issues related to gender, and the second because of its “political angles.”⁴⁷
30. Similarly, in October 2019, Andrea Kozáry, a renowned expert on hate crimes was scheduled to give a lecture on that topic, including anti-LGBTQ+ and anti-immigrant crimes, to police students at a conference at the National University of Public Service. Three weeks before the lecture, the university cancelled the event, reportedly because of its subject matter. When Professor Kozáry confronted university leadership about the cancellation, she was fired.⁴⁸
31. The UN special rapporteur on the protection and promotion of the right to freedom of opinion and expression has addressed this situation directly, noting that “[t]he politicization of school programmes and curricula erodes institutional autonomy and academic freedom.”⁴⁹ The special rapporteur continued: “[r]estrictions on the content of speech, whether through criminalization or the labelling of certain topics as immoral, close such topics for academic discussion and render them taboo by the State.”⁵⁰ Finally, the special rapporteur noted that Hungary’s restriction on gender studies undermines the right to access to information, in violation of ICCPR Article 19(3).⁵¹
32. The ban also implicates issues of gender equality and non-discrimination,⁵² and thus the Convention on the Elimination of all Forms of Discrimination Against Women (CEDAW)⁵³ and its optional protocol, to which Hungary is a party.⁵⁴ CEDAW imposes an obligation on State parties to eliminate “prejudices and customary and all other practices which are based on the idea of the inferiority or the superiority of either of the sexes or on stereotyped roles for men and women”⁵⁵ The CEDAW committee recognized that the rights to non-discrimination and equality – and through them, other rights and freedom – contain an implied obligation to address harmful stereotypes and the act of wrongful stereotyping.⁵⁶ It urged all states to adopt education and public information programs “which will help eliminate prejudices and . . . practices that hinder the full operation of the principle of the social equality of women.”⁵⁷ The revocation of funding and accreditation of gender studies programs thus constitute a retrogression of Article 5 of CEDAW and the right to education.
33. Finally, to the extent the gender studies ban reflects a bias against women or members of the LGBT+ community (as remarks by government officials justifying the ban suggest), the ban may violate the principle of equitable access and non-discrimination derived from Article 13(2)(c) CESCR.⁵⁸ Indeed, entry to and participation in higher education requires active facilitation of access for members of traditionally underrepresented groups, whose participation offers unique experience and talent that can add significant value to the higher education sector and society generally.⁵⁹

Recommendations

34. SAR respectfully urges UN member states to call on Hungary to publicly affirm its commitment to academic freedom and related human rights by:
 - a. Implementing fully the European Court of Justice case with respect to CEU;
 - b. Ensuring protection of the scientific freedom and autonomy of research institutes historically under the aegis of the MTA, as required under the Hungarian Constitution;

- c. Respecting the principles of legal certainty and non-discrimination in the application of its laws on higher education institutions;
- d. Ensuring that the new rules on work permits do not disproportionately interfere with the international work of academic institutions and are not applied in a discriminatory manner;
- e. Aligning national legislation with international standards stating that university autonomy includes autonomy in curricula, teaching, research, and management;
- f. Affirming its commitment to university autonomy and equitable access, including by annulment of Decree 42294/2018;
- g. Implementing its obligations under Article 5 of CEDAW.

¹ See Council of Europe website, <https://www.coe.int/en/web/about-us/our-member-states>.

² See UNESCO website, <https://en.unesco.org/executiveboard/member>.

³ R. Quinn and J. Levine, Intellectual-HRDs & Claims for Academic Freedom Under Human Rights Law, Int'l J. of Hum. Rts., Dec. 2014, Vol. 18, Issue 7-8, ISBN: 1364-2987.

⁴ CESCR, General Comment No. 13: The Right to Education (Article 13), 8 December 1999, para. 38-40.

⁵ UNESCO Recommendation concerning the Status of Higher-Education Teaching Personnel (1997) (RSHETP) at paras. 17-20.

⁶ Lima Declaration on Academic Freedom and Autonomy of Institutions of Higher Education (1988) at para. 19.

⁷ Report of the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression, Academic Freedom, 28 July 2020, (A/75/261) at para. 39; *Commission v Hungary*, ECJ Case C-66/18, Judgment of the Court (Grand Chamber), 6 October 2020, ECLI:EU:C:2020:792 at para. 146.

⁸ See RSHETP at para. 19.

⁹ UNESCO, *Protecting academic freedom is as relevant as ever*, 18 October 2017, available at <https://en.unesco.org/news/protecting-academic-freedom-relevant-ever>.

¹⁰ Article X of the Fundamental Law of Hungary, available at https://www.constituteproject.org/constitution/Hungary_2011.pdf.

¹¹ General comment No. 13, para. 45; see also General comment No. 25, para. 24.

¹² General comment No. 25, para. 24.

¹³ Hungarian Free Press, *Fidesz begins intimidation campaign against civil society with Soros mercenary list*, April 13, 2018, available at <http://hungarianfreepress.com/2018/04/13/fidesz-begins-intimidation-campaign-against-civil-society-with-soros-mercenary-list/>

¹⁴ Hungarian Spectrum, *Recruiting Student Informers Against Disloyal Professors*, available at <https://hungarianspectrum.org/2018/11/26/recruiting-student-informers-against-disloyal-professors/>

¹⁵ See CEU Mission Statement, available at <https://ec.europa.eu/growth/tools-databases/regional-innovation-monitor/organisation/central-european-university>.

¹⁶ See CEU Welcome page, available at <https://www.ceu.edu/welcome-ceu>.

¹⁷ See, e.g. Interview: Prime Minister Viktor Orbán on Kossuth Radio's "180 Minutes" programme, June 5, 2017, available at

<https://2015-2019.kormany.hu/en/the-prime-minister/the-prime-minister-s-speeches/prime-minister-viktor-orban-on-kossuth-radio-s-180-minutes-programme20170602>; Krisztina Than: *Hungary's anti-Soros Posters recall 'Europe's darkest hours'* Reuters, July 11, 2017, available at: <https://www.reuters.com/article/us-hungary-soros-idUSKBN19W0XU>.

¹⁸ <https://www.scholarsatrisk.org/report/2017-04-10-central-european-university/>.

¹⁹ Anti-migration policies not directly targeting higher education also appear to have impacted the functioning of universities, including CEU. In particular, in 2018 the government introduced a 25 percent tax on "any programme, action or activity that directly or indirectly promotes immigration." Hungary Bill No. T/625, Chapter X, available at <https://www.helsinki.hu/wp-content/uploads/t-625.pdf>. The apparent breadth of the law led CEU to suspend, and ultimately discontinue, a program for asylum seekers and refugees known as the Open Learning Initiative. See Human Rights Watch, *University Program First Victim of Hungary Anti-Immigration Tax*, 29 August 2018, available at <https://www.hrw.org/news/2018/08/29/university-program-first-victim-hungary-anti-immigration-tax>; UNHCR, *Under pressure, university closes its doors to refugee students*, 24 October 2018, available at <https://www.unhcr.org/ceu/10284-under-pressure-university-closes-its-doors-to-refugee-students.html>.

²⁰ Nick Thorpe, *Hungary CEU: protesters rally to save university*, BBC, 3 April 2017, available at <https://www.bbc.com/news/world-europe-39479398>. In a 2017 report, Nils Muižnieks, Commissioner for Human Rights to the Council of Europe stated, "the targeting of CEU is thus a continuation and expansion of

earlier anti-Soros moves.” *Human Rights in Europe, from Crisis to Renewal?* at 82, available at <https://rm.coe.int/human-rights-in-europe-from-crisis-to-renewal-/168077fb04>.

²¹ Renáta Uitz, *Academic Freedom in an Illiberal Democracy: From Rule of Law through Rule by Law to Rule by Men in Hungary*, 13 October 2017, available at <https://verfassungsblog.de/academic-freedom-in-an-illiberal-democracy-from-rule-of-law-through-rule-by-law-to-rule-by-men-in-hungary/>.

²² Prior to the government’s rejection of the agreement, Hungary’s Ministry of Foreign Affairs and Trade issued a statement that they “know that the ‘campus’ of the Soros university is a wooden shed on the grounds of Bard College...that the courses of the Soros university are not taught in the United States.” Website of the Hungarian Government, November 21, 2018, available at <https://2015-2019.kormany.hu/en/ministry-of-foreign-affairs-and-trade/news/the-soros-university-is-continuing-to-generate-hysteria>

²³ *Ibid*, October 13, 2017, available at <https://2015-2019.kormany.hu/en/ministry-of-justice/news/the-government-has-submitted-its-amendment-to-the-act-on-higher-education>.

²⁴ Court of Justice of the European Union, Press Release No 125/20, October 6, 2020: “The conditions introduced by Hungary to enable foreign higher education institutions to carry out their activities in its territory are incompatible with EU law,” available at <https://curia.europa.eu/jcms/upload/docs/application/pdf/2020-10/cp200125en.pdf>.

²⁵ Iván Bajomi, András Bozóki, Judit Csáki, Zsolt Enyedi, István Fábián, György Gábor, Anna Gács, Péter Galicza, Gábor Gyáni, Andrea Haris, Mária Heller, Tamás Jászay, István Kenesei, Gábor Klaniczay, Dénes Krusovszky, Kata Kubinyi, Valéria Kulcsár, Pál Lővei, András Máté, József Mélyi, Gergely Nagy, Erzsébet Pásztor, Gábor Polyák, Péter Radó, Ágnes Rényi, András Rényi, Ildikó Sirató, Éva Tőkei, András Váradi, Mária Vásárhelyi: *Hungary Turns Its Back On Europe Dismantling Culture, Education, Science and the Media in Hungary 2010-2019* Humán Platform, OKTATÓI HÁLÓZAT HUNGARIAN NETWORK OF ACADEMICS BUDAPEST, 2020, pp. 45-48, available at <http://oktatoihalozat.hu/wp-content/uploads/2020/03/angol.pdf>; Daily News Hungary, *The Hungarian government to suppress the independence of the Academy of Sciences, says Academy Staff Forum*, 7 February 2019, available at <https://dailynewshungary.com/the-hungarian-government-to-suppress-the-independence-of-the-academy-of-sciences-says-academy-staff-forum/>.

²⁶ See Para. 9, *supra*.

²⁷ See Daily News Hungary, note 25, *supra*.

²⁸ See Statement of MTA dated June 12, 2019, available at <https://mta.hu/english/international-press-conference-at-the-academy-109812>.

²⁹ See Alison Abbot, *Hungarian government takes control of research institutes despite outcry*, Nature, 8 July 2019, available at <https://www.nature.com/articles/d41586-019-02107-4>;

DW, *Hungary: Parliament puts Academy of Sciences institutes under government control*, available at <https://www.dw.com/en/hungary-parliament-puts-academy-of-sciences-institutes-under-government-control/a-49440144>.

³⁰ See Declaration of the Presidium of the Hungarian Academy of Sciences, 17 July 2019, available at <https://mta.hu/english/statement-of-the-mta-presidium-109894>; Academic Cooperation Association, *Hungary: Academy of Sciences to become state agency*, available at <https://aca-secretariat.be/newsletter/hungary-academy-of-sciences-to-become-state-agency/>; <https://sciencebusiness.net/news/parliament-votes-give-hungarian-government-control-over-academy-sciences>; All Europe Academies, *ALLEA’s reaction to the Parliament’s bill concerning the Hungarian Academy of Sciences*, 7 July 2019, available at <https://allea.org/alleas-reaction-to-the-parliaments-bill-concerning-the-hungarian-academy-of-sciences>.

³¹ In September 2019, the president of the MTA brought a complaint before Hungary’s Constitutional Court challenging the law, which the Court has agreed to hear. See Complaint dated 09/02/2019 in matter IV/01399/2019, available at

<http://public.mkab.hu/dev/dontesek.nsf/0/3938841891B17BCFC125846A0047ABA4?OpenDocument>

³² Bajomi, et al, note 25 *supra* at p. 49.

³³ See *Hungary Renews its War on Academic Freedom*, Human Rights Watch, 2 July 2019, available at <https://www.hrw.org/news/2019/07/02/hungary-renews-its-war-academic-freedom>; Kovacs Zoltan, *Hungarian Academy of Sciences stripped of its research network*, 2 July 2019, available at <https://index.hu/english/2019/07/02/hungarian-academy-of-sciences-research-network-taken-away-academic-freedom-ministry-of-innovation-and-technology/>.

³⁴ <https://www.scholarsatrisk.org/report/2020-09-01-university-of-theatre-and-film-arts/>.

³⁵ DW, *Hungary student protest finds support in Hollywood*, available at <https://www.dw.com/en/hungary-student-protests-find-support-in-hollywood/a-54898439>.

³⁶ See note 34, *supra*.

³⁷ See Szabadpecs, *Laszlo Palkovics: The government would extend the Corvinus model to the whole of Hungarian higher education*, October 2018, available at <https://szabadpecs.hu/2018/10/palkovics-laszlo-a-magyar-felsooktatas-egeszere-kiterjesztene-a-kormany-a-corvinus-modellt/>; Justin Spike, *Fearing for its*

autonomy, university holds protest against privatization plan, Insight Hungary, 25 June 2020, available at <https://insighthungary.444.hu/2020/06/25/fearing-for-its-autonomy-university-holds-protest-against-privatization-plan/>.

³⁸ See Verfassungsblog on matters constitutional, 7 September 2020, available at <https://verfassungsblog.de/aux-arnes-comediens/>, Abraham Vass, *Medical Universities Can Switch to Debated Foundation-based Model*, Hungary Today, 15 January 2021, available at <https://hungarytoday.hu/medical-universities-foundation-based-model-government-higher-ed/>.

³⁹ Hungarian Network of Academics declaration against the governmental plan to reorganize the Hungarian higher education into foundations, available at <http://oktatoihalozat.hu/the-hungarian-network-of-academicss-declaration-against-the-governmental-plan-to-reorganise-the-hungarian-higher-education-into-foundations/>.

⁴⁰ Elizabeth Redden, *Hungary Officially Ends Gender Studies Programs* Inside Higher Education, October 17, 2018, available at <https://www.insidehighered.com/quicktakes/2018/10/17/hungary-officially-ends-gender-studies-programs>.

⁴¹ European University Association: EUA condemns Hungarian plan to ban gender studies, 24 August 2018, available at <https://eua.eu/news/130:eua-condemns-hungarian-government-plan-to-ban-gender-studies.html>.

⁴² Joanna Prisco, *Hungary Bans Gender Studies in Universities: 'It's Not Science'* Global Citizen, 18 October 2018, available at <https://www.globalcitizen.org/de/content/hungary-bans-gender-studies-universities/>; AAUP, *The Assault on Gender Studies*, November 2018, available at https://www.aaup.org/file/Assault_on_Gender_2018.pdf.

⁴³ Lauren Kent and Samantha Tapfumaneyi, *Hungary's PM bans gender studies at colleges saying 'people are born either male or female'*, CNN, 19 October 2018, available at <https://edition.cnn.com/2018/10/19/europe/hungary-bans-gender-study-at-colleges-trnd/index.html>.

⁴⁴ Harvard Journal of Law and Gender, *The Hungarian Ban on Gender Studies and Its Implications for Democratic Freedom*, January 2019, available at <https://harvardjlg.com/2019/01/the-hungarian-ban-on-gender-studies-and-its-implications-for-democratic-freedom/>.

⁴⁵ CEU, Statement from the Department of Gender Studies, 16 October 2018, available at <https://gender.ceu.edu/statement-annulment-gender-studies-ma-degree-accredited-hungary>

⁴⁶ Exchange of views of the Committee on Women's Rights and Gender Equality on Gender Studies in Hungary (statement), available at <http://ringsgender.org/sites/ringsgender.org/files/brussels-20181217-alemann.pdf>.

⁴⁷ <https://www.scholarsatrisk.org/report/2018-10-01-hungarian-academy-of-sciences/>.

⁴⁸ <https://www.scholarsatrisk.org/report/2019-10-17-national-university-of-public-service/>.

⁴⁹ Report of the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression, Academic Freedom, 28 July 2020, (A/75/261), note 7 *supra*, at para. 37.

⁵⁰ *Ibid.* at para. 38.

⁵¹ *Ibid.* at para. 49.

⁵² UN Document: *Equality and Non-discrimination*: available at <https://www.un.org/ruleoflaw/thematic-areas/human-rights/equality-and-non-discrimination/>.

⁵³ Available at <https://www.ohchr.org/en/professionalinterest/pages/cedaw.aspx>.

⁵⁴ See https://www.unicef.org/gender/files/Reservations_to_CEDAW-an_Analysis_for_UNICEF.pdf, <https://www.ohchr.org/EN/ProfessionalInterest/Pages/OPCEDAW.aspx>; <https://indicators.ohchr.org>.

⁵⁵ See Article 5 UN Convention on the Elimination of All Forms of Discrimination Against Women.

⁵⁶ See OHCHR: Gender Stereotyping as a Human Rights Violation, available at <https://www.ohchr.org/en/issues/women/wrgs/pages/genderstereotypes.aspx>.

⁵⁷ See CEDAW Committee's General Recommendation on education and public information campaigns, available at https://tbinternet.ohchr.org/Treaties/CEDAW/Shared%20Documents/1_Global/INT_CEDAW_GEC_5825_E.pdf.

⁵⁸ See Article 13(2)(c) International Covenant on Economic, Social and Cultural Rights; Committee on Economic, Social and Cultural Rights, General Comment No. 13: The Right to Education (Article 13), 8 December 1999, paras. 6(b), 31-37; RSHETP para. 25. See also UNESCO Convention against Discrimination in Education (1960), noting that States should "make higher education equally accessible to all on the basis of individual capacity. . ."

⁵⁹ See <https://www.scholarsatrisk.org/resources/promoting-higher-education-values-a-guide-for-discussion/>.