

Title: Hungary – Whistleblower Reprisal and Systemic Denial of Legal Remedies

I. PURPOSE OF THE PETITION

I request that the Committee on Petitions:

1. Investigate the case detailed in this petition and place it on the agenda of a public meeting;
2. Call on the Hungarian authorities to examine the documented legal violations and provide effective remedies;
3. Based on the findings, support submission of the case to a plenary session and propose a European Parliament resolution that:
 - Condemns institutional practices that violate the fundamental values of the European Union;
 - Calls for the elimination of systemic irregularities.

II. DESCRIPTION OF THE UNLAWFUL ACTS

1. Whistleblower Case – Suppression of a Public Interest Disclosure

Below is the literal citation of the official email I sent on 3 February 2022 to the Deputy State Secretary responsible for Eastern Opening at the Ministry of Foreign Affairs and Trade. The purpose of the report was to draw attention—pursuant to internal regulations and the relevant government decree on public finances—to documented, institutional irregularities. The following is my unofficial English translation of the letter. In my view, both the content of the letter and the official response speak for themselves:

“Dear Deputy State Secretary,

I hereby inform you—based on your competence—of irregularities I observed at the diplomatic mission in Tashkent. My report is submitted as follows:

In accordance with Section 145/B (5) of Government Decree No. 217/1998 (XII.30.) on the functioning of public finances, and point III.1 of Annex 9 to the Ministry’s Organizational and Operational Regulations (SZMSZ):

‘If a civil servant observes irregularities, they are obliged to notify the head of the organizational unit. If the unit head is involved in the matter, the superior must be notified. If the irregularity falls under point II.2.b) of these procedures, the notification must be made in writing.’

The irregularities I observed affect the entire security, financial, audit, and organizational operations of the embassy:

The Ambassador, contrary to the applicable regulations, appointed a person without authorization to supervise security tasks instead of the official security officer appointed by the central office.

With the knowledge and consent of the Ambassador, elementary security regulations—which could still be observed under the mission’s current interim conditions—are mostly not enforced or regulated. A security incident that occurred was reported with false, misleading content.

The cashier auditor appointed by the central office refused, despite repeated requests, to assume their responsibilities.

Given that no cash closure or audit has occurred for months, the situation allows the possibility of financial misconduct. The deliberate obstruction (or exclusive control) of audits itself may raise suspicion.

To my knowledge, none of the deployed staff possess job descriptions, and therefore tasks and responsibilities are not clearly defined. In case of negligence, offense, or violation, accountability is hard to establish.

During the Ambassador’s current leave, the temporary appointment of a consular assistant (instead of the first-ranking diplomat) as chargé d’affaires is emblematic of this unlawful practice.

Based on my experience, this irregular situation is consistently protected by several colleagues besides the Ambassador. This raises suspicion of complicity in misconduct.

I believe the Head of Mission, Ambassador Péter Szántó, is primarily responsible for the irregularities observed. Therefore, I am submitting this report to you as the superior. According to the referenced annex, point II.2.b), the irregularities may qualify as:

‘A correctable failure or deficiency giving rise to disciplinary, compensatory, misdemeanor, or criminal proceedings.’

Please investigate the matter within your competence.

Sincerely,

Pál Kemény

Deputy Head of the Mission”

The response to this official email, sent via the internal institutional email system—including greeting and closing—read as follows:

“Pali, stop yourself immediately!!!”

This response—both in form and content—clearly reflects the intent to suppress the whistleblower disclosure at an institutional level.

Following the incident, I wrote to Minister Péter Szijjártó, stating that, in my view, it was not I who should be “stopped,” but rather the documented irregularities. I received no meaningful response. I subsequently requested a personal meeting, which was also denied. After exhausting all internal reporting channels and receiving no substantive reply, I terminated my employment in the foreign service with immediate effect, making it clear that continuing the work had become impossible due to serious violations of legal norms.

The full internal correspondence cited above is attached as Annex 1, with the original Hungarian version and an English summary.

2. Judicial Failure to Apply the Law

I filed a labor lawsuit against the Ministry of Foreign Affairs and Trade due to its severe legal violations, which had forced the termination of my employment. A main legal basis of the lawsuit was the employer’s consistent refusal to fulfill a basic legal obligation: to provide a job description. I requested this in writing and verbally on multiple occasions, unsuccessfully.

In court testimony, both the Deputy State Secretary and the Ambassador confirmed that this unlawful practice—refusing to issue written job descriptions—was standard at all foreign missions. According to the Ministry, this is “internal policy.” Based on these oral statements, the court recorded that although national law mandates otherwise, internal practices diverge from this and are considered acceptable for employment purposes.

My appeals were rejected by the second-instance court and the Supreme Court (Kúria), both ignoring the fact that the lower court ruling legitimized deviation from mandatory law as internal policy. This formed a judicial chain violating the *jura novit curia* principle, thereby reinforcing the executive’s unlawful practice.

The judgment itself acknowledged that the Ministry failed to provide a job description, despite it being legally required under civil service law. This constitutes a breach of procedural obligations by a public authority. Yet the court concluded that the Ministry’s internal practices—despite contradicting the law—justified disregarding the unlawfulness.

This legal interpretation effectively means that a state institution may override national law through internal policies without consequence. Such judicial reasoning invalidates legal guarantees and undermines the principle of legal certainty.

Furthermore, the court ruled that the absence of a job description and failure to assign new duties did not create an objective situation that made continued employment impossible. Therefore, my resignation was considered a “voluntary decision,” and no unlawful employer conduct was established—even though the court itself acknowledged legal non-compliance.

Of particular note is Article 78 (1)(a) of the Hungarian Labour Code (Mt.), which explicitly allows either party to terminate the employment relationship with immediate effect if the other party commits a significant breach of obligation. Although this provision was not cited verbatim in the complaint, under the *jura novit curia* principle, the court was obliged to apply the relevant substantive law. This duty was neglected at all judicial levels, seriously violating the requirement for lawful application of the law.

Key excerpts from the court decisions—demonstrating the judiciary’s failure to apply the relevant Hungarian Labour Code provision—are included as Annex 2, with English commentary.

III. VIOLATION OF EUROPEAN UNION LAW

This case involves the following breaches of EU law:

1. Whistleblower Suppression and Violation of EU Fundamental Values

- Charter, Article 11 – Freedom of Expression:

The disclosure was in the public interest and qualifies as protected expression. The command “Stop yourself immediately!!!” constitutes a silencing attempt, restricting free expression in the context of criticizing public institutions.

- Directive 2019/1937/EU – Whistleblower Protection:

The response was intimidating and retaliatory—exactly the type of institutional reaction the directive seeks to prevent. The whistleblower was not protected, but instead was pressured.

- Charter, Article 31(1) – Right to Dignified Working Conditions:

The official command severely violates human dignity, especially if issued by a superior or state official. Psychological pressure and degrading language are incompatible with EU labor principles.

- Charter, Article 1 – Respect for Human Dignity:

The authoritarian and dismissive order constitutes personal humiliation and a direct violation of human dignity.

- TEU, Article 2 – EU Fundamental Values:

The state authority's response undermines democracy, rule of law, human dignity, and freedom of expression.

- Charter, Article 41 – Right to Good Administration:

The reply was not substantive, but dismissive—violating the principle of fair hearing and due process.

2. Judicial Failure and Violation of EU Values

- Charter, Article 47 – Right to an Effective Remedy and Fair Trial:

Despite recognizing the employer's violation, the court provided no effective remedy. This violates the right to justice under EU law.

- TEU, Article 2 – Rule of Law:

The court prioritized executive internal rules over statutory law—contrary to the EU rule of law and separation of powers.

- Charter, Article 41 – Good Administration:

The court failed to fully assess the administrative violation, thereby legitimizing illegal practice.

- TEU, Article 4(3) – Principle of Sincere Cooperation:

The national interpretation contrary to EU legal spirit and the legitimization of violations breaches the obligation of sincere cooperation.

- Charter, Article 1 – Respect for Human Dignity:

The decision undermines employee dignity by ignoring violations and portraying the dismissal as voluntary.

- Charter, Article 31(1) – Right to Dignified Working Conditions:

The court acknowledged the poor working conditions but failed to uphold the right to dignified work.

3. Systemic Chain of Violations – Intersection of Administrative Abuse and Judicial Failure

The two focal points—the suppression of the whistleblower report and the judiciary’s failure to apply the law—are not isolated events. Rather, a systemic pattern emerges in which state institutions and the judiciary complement each other in preventing redress, undermining the EU principle of rule of law.

The whistleblower disclosure—filed in full accordance with national law and referencing applicable legal sources—was met not with investigation, but with rejection and retaliation. The official response (“Stop yourself immediately!!!”) makes it clear: the whistleblower was not protected by law but was excluded by institutional culture.

Meanwhile, the judiciary—tasked with assessing the legality of such situations—failed to meet its obligation. Although it recognized the Ministry’s unlawful practice (systematic absence of job descriptions), it failed to apply the applicable provision of the Labour Code (§78(1)(a)) and thus violated the *jura novit curia* principle.

This dual failure reveals a systemic dysfunction. Directive 2019/1937/EU aims to prevent retaliation and ensure whistleblower protection. In this case, however, the opposite occurred: the whistleblower was excluded, and the misconduct was institutionalized.

This not only prevented justice in the individual case but also created a dangerous precedent: suggesting that state bodies and the judiciary may collude to circumvent EU norms. This is unacceptable in a Union based on shared values—especially when fundamental rights appear formal but are functionally hollowed out.

This petition thus seeks to highlight not only an individual injustice but a structural problem: the vulnerability of whistleblower protections and legal remedies. Such systemic malfunction warrants EU-level investigation and action.

IV. PUBLIC ATTENTION AND POLITICAL RESPONSE

1. Media Coverage:

The case attracted significant public attention in Hungary, as evidenced by:

- Extensive coverage in national media between 2017 and 2022 concerning security deficiencies at Hungarian foreign missions and the Ministry’s institutional response that prioritized disciplining the whistleblower over protecting them.
- Reports from outlets such as 444.hu, Civilhetes, Nemzeti.net, and Infostart.hu cited internal ministry communications, the legal proceedings, and the retaliation faced by the whistleblower.
- National TV and radio broadcasts featured interviews and analysis, reinforcing that this issue was perceived as a matter of public interest and systemic misconduct.

- In 2022, investigative outlet Direkt36 revealed that Hungarian MFA networks had been infiltrated by Russian cyberattacks for years. HVG emphasized that the breach was a severe national security risk and may be linked to incidents previously reported at the Tashkent mission.

- Former MEP and diplomat István Szent-Iványi publicly confirmed the systemic connection between the Tashkent retaliation and the cyber incidents, stating that “the MFA’s security system was completely open” and that only years later was the full extent of the breach acknowledged.

These events expose an institutional pattern that undermines EU principles—human dignity, protection of public interest, and secure administration. I request that the PETI Committee take these documented connections into account during its investigation.

A complete list of relevant national media articles, TV and radio reports covering the case is attached as the Annex 3.

2. Parliamentary Question on Foreign Mission Security:

Reflecting the public and national security significance, MP Márta Demeter submitted a written question in May 2017 to Foreign Minister Szijjártó titled “Are Hungarian foreign missions in danger?” The question cited:

- Personal and financial irregularities
- Leadership and organizational deficiencies
- Recurring security incidents
- Reported legal violations ignored by the MFA

She inquired about internal investigations, audits, and the security of classified systems and communications.

The question criticized the silence of state authorities, warning that the situation endangered Hungary’s foreign service and could expose it to influence from foreign powers.

The official parliamentary question submitted by MP Márta Demeter in 2017, raising concerns about foreign mission security and legal irregularities, is provided as Annex 4.

V. REQUESTS TO THE EUROPEAN PARLIAMENT COMMITTEE ON PETITIONS (PETI):

1. Investigate this matter and place it on the agenda of a public hearing.
2. Allow me to present the petition orally.

3. Inform the European Parliament Committee on Civil Liberties, Justice and Home Affairs (LIBE), as the case— in my view—constitutes a severe violation of EU fundamental values, particularly human dignity, rule of law, and the right to a fair trial.
4. Urge the Hungarian authorities to investigate the documented violations and provide effective remedies.
5. Based on its findings, support submission of the matter to a plenary session and propose a resolution condemning institutional practices that violate EU values and calling for elimination of systemic misconduct.
6. Coordinate its investigation with the European Commission and, if the violations are substantiated, recommend that the Commission consider launching infringement proceedings.
7. Kindly ensure that I am regularly informed of the procedural status of this petition. I also respectfully request that the petition remain open for public and institutional support until the final resolution of the matter.

Monitoring and Continued Support Request

In addition to the above, I kindly ask the Committee to provide timely updates regarding the petition's progress through its procedural stages. Furthermore, I request that the petition remain accessible for public and institutional support throughout the investigation. This is crucial to ensure transparency, democratic engagement, and the potential for mobilizing further political or civic support in line with the evolving relevance of the case.

Context and Justification:

I inform the Committee that I have also submitted a complaint to the European Commission, detailing the facts and circumstances that, in my view, constitute breaches of EU law.

I ask the PETI Committee to coordinate its findings with the Commission's relevant services to ensure a comprehensive investigation and interinstitutional cooperation.

If PETI confirms violations of EU law—especially concerning the rule of law, fair trial, and human dignity—I ask that it recommend that the European Commission consider launching infringement proceedings.

My aim is not to influence the Commission's prerogatives but to support a coordinated and consistent investigation into the systemic issues raised by this case, which go beyond individual harm and pose a structural threat to EU values.

VI. ANNEXES

- Annex 1 – Whistleblower Correspondence (Original Message and Institutional Reply)

PDF file containing the original whistleblower letter (translated in Section II.1) and the institutional response (“Stop yourself immediately!!!”).

Language note: The original message is in Hungarian; key content is translated and discussed in Section II.1.

- Annex 2 – Court Judgment Extract (Summary)

DOCX file summarizing key excerpts from the final court ruling, demonstrating judicial acknowledgment of the Ministry’s unlawful practice and the failure to apply §78(1)(a) of the Hungarian Labour Code.

Language note: Summary is provided in English. Original ruling is in Hungarian and available upon request.

- Annex 3 – Media Links

PDF file listing Hungarian media articles covering the whistleblower case and related security issues at the Ministry of Foreign Affairs.

Language note: The links lead to Hungarian-language articles. Key content is summarized in Section IV.1 of the petition for clarity and accessibility.

- Annex 4 – Parliamentary Question by MP Márta Demeter (2017)

PDF file of a formal parliamentary question submitted to Foreign Minister Péter Szijjártó, referencing security risks and irregularities at Hungarian foreign missions.

Language note: Original document is in Hungarian. The issue it raises is referenced in Section IV.2.