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## **Hungary: Stop Harassing Civil Society**

The Centre for Law and Democracy notes with concern continuing moves by the Hungarian government to restrict the ability of NGOs to operate and to receive funding, including from foreign sources. The actions of the government, which include apparently politically motivated audits of organisations which disburse Norwegian funding, are a clear breach of the right to freedom of association as guaranteed under international law.

*“A vibrant civil society sector is vital to the maintenance of a healthy democratic system,”* said Toby Mendel, Executive Director of CLD. *“This is the latest in a long series of human rights abusive measures by the Hungarian government, which collectively have had a serious impact on democracy there.”*

The Hungarian government recently launched a full-scale investigation into Norwegian funding of NGOs, including audits against three of the four Hungarian organisations which disperse Norway’s grants. One of the organisations was given a week’s notice of the audit, while the other two were given no notice at all. For those NGOs, government officials appeared unannounced, demanding access to a range of documents related to the grantmaking process, including internal emails and lists of recipients and applicants. If they refuse to cooperate, the NGOs face fines and the potential suspension of their tax registration number, effectively paralysing them. Under an agreement between Norway and the European Union, which is legally binding on Hungary, the Norwegian government maintains responsibility for auditing these funds. A public audit by the Norwegian government had been scheduled for the fall of 2014.

Earlier, in May, the state secretary at Hungarian Prime Minister Viktor Orbán’s office published a list of thirteen NGOs which it claimed were problematic for having “leftist political ties”. The list includes some of the country’s most respected human rights organisations, including the Hungarian Civil Liberties Union, Transparency International and NANE, a leading women’s rights group.

Hungary’s actions are a breach of the right to freedom of association,<sup>1</sup> which includes the right to seek and obtain funding, including from foreign sources. The Special Rapporteur on the rights to freedom of peaceful assembly and of association noted in a 2012 report:

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<sup>1</sup> This right is guaranteed in Article 22 of the *International Covenant on Civil and Political Rights* and Article 11 of the *European Convention on Human Rights*, both of which Hungary has ratified.

Any associations, both registered or unregistered, should have the right to seek and secure funding and resources from domestic, foreign, and international entities, including individuals, businesses, civil society organizations, Governments and international organizations.<sup>2</sup>

The Special Representative of the Secretary-General on the situation of human rights defenders has supported that position, stating: “[G]overnments must allow access by NGOs to foreign funding as a part of international cooperation, to which civil society is entitled to the same extent as Governments”.<sup>3</sup>

The fact that the Prime Minister’s office is making allegations of political bias against respected Hungarian human rights organisations is also a matter of concern. This is a tactic that is often used by governments who wish to deflect legitimate criticism of their actions, which appears to be the case here. In Hungary, NGOs with Public Benefit Organisation (PBO) status are tax exempt and are also barred from engaging in “direct political activity”. Any genuine concerns about political engagement on the part of PBO status NGOs should be addressed through an investigation by an independent body on the basis of objective and fair criteria, rather than allegations by senior political figures. The Special Rapporteur has noted that any oversight of NGOs should be carried out by an independent body and that “such a procedure should not be arbitrary and must respect the principle of non-discrimination.”<sup>4</sup> The Special Rapporteur has further noted that oversight bodies should not be entitled to demand access to NGO premises without advance notice.

The Hungarian government’s moves to disrupt the funding of organisations which it alleges to be “leftist” seem to be aimed at exerting a chilling effect on the willingness of NGOs to speak out to defend democracy, which is a core function of NGOs. The Centre for Law and Democracy calls on the Hungarian Government to stop its harassment of civil society and to respect the right to freedom of association. Specifically, Hungarian NGOs and civil society at large should be free to receive funding from foreign donors and any public auditing measures should respect the principles of independence, non-discrimination and non-arbitrariness.

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<sup>2</sup> A/HRC/20/27, 21 May 2012. Available at: [www.ohchr.org/Documents/HRBodies/HRCouncil/RegularSession/Session20/A-HRC-20-27\\_en.pdf](http://www.ohchr.org/Documents/HRBodies/HRCouncil/RegularSession/Session20/A-HRC-20-27_en.pdf).

<sup>3</sup> A/59/401, 1 October 2004. Available at: [www.refworld.org/pdfid/4267bfd84.pdf](http://www.refworld.org/pdfid/4267bfd84.pdf).

<sup>4</sup> Note 2.