

**‘STARVE AND STRANGLE’ – ATTACKS AGAINST THE FREEDOM OF  
ASSOCIATION AND INDEPENDENT CIVIL SOCIETY IN HUNGARY**

**Statement by Hungarian Helsinki Committee**

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**including freedom of expression, freedom of peaceful assembly and association, national  
human rights institutions and the role of civil society in the protection of human rights  
and freedom of movement**

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**The Hungarian Helsinki Committee wishes to draw the attention of the Organisation  
for the Security and Cooperation in Europe (OSCE) to the growing number of attacks  
against independent civil society organization and the freedom of association in  
Hungary.**

**1. Propaganda campaigns intimidate civil society and curb public dissent**

**The Hungarian government runs and backs propaganda and smear campaigns to  
discredit and intimidate dissenters not only through its own agencies and public media  
but also through the centrally directed private media portfolio of a close circle of  
friendly oligarchs.**

On 12 April, just four days after election day, Figyelő, a weekly magazine that is part of the government’s propaganda machinery, published an article titled “The Speculator’s People”, which consisted of a list of 200 persons who allegedly work for so-called ‘Soros organisations.’ This followed the often-repeated narrative in the election campaign that George Soros commands an ‘army of mercenaries’ in Hungary. Those named included numerous academics of the Central European University, and the entire staff of human rights watchdog NGOs such as the Hungarian Helsinki Committee, Amnesty International Hungary, Hungarian Civil Liberties Union, anti-corruption NGOs Transparency International Hungary and K-Monitor as well as NGOs working on Roma or migrant integration issues.

On 12 June, István Hollik, Fidesz-KDNP coalition spokesperson, held a press conference with the KDNP youth wing in front of Amnesty International Hungary’s building, and affixed labels on the door branding it an "organization that supports immigration". On 14 June, Menedék, an NGO helping refugees to integrate was also publicly branded as such. On 27 June, Fidelitas, the Fidesz party’s youth wing held a press conference and labelled the building housing the Hungarian Helsinki Committee.

**This propaganda campaign was designed to prepare the ground for new laws that  
unjustifiably restrict the rights of targeted civil society organisations and individuals  
associated with them.**

## **2. New laws to starve and strangle civil society**

The attacks targeting civil society organisations helping asylum-seekers, refugees and migrants culminated from smear campaigns to the threat of criminal prosecutions and sanctions. The final version of the ‘Stop Soros’ bill became public on 29 May, and was adopted just three weeks later on 20 June - World Refugee Day. The law is in force since 1 July 2018. **It changed the Criminal Code by making the provision of support to asylum and residence applications a crime punishable with one year of imprisonment.**

The government decided not to heed the advice of international organisations that called for respect for freedom of expression and association and the legitimate role that civil society plays in human rights protection. It disregarded recommendations by the Council of Europe’s Venice Commission and the OSCE Office of Democratic Institutions and Human Rights or the European People’s Party. **The Venice Commission/ODIHR found that the new criminal provisions breach freedom of association and of expression as it criminalises legitimate activities and lacks legal certainty.** On 18 July, the European Commission launched an infringement action over the law, giving the government a two-month deadline to respond to the formal letter of notice.

**On 20 July, Parliament adopted a ‘special tax on immigration’ that entered into force on 25 August 2018. The law is effectively a tax on free speech. A 25 percent tax is levied on financial support for activities and organisations that “support migration” through activities such as “carrying out and participating in media campaigns”, “building and operating a network”, “educational activities” and “propaganda activity that portrays immigration in a positive light”.** The tax is payable by the organisation giving the support. Certain donors are exempted, such as political parties and party foundations and organisations whose exemption is guaranteed by an international treaty. The tax law is intentionally vague and has created uncertainty about how it will be applied. It paves the way for politically-targeted tax investigations of NGOs which are already under attack. The tax impacts activities taking place in Hungary as well as those by Hungarian organisations carried out anywhere in the world; hence, it also hampers the engagement of Hungarian civil society with transnational partners, and at EU or global level.

**On 20 July, Parliament adopted a new Law on Freedom of Assembly, which will make it more difficult for Hungarian citizens to protest.**

## **RECOMMENDATIONS**

**We call on the OSCE and OSCE Participating States to:**

1. Continue monitoring the situation of human rights defenders and independent civil society organisations in Hungary and in the OSCE region and intensify efforts to empower and support them, including through political, legal and financial assistance.
2. Consider advancing existing Human Dimension commitments, especially those with regards to the enabling and safe environment conducive for human rights work with

particular attention given to the need for participating States making positive and proactive steps to advance the environment.

3. Review how the the OSCE Guidelines on the Protection of Human Rights Defenders are implemented and, if necessary, review the existing framework for implementation of the OSCE Guidelines to foster more effective implementation.
4. Urge the Government of Hungary to fully implement the OSCE Guidelines on the Protection of Human Rights Defenders. Most notably, the government should be urged to refrain from using accusatory and labelling rhetoric against human rights defenders and independent civil society organisations; instead, it should be encouraged to take proactive steps to counter discrediting of human rights defenders and independent civil society organisations by political leaders and in the media.
5. Engage with the Government of Hungary to encourage meaningful dialogue between the Government and civil society, in order to ensure that institution-building, development and other programmes are human rights compliant.
6. Explore and strengthen non-governmental, alternative sources and means of funding for independent civil society, with a view to ensuring free and non-politicized access to funding for all civil society organizations.
7. Monitor the impact of legislation as well as other measures and related actions (including communication) by state actors and the media targeting the funding and operations of civil society organisations in Hungary.

**We call on the OSCE Office for Democratic Institutions and Human Rights (ODIHR) to:**

1. closely follow the developments with regards to freedom of association as well as the environment in which civil society organizations operate, and provide support and assistance to Hungary to promote an operational environment that is in compliance with Hungary's OSCE human dimension commitments.
2. consider mapping the situation of human rights defenders and the operating environment of civil society organizations in the OSCE region in order to identify best practices and positive examples with regards to an enabling environment, including registration and reporting requirements, government responses to protect human rights defenders against media smear-campaigns, the inclusion of CSOs and human rights defenders in the legislative procedures with regards to regulations that affect their work, and funding.
3. The EU's Fundamental Rights Agency launched its civil society report in January 2018. We recommend ODIHR to consider a report on legal and practical obstacles that hinder the work of human rights defenders in the OSCE region and how the better implementation of the Guidelines on the Protection of Human Rights Defenders.