

**STATEMENT UPR Pre-session on
HUNGARY
Geneva, 6-7 October 2021
Delivered by: Ökotárs – Hungarian Environmental Partnership Foundation**

1- Presentation of the Organisation

This statement is delivered on behalf of Ökotárs – Hungarian Environmental Partnership Foundation, a not-for-profit, independent, non-partisan foundation that aims to support and strengthen civil society in Hungary. It was prepared in cooperation with 4 other human right organisations, some of which have participated in previous UPR cycles (while Ökotárs itself did not) under the umbrella of the Civilization coalition.

2- National consultations for the drafting of the national report

There was no consultation carried out by any public institution during the drafting of the national report – indeed, there is absolutely no mention of the third cycle on the relevant governmental website.

3- Plan of the Statement

This statement addresses the state of civil society and shrinking civil space and is structured along 3 issues: (1) de-funding and restrictive legislation (2) the lack of civil dialogue (3) smear campaigns and harassment of civil society organizations.

4- Statement

(1) De-funding of civil society organisations

A. Follow-up to the first review

In the previous cycle several recommendations (e.g. from Norway and Austria) highlighted the need for adequate funding for civil society and urged the Hungarian government to refrain from stigmatizing CSOs based on the source of their support. While these were rather specific recommendations, the Hungarian government's funding practice has not improved during the past years.

B. New developments since the first review

Currently, around 40% of the total income of CSOS (associations and foundations) 41% comes from public funding sources. However, this income is very unevenly distributed across the sector, with more than 70% of all CSOs operating on an annual budget less than 5 million HUF (~\$16,670). The distribution and award of public funds in the last decade has been shown to lack transparency and be politically biased against independent organizations. Information on funding provided by various chapters of the public administration is scattered around the agencies, difficult to find and compare in the absence of a central, coordinated database.

Under these circumstances, independent CSOs, especially rights-based ones remain strongly dependent on international philanthropic and institutional support. However, in 2017, the Parliament adopted an Act on the Transparency of Organizations Supported from Abroad, which prescribes that CSOs receiving support from non-domestic sources (whether public or private) above a certain threshold (7.2 million HUF, ~\$24,000) on an annual basis must register with the courts as "foreign funded" and use this label on their websites and all publications. This act was found by Court of Justice of the European Union in June 2020 to contravene EU law on several counts, including restrictions on the freedom of assembly, the right to privacy, and the free movement of capital in the EU. Despite this ruling, the Hungarian government only acted in April 2021 to repeal the act, but replacing it with similarly worrying new clauses which affect organizations "capable to influence public life" i.e. those with an annual budget above 20 million HUF (~\$66,000) by making them subject to inspection by the State Audit Body.

C. Recommendations

In order to address the discrepancies and unequal access to funding by CSOs we recommend that the Hungarian government:

- guarantees impartial and independent decision-making and management of state funding programs to civil society involving elected CSO representatives
- improves the transparency of decision-making and information on state funding sources, including coordinated, searchable and re-usable online databases
- refrains from introducing any further legislation that limits the freedom of association and the search for funding in any way.

(2) The lack of dialogue between the state and civil society

A. Follow-up to the first review

Several recommendations were also made during the previous cycle concerning consultation and dialogue between state bodies and civil society (by e.g. Czechia, United Kingdom and Switzerland). In spite of these, no progress was observed in these areas either – to the contrary. Traditional channels of CSO advocacy – both formal (such as consultative bodies and processes) and informal (petitions and signature collections) – ceased functioning years ago. While legislation provides for public participation in lawmaking, in practice decisions are often made behind closed doors, without any involvement by the affected stakeholders.

B. New developments since the first review

The government continues to routinely ignore CSOs pleas and petitions for dialogue in many areas and often circumvents existing consultation mechanisms e.g. through submitting significant bills by individual governing party MPs, abolishing or not convening earlier existing consultative bodies and committees. In 2020, the Parliament adopted 159 government-submitted laws, but of these, only one was published for commenting on the government's dedicated webpage. But even in case of drafts are circulated, deadlines allowed for comments were often exceedingly short, in some cases not more than a few hours.

In 2020, the government used the pretext of the pandemic to further limit avenues of participation or the expression of dissent by extending the deadline for response to freedom of information requests from 15 to 45 days; excepting a number of investment projects from public scrutiny by declaring them to be of "national importance and introducing a total ban on peaceful assemblies.

C. Recommendations

The government should, by appropriately implementing existing legislation, re-open avenues for meaningful consultation and expand the scope and opportunities for civil society to engage in dialogue, among others through:

- putting an immediate stop to practices circumventing participation
- re-organizing and using consultative bodies ensuring proportional and meaningful participation
- developing and implementing a governmental strategy to enhance impartial, open and inclusive public consultation and dialogue.

(3) Smear campaigns and harassment of civil society organisations

A. Follow-up to the first review

Further to the above, recommendations were also formulated (by Austria and Australia) concerning hate speech and vilification targeting civil society, which may still be routinely observed in government-friendly media.

B. New developments since the first review

While with a decreasing intensity, high-ranking government officials have continued to make misleading and hate-mongering statements especially about human rights and LGBTQ organisations over the past years, which are amplified in the pro-government outlets dominating the media landscape. The targeted organisations are never given an opportunity to respond or defend themselves.

In 2018, a pro-government weekly published lists of the staff (including clerical employees) of leading human rights and advocacy CSOs, identifying them as members and "mercenaries" of the "Soros network. In the same year, a Fidesz spokesperson visited the buildings where Amnesty International-Hungary, Hungarian Helsinki Committee and *Menedék* Association for Migrants were headquartered in Budapest, put up stickers reading "immigration supporting organizations," and held impromptu press conferences smearing these organisations. Locally, several municipalities attempted to close down community centres and programs run by CSOs in several cities, including the capital, Pécs and Debrecen.

C. Recommendations

The government – both national and local – and its officials should rather help improve the public image of CSOs and the work they do for the public good, and therefore:

- refrain from using authorities in politically motivated administrative procedures to intimidate CSOs
- refrain from making vilifying, misleading or slanderous statements about CSOs
- require public and privately-owned media to report on CSOs and their activities in a balanced and impartial manner, providing space to all relevant views and opinions.