



Annual Civic Space Report - 2022

Hungary

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January 2023



Contents

Contents.....	2
Summary.....	3
Key developments	3
Institutional, political and socio-economic landscape.....	4
The regulatory environment for and implementation of civic freedoms	5
CSOs overburdened by regulatory environment in practice.....	5
Right to protest tested by teacher's labour protests	6
Threats to independent journalism remain a concern	7
Safe space	7
Civil society: overburdened and harassed	7
LGBTQI+ rights remain targeted	8
The framework for civic organisations' financial viability and sustainability	10
Funding severely limited for independent CSOs.....	10
The right to participation and dialogue between the sector and governing bodies	11
Participation remains non-existent.....	11
Civil society's resilience to challenges to democracy, the rule of law and fundamental rights	12
CSOs fight back, despite restrictive environment	12
Recommendations	13
The regulatory environment for and implementation of civic freedoms	13
The right to participation and dialogue between the sector and governing bodies.....	14
The framework for civic organisations' financial viability and sustainability	14
Safe Space	14

Summary

Key developments

- 🌀 Civil society subjected to administrative burdens and continuously vilified
- 🌀 LGBTQI+ rights remain severely threatened, several cases of censorship
- 🌀 Continuous renewal of state of emergency powers a concern for fundamental rights

Civic freedoms have further deteriorated in Hungary¹, and the FIDESZ government's April 2022 landslide victory, under Prime Minister Viktor Orbán, has led to renewed concerns for fundamental rights. Over the last two years, the government has used the COVID-19 pandemic as a pretext to limit rights. In May 2022, the government passed yet another state of emergency this time on the grounds of Russia's war against Ukraine, thus enabling it to largely evade scrutiny and accountability. In this way, the government is likely to further cement its political power over the judiciary, media, cultural and educational institutions.

The government has made no efforts to implement the European Commission's recommendation in its 2022 Rule of law Report on Hungary to "remove obstacles affecting civil society organisations"², but rather continued to hamper the work of civil society organisations (CSOs) through restrictive laws and smear campaigns. The April 2021 Act on organisations "capable of influencing public life," (i.e. those with an annual budget above HUF 20 million HUF, € ~55,000) created new administrative burdens for CSOs. Remarkably, civil society has continued to demonstrate resilience and showcased its strength at key moments: during the electoral campaign and during Russia's invasion of Ukraine.

The targeting of LGBTQI+ rights continued and featured prominently as part of the FIDESZ government's election campaign. A significant victory was achieved by CSOs and LGBTQI+ rights organisations during the election when the results of the anti-LGBT referendum were declared invalid. However, CSOs which supported the campaign have faced harassment and overall, the anti-LGBTI law has created a chilling effect. The right to freedom of peaceful assembly was also challenged when teachers staged labour rights protests. The government responded by making teacher strikes effectively impossible by a decree in February 2022. Teachers pushed back with acts of civil disobedience, which were met with repercussions.

These developments take place as the country is engaged in a battle for EU funds due to democratic backsliding with concerns on how civil society funding will be further impacted.

¹ <https://monitor.civicus.org/HungaryWatchlistJune2022/>

² https://commission.europa.eu/system/files/2022-07/40_1_193993_coun_chap_hungary_en.pdf

Institutional, political and socio-economic landscape

The first months of 2022 were dominated by the electoral campaign leading up to 3 April 2022 general (parliamentary) elections. Unlike the previous two elections, the six main opposition parties (from various sides of the political spectrum) were able to come together and in autumn 2021 organised primary elections to run consensus candidates in each electoral district in a one-on-one competition against those of the FIDESZ governing party. This development gave rise to cautious optimism, which were shattered when Fidesz achieved another landslide victory, surpassing predictions and winning 53 per cent of the vote, translating into 135 of the 199 seats in Parliament, securing another comfortable 2/3 majority for the fourth time in a row. In an unexpected development, the radical right 'Mi Hazánk' (Our Homeland) party also crossed the threshold gaining seven seats. The united opposition performed worse than expected with 35 per cent of the vote (56 seats). The election once again reinforced the urban-rural gap the opposition won 14 of the 16 districts of Budapest, as well as the central districts of Pécs and Szeged – but nothing else.³

Many factors led to this result, among them the strongly distorted and gerrymandered electoral system which unfairly favoured the strongest candidate, the overwhelming media dominance with at least 2/3 of the outlets directly or indirectly controlled by the government and parroting its propaganda of untruths and simplistic messages, the captured institutions, the practically unlimited campaign resources relying heavily on state coffers which are way above the legal limit, and generous welfare spending in the last months (in form of e.g. extraordinary tax returns or freezing the price of gasoline below the market rates). During the last weeks of the campaign, the war in Ukraine added another key factor: after some initial hesitation, the government quickly found its main message, stating that Hungary must stay out of this conflict, remain “neutral” and implied that Fidesz is the only political force able to guarantee peace and security – without once condemning Putin’s aggression.

The FIDESZ victory left opposition parties frustrated and exhausted both in terms of financial and human resources, which lead to certain impotence in the months after the election, scapegoating and bickering amongst themselves. The reasons for their weak performance ranged from misunderstanding voters’ motives by mistargeting their communication to the inability to overcome their differences and personal tensions. Their main failure was however the lack of or weak understanding of Hungarian society, especially that of the countryside. Here, old reflexes of paternalism and helplessness coupled with strong individualism, inherited from before 1989 persist, where people look to the state for solutions to their problems. As research shows, daily welfare and survival are the main (and only) issues occupying people’s minds, thus messages about democracy or corruption do not resonate with them.

In the second half of the year public attention shifted towards the unfolding economic and cost-of-living crisis. After eight to 10 years of steady growth and relative well-being neither people nor the government and its institutions were prepared for the soaring energy and food prices. Instead of introducing comprehensive economic policies adapted to the new situation, the government

³ See details: <https://vtr.valasztas.hu/ogy2022>

opted for short-term, ad-hoc measures including further price caps on some basic food items (e.g. sugar, milk), which were unable to change the course, resulting in ~25 per cent inflation by the end of the year, and a significant devaluation of the national currency. Yet again, the government left vulnerable social groups alone, and without support to cope with the situation, including municipalities, many of which were forced to close down local institutions (such as libraries, culture houses, theatres) for the winter in order to curb their energy bills. Similarly, small businesses also struggled.

The government's conflict with the European Commission further exacerbated this situation. A day after the general elections, EC President Ursula von der Leyen triggered the conditionality mechanism linked to the payment of EU Cohesion Funds, which obliged the Hungarian government to introduce measures and achieve improvements in several areas mainly related to fighting corruption and independence of the judiciary. For similar reasons, the EC did not approve Hungary's Reconstruction and Recovery Plan (RRP) either. In response, a series of new legislation was passed in the Hungarian Parliament and new institutions, notably an independent Integrity Authority was created. While the Commission honoured these efforts by giving a green light to the RRP, a significant part of the Cohesion Funds has been suspended pending additional measures and their implementation. It remains to be seen whether these can achieve any progress – some analysts believe that they will hardly be capable of changing the semi-authoritarian system and state capture consolidated over the past 12 years.

The regulatory environment for and implementation of civic freedoms

CSOs overburdened by regulatory environment in practice

Freedom of association, assembly and expression are (along with other basic human rights) guaranteed by the Fundamental Law (Constitution) of Hungary (Articles VIII. and IX.). The freedom of association is embedded in Act CLXV. of 2011 which at the same time also contains detailed rules on the operation of non-profit organisations. The freedom of peaceful assembly is regulated by the Act. LV. of 2018, while the freedom of expression and the press is enshrined in Act. CIV. of 2010. Furthermore, the Civil Code (Act. V. of 2013.) contains provisions on the establishment and general functioning of associations and foundations.

The letter of these laws generally conforms with relevant international standards, and haven't changed in the past year, nor has there been new legislation relevant to civil society passed. Accordingly, anyone can freely register a civil society organisation (CSO) at the administrative courts (also online which made the process easier, though geographic differences among courts still prevail), and there have been no cases of deregistration either. Organisations can also operate freely, but in practice, both regulation and oversight place unnecessary administrative burdens on smaller organizations, while larger ones, especially those with public benefit status (20% of all) and those receiving public funding must meet rigorous reporting obligations: e.g. they must annually and publicly report separately on their accounts and activities, on their donations and the use of

the 1 per cent personal income tax assignments – but thereby, their transparency is guaranteed, too.

At the same time several pieces of earlier legislation negatively affecting civil society remain in effect, though are not or only partially implemented, but still create a chilling effect. A notable example of the former is the 25 per cent punitive tax on donations to organisations that are “supporting” immigration. The government also failed to ensure that the so-called Stop Soros law package complies with EU law, despite the ECJ’s 2021 ruling. Rather in December 2022, last-minute amendments to an unrelated omnibus bill were approved by the Parliament, including a new, vaguely defined criminal activity that hampers attorney-client privilege, and forces non-attorneys who provide aid to sacrifice the applicant’s best interests in order to protect themselves from potential prosecution⁴. Additionally, the 2021 acts on organisations “capable of influencing public life” (Act XLKIX) and on “homosexual propaganda to minors” (Act LXXIX, anti-LGBTI propaganda law) have also impacted CSOs – for more on the application of these, see the next section on safe space.

Right to protest tested by teacher’s labour protests

The freedom of peaceful assembly was tested primarily by teachers’ movements and unions throughout the year, who protested against their undignified pay, adverse working conditions, lack of autonomy and the general state of the centralised public education system. The first mass demonstrations took place in the beginning of the year along with strikes in some schools – in response the government severely curtailed teachers’ strike rights by issuing a decree under the upheld emergency legislation, effectively making it impossible to express their dissatisfaction in this manner. This response inspired some teachers to engage in civil disobedience. During the election period and the summer break teachers suspended their activism, but revitalised it with the start of the school year. This time, high school students, teenagers and to some extent parents’ organisations mobilised as well, staging some spectacular actions, such as living chains embracing the capital, sit-ins and flashmobs. Teacher strikes – both legal and illegal – and acts of civil disobediences continued, too. The government – specifically the Ministry of Interior now responsible for education matters – responded by firing 14 teachers of Budapest high schools in several waves, in a seemingly arbitrary manner (not necessarily the leaders of the activities) with a clear goal of deterring others.

Other demonstrations were also held. The Pride march in July 2022 took place mostly peacefully, with no undue police interference. In one incident, police used a taser on activists protesting against a new tax regulation by occupying one of the bridges in Budapest. On 23rd October 2022 to mark the anniversary of the Hungarian Revolution of 1956, Prime Minister Viktor Orbán held his commemoration speech in a town in Western Hungary at which participation was only open to residents and by registration only. The opposition also attempted to hold a protest nearby, but police did not approve the location and suggested another one further away. Additionally,

⁴ <https://helsinki.hu/en/criminalisation-continues-hungary-fails-to-implement-cjeu-judgment/>

participants were told that their Identity would be checked which resulted in the dissolution of the counter-event⁵.

Threats to independent journalism remain a concern

The Orbán government's practice of arbitrarily denying journalists access to press conferences and pressuring independent media has continued. For example, in December 2022, journalists from several independent news outlets, including Media1, 444.hu and Magyar Hang, were denied entry into the Prime Minister's end-of-the-year press conference by a police officer who claimed that their names were not on the media list, despite the journalists' registration for the event. In November 2022, Zoltán Varga, owner and CEO of the Central Media Group which operates 24.hu, one of the very few independent news outlets in Hungary, was questioned by the National Tax and Customs Administration (NAV) as part of an investigation into alleged budget fraud. This raised further concerns of media ownership pressure⁶. In another move to stifle independent media, in April 2022 Hungary's media watchdog, the National Media and Communications Authority's (NMHH) Media Council blocked the frequency licence renewal of the independent station Tilos Rádió, which began operating in the 1990s as the first non-profit independent radio station in Hungary. The council stated that the station has violated legal requirements on four occasions. Press groups argue that the decision is harmful to media pluralism in the country⁷.

Safe space

Civil society: overburdened and harassed

Interference and harassment by governmental agencies based on legislation passed in previous years was again observed in 2022.

On 21 February, the tax authority conducted a raid at the headquarters of 'Oltalom' Charitable Association/Hungarian Evangelical Brotherhood, as a follow-up to an earlier fine imposed on them for the non-payment of due taxes. However, the root cause for this omission by the association was that following a 2016 ruling of the European Court of Human Rights, the government failed to restore the organisation's earlier church status, thereby resulting in them losing billions in subsidies to which they were rightfully entitled to, used to finance their services to homeless and poor people. (Hungarian church law was fundamentally amended in 2013 introducing restrictive conditions for registering a church and giving the Parliament power to award church status instead of the courts. Many small churches were thus demoted to "religious associations", with an

⁵ <https://monitor.civikus.org/updates/2022/11/11/economic-crisis-teachers-conditions-spark-mass-protests-fidesz-government-continues-its-battle-eu-funds/>

⁶ <https://www.mapmf.org/alert/25319>

⁷ <https://www.mapmf.org/alert/24846>

accompanied decrease in their funding. The Evangelical Brotherhood contested this, and won the case in Strasbourg.)

Another instance of interference was based on the Act on organisations “capable of influencing public life,” (i.e. those with an annual budget above HUF 20 million HUF, € ~55,000) passed in April 2021⁸. In late May 2022, coinciding with the deadline to submit their annual reports, hundreds of CSOs falling in this category received an order from the State Audit Organisation (SAO) to submit documents – internal financial rules and guidelines – through the agency’s online platform with a deadline of about 10 days⁹. Financial regulations oblige that CSOs have these documents, such as accounting policy, rules on inventory, cash and asset management, but in practice, most organisations used templates more or less well adapted to their own circumstances, so that many of them need to update them in a hurry. In spite of the occasional malfunctioning of the online platform, affected CSOs complied with the request. However, to the author’s best knowledge none of them received any follow-up or further requests from the SAO by the end of the year.

Additionally, CSOs continue to be routinely targeted by the pro-government media conglomerate (comprising about three-quarters of all outlets), with human rights, LGBTQI+ and advocacy groups being the main target. For example, after the elections Magyar Nemzet¹⁰ ran a series of articles on US “interference” in Hungarian politics, claiming that these organisations are “agents” of foreign interests. In several concrete cases, courts ruled against these misleading statements in slander and libel suits brought by human rights organisations (e.g. Hungarian Helsinki Committee). In 2022, there were no outward signs of surveillance targeting CSOs.

LGBTQI+ rights remain targeted

There were several developments related to LGBTQI+ issues. During the electoral campaign Amnesty International Hungary and Háttér Society organised a joint campaign with 14 other major CSOs entitled “Invalid answer to invalid questions - CSO response to the anti-LGBT referendum”¹¹.

This referendum, held on the day of the parliamentary election, was the government’s response to the infringement procedure of the European Commission regarding the 2021 law banning “homosexual propaganda to minors” (anti-LGBTI propaganda law). The government claimed that the aim was to show the EU that Hungary will not allow LGBT activists to provide sex education in schools, which also had a further impact of stigmatising LGBTQI people in the public discourse, and mobilising the more homophobic and transphobic part of the society in the general elections. Due to the manipulative and leading nature of the referendum’s questions, the only way to ‘win’ was to invalidate it. The CSOs campaign to counter the government’s hate was successful in

⁸ For more details on this act, see: Hungarian Helsinki Committee, LexNGO 2021 – a look into Hungary’s second anti-NGO law on its first anniversary, 12 May 2012, https://helsinki.hu/en/wp-content/uploads/sites/2/2022/05/HHC_LexNGO2021_info_note.pdf

⁹ <https://444.hu/2022/05/30/az-asz-meg-a-serult-gyerekekkel-foglalkozo-civileket-is-vizsgalja-a-kozelet-befolyasolasa-miatt-de-a-cof-ot-nem>

¹⁰ <https://magyarnemzet.hu/belfold/2022/11/amerikai-befolyas-magyarorszag-6>

¹¹ <https://tasz.hu/cikkek/szavazzunk-ervenytelenul-a-kormany-kikozosito-nepszavazasan>

encouraging voters to cast an invalid vote in the homophobic referendum: 1.7 million people crossed both answers (Y/N) to all four questions rendering the whole referendum invalid, as the number of valid votes (47 per cent) remained under the threshold of 50 per cent¹².

However, five days after the referendum, the 16 CSOs which signed up to the campaign received a ruling from the National Election Commission which ordered a fine of HUF 3,000,000 (€~8100) against the two main organisers and 176,400 (€~475) against each supporting organisation (in five separate decisions), with the justification that the campaign amounts to an “abuse of rights” and defeats the purpose of exercising power through a referendum. This move could only be interpreted as backlash for the success of the campaign. The affected organisations jointly appealed to the Supreme Court, which overturned three of the decisions, nullifying 15 of the 16 fines, but rejected to deal with two cases on the merits of lack of argument¹³. Háttér Society, the affected organisation, turned to the European Court of Human Rights in the matter.

The consequences of the 2021 anti-LGBTI Propaganda law are also being witnessed. After receiving several complaints, the NMHH said its Media Council had concluded that an animated Netflix series broke its anti-LGBTQI+ law when it showed “two girls profess their love and kiss each other.” There have been several other instances, with the Council concluding in at least six cases that a media provider headquartered in another EU member state miscategorised content depicting homosexuality or transsexuality and that the age recommendation was too young. However, none of these complaints have resulted in fines or procedures¹⁴.

Several court judgments related to LGBTQI rights were also made in 2022. A Budapest Regional Court of Appeal court overturned an earlier administrative decision against the Labrisz Association, the publisher of the *Fairyland is for All! Childrens* book, which deemed the sale of the book “unfair commercial practice” because they didn’t indicate that the book contains “non-traditional gender roles”. In another judgment, in November 2022 the Curia (Hungary’s Supreme Court) found that an article published in 2020 by the Hungarian media giant Mediaworks, which labelled the Labrisz association as a “pedophile organisation” did not violate the association’s good reputation¹⁵. In another case, the same association lodged a complaint against the police for failing to act against extremists disrupting a public reading of the book in 2020, which the court found to be unlawful¹⁶.

¹²<https://www.bloomberg.com/news/articles/2022-04-04/orban-referendum-targeting-lgbtq-rights-fails-to-become-binding>

¹³<https://helsinki.hu/jogsertok-voltak-a-birsagok-lehet-ervenytelen-nepszavazasra-buzditani/>

¹⁴<https://monitor.civicus.org/updates/2022/11/11/economic-crisis-teachers-conditions-spark-mass-protests-fidesz-government-continues-its-battle-eu-funds/>

¹⁵<https://helsinki.hu/en/curia-verdict-against-labrisz-lesbian-association-hungary/>

¹⁶<https://helsinki.hu/meseország-pert-nyert-a-labrisz-a-kormányhivatal-es-a-rendorseg-ellen-is/>

The framework for civic organisations' financial viability and sustainability

Funding severely limited for independent CSOs

The total income of associations and foundations in 2021 (according to latest official statistics¹⁷ available) was HUF ~1070 billion (€ ~2.8 billion) a little more than the year before (900 billion). However, this income is very unevenly distributed in the sector with 35 percent of the organisations working with an annual budget of not more than HUF 500,000 (€ ~1350) and three-quarters below five million, with the average per organisation being around HUF 21 million (€ 57,000).

About 44 per cent of the sector's income is comprised of state funding, including EU Structural Fund support distributed by the Hungarian government, while 22 per cent comes from private sources, and the remaining is made up of the organisations own and other incomes. The central state support instrument to CSOs, the National Cooperation Fund¹⁸ provide grants annually to ~4,000 organisations with a total budget of HUF 11 billion (€ ~29 million) in 2022, and nine million in 2021. Additionally, the so-called Village and Town Civil Funds (for CSOs operating in settlements under and over 5, 000 inhabitants) each distributed HUF 5 billion (€ ~13 million). The operation of these funds is rather non-transparent (e.g. grants are not searchable on the webpage), and as investigative journalists revealed¹⁹, about half of the biggest beneficiaries were organisations directly controlled by local FIDESZ politicians or their affiliates. The government also did not provide any additional funding or relief to CSOs in response to the effects of the pandemic on the sector and lagged behind civil society in treating the refugee crisis stemming from the war in Ukraine.

There are no dedicated national public funding sources specifically supporting CSOs engaged in the areas of democracy, rule of law and fundamental rights. While independent CSOs are not excluded from applying for public funding per se, they rarely have a chance to secure a grant. Therefore, they remain dependent on international philanthropic and institutional donors (although foreign funding comprises a minor part of the sector's overall income, it plays a crucial role in the income structure of these organisations), of which more and more, such as Civitates, are active (again) in Central Europe, and individual giving. The latter has gained public recognition in the past years, and was instrumental in raising support to aid the refugees arriving from Ukraine in spring 2022. CSOs themselves are also becoming more and more professional in collecting donations, especially online (e.g. through the adjukossze.hu crowdsourcing platform) and through other creative tools, such as collections by "ambassadors" and Giving Tuesday. However, the cost-

¹⁷ Hungarian Central Statistical Office, A nonprofit szervezetek működési jellemzők szerinti száma és bevétele szervezeti forma szerint [The number of non-profit organisations broken down by characteristics of their operations and their income broken down by organisational form], https://www.ksh.hu/stadat_files/gsz/hu/gsz0014.html

¹⁸ <https://bgazrt.hu/tamogatasok/nemzeti-egyuttmukodesi-alap/>

¹⁹ Fideszes vezetésű civil szervezetek sorát támogatja a magyar állam egy új pályázati alappal [Hungarian state to support a range of Fidesz-led NGOs with a new grant fund], <https://telex.hu/belfold/2021/07/28/fideszes-vezetesu-civil-szervezeteket-tamogat-a-magyar-allam-egy-uj-palyazati-alapbol>

of-living crisis will likely negatively impact the success of future campaigns. Indeed, the amount of the one per cent income tax assigned, and the number of people that used this opportunity decreased in 2022 compared to the year before²⁰, but as the period of collecting these donations coincided with the election campaign, the latter probably drew people's attention elsewhere. Domestic institutional philanthropy (grant making foundations) remains very underdeveloped, with just a handful of (relatively small) actors.

The right to participation and dialogue between the sector and governing bodies

Participation remains non-existent

In theory, Act CXXXI. of 2010. provides for public participation in legislation, however, it has hardly ever been implemented: in practice, draft legislation is – if at all – usually published for comments with a very short deadline (max. 8 days). However, important acts have often not been consulted on at all, or are submitted to parliament by individual MPs, thus circumventing participation. In an effort to meet the conditionality criteria to access EU funds, an amendment of the above act was passed in summer, introducing some new sanctions for non-compliance. But, as CSOs pointed out²¹, it is no more than window-dressing in the absence of the proper implementation of existing rules. Indeed, the Minister of Justice submitted this very amendment to Parliament without any prior consultation. Also, CSOs (e.g. Hungarian Civil Liberties Union, Hungarian Helsinki Committee, K-Monitor Association) must regularly go to court to obtain public-interest data and even after a positive ruling, authorities often drag their feet to implement the court's orders.

While various consultative bodies with civil society representatives do exist (such as the National Council on Sustainable Development), they are rarely convened and their functions are often formal, without any substance. Again, in the framework of meeting EU criteria, a new Anti-corruption Working Group²² was established towards the end of the year including representatives of relevant CSOs (e.g. Transparency International-Hungary and K-Monitor Association), but it remains to be seen whether this body will have any real impact in practice. Other forms of dialogue and civic participation have practically become non-existent, as traditional channels of advocacy and consultation with state institutions ceased to work years ago. Open letters, petitions even on the scale of the ongoing teachers' demonstrations are routinely ignored – or even vilified – by the government. While some organisations are still able to maintain good contacts with lower levels of the public administration, their results are more often than not overruled by the higher levels.

²⁰ Közel 15%-kal csökkent az adó 1% felajánlók száma 2022-ben [Nearly 15% reduction in the number of 1% tax donors in 2022], <https://www.nonprofit.hu/hirek/Kozel-15-szazalekkal-csokkent-az-ado-1-felajanlok-szama-2022-ben>

²¹ The Government's bill on public consultation does not offer real solutions, 27 July 2022, <https://civilizacio.net/en/news-blog/the-governments-bill-on-public-consultation-does-not-offer-real-solution>

²² <https://eutaf.kormany.hu/korruptioellenes-munkacsoport-ih>

Instead of real participation, the government introduced the so-called “national consultation” i.e. questionnaires on topical issues with leading questions and distorted statements that are sent occasionally to all households. In autumn 2022 such a “consultation” on the “damages” caused by “Brussels’ sanctions” were carried out. As the government never releases any verifiable information on the result of the questionnaires (return rate, division of responses, etc.), it is safe to say that these exercises rather serve to promote the government’s narratives than offer a real opportunity for people to express their opinions.

On the local level, opposition-led municipalities (elected in 2019) are usually open to dialogue and experiment with various participation methods, e.g. citizen assemblies (Budapest, Miskolc, Érd), participatory budgeting (Budapest and some of its districts, Pécs). However, they often lack the necessary expertise, and even more importantly have little room to manoeuvre as their competencies and financing was severely curtailed (among others, under the guise of the Covid-crisis).

Civil society's resilience to challenges to democracy, the rule of law and fundamental rights

CSOs fight back, despite restrictive environment

In spite of the adverse conditions, civil society showed strong mobilisation several times during the year. After Russia’s invasion of Ukraine, CSOs and church charities were again the first responders providing aid, shelter and support to the waves of refugees, relying almost entirely on popular donations (the government joined the effort only after several weeks).

The election campaign also mobilised much civic effort with many independent CSOs engaging in some way both locally and on the national level, especially in voter mobilisation, election monitoring and fraud prevention. For example, civil society was able to mobilise almost 20,000 volunteers to serve as election observers/vote counters, securing the presence of two independent persons in each polling station for the first time ever. CSO coalitions also used the campaign to advocate for their causes, e.g. the Civil Minimum 2022²³, an outline for a future government’s civil society strategy compiled by Civilisation in the previous year was eventually included in the united opposition’s election program. Other CSOs and networks made similar initiatives in their respective fields, e.g. in housing.

Civilisation, as the main platform engaged in the defence of civil space remained active throughout the year, and even grew in its membership which now has 40 major CSOs. Networks of CSOs working in specific thematic fields (e.g. environment, Roma) are also active, and in the autumn a new broad cooperation of teachers’, students’ and parents’ organisations and unions developed parallel to the protests.

²³ See: <https://civilizacio.net/hu/civil-minimum-2022>

As regards to public opinion, the latest available data is the poll commissioned by Civilisation and carried out in late 2021²⁴. According to this, the public still largely views civil society positively, in part thanks to CSOs' visible efforts in the face of the pandemic: 16 percent of respondents said they or their families or friends received some kind of assistance from a CSO, up from 11 percent in 2019. In turn, 36 percent said they gave help to a CSO. At the same time, fewer respondents (47 percent compared to 65 in 2019) believed CSOs should criticise the government. In a more recent poll by Publicus institute (November 2022)²⁵, 72 per cent of the adult population said they support the ongoing teachers' protest.

Remaining independent media covers CSOs' activities (and hosts blogs of organisations) quite intensively, e.g., the proactive roles they played in aiding refugees, and some CSOs are also important allies to investigative journalists e.g. in corruption cases. In the last few years YouTube channels and podcasts run by activists and regularly discussing matters relevant to civil society have gained in popularity, too, e.g. the Partizán Youtube channel offering a variety of interviews and debates has 325,000 followers by now.

Increasing openness can be observed in the corporate sector towards CSOs, too, with some variations though: while some companies openly engage with critical organisations on controversial issues (such as child abuse), others are more cautious, keep a low profile or only support large, traditional charities such as the Red Cross. The Commissioner of Fundamental Rights has remained silent in most sensitive cases (thus cannot be considered as an ally of CSOs), which in May 2022 lead to a demotion of his office to category B by the Global Alliance of National Human Rights Institutions²⁶.

Recommendations

- 🕒 Refrain from abusing the special legal order and eliminate the situation where the temporary state of emergency becomes de facto permanent.

The regulatory environment for and implementation of civic freedoms

- 🕒 Repeal Act XLIX of 2021 on the Transparency of Organisations Carrying out Activities Capable of Influencing Public Life.
- 🕒 Implement the ECJ judgment in case C-821/19 in its entirety and repeal the "Stop Soros" law, criminalising assistance to asylum-seekers in submitting an asylum claim.

²⁴ <https://civilizacio.net/hu/tevekenysegek/programelem/civilkutatas-2021>

²⁵ https://nepszava.hu/3175483_felmeres-pedagogusok-beremeles-tanarsztrajk-tuntetes-publicus

²⁶ <https://helsinki.hu/en/peers-from-other-countries-recommend-that-the-ombudsperson-is-downgraded-as-a-national-human-rights-institution/>

- 🕒 Repeal the Anti-LGBTI propaganda law which is discriminatory and limits the expression of LGBTQI+ persons and CSOs.

The right to participation and dialogue between the sector and governing bodies

- 🕒 Fully implement Act CXXXI. of 2010. on public participation in legislation and Act CXII. of 2011 on the freedom of information.
- 🕒 Prescribe that bills submitted by the Government can only be placed on the Parliament's agenda if they include an adequate and duly reasoned documentation of an open, transparent and inclusive consultation process.
- 🕒 Prescribe that the omission of obligatory public consultation or the failure to provide detailed reasoning for not conducting public consultation constitutes sufficient reason for the annulment of the adopted law (both governmental and ministerial decrees and Acts of Parliament) on procedural grounds by the Constitutional Court.

The framework for civic organisations' financial viability and sustainability

- 🕒 Guarantee access to funding for independent civil society and ensure that funding processes are open, transparent and inclusive.
- 🕒 Ensure that there is funding transparency and equal access for all CSOs to state funding, including the National Cooperation Fund and Village and Town Civil Funds.

Safe Space

- 🕒 Respect the right to freedom of peaceful assembly and expression in line with international standards, reverse restrictions which limit teachers' right to strike.
- 🕒 Reinstate the 14 teachers who were unjustly fired and refrain from further retaliating against teachers who participate in strikes or limiting their freedom of expression.
- 🕒 Refrain from smearing, harassing and attacking civil society and creating additional administrative burdens to hamper their work.
- 🕒 Refrain from smearing, attacking and harassing LGBTQI+ persons, their rights and the CSOs that advocate for LGBTQI+ rights.

- 🕒 Elect a Media Council with a composition that ensures the authority's independence from the government and refrain from censoring independent media.
- 🕒 Refrain from banning independent journalists from the Prime Ministers press conferences and guarantee simple access to all public interest information.

** About the contributor: The Ökotárs Foundation contributes to the development of a democratic, sustainable and just society and an institutional system based on public participation by supporting citizen self-organizations.*