

Why the work of NGOs in Hungary is in danger

The recent re-election of Viktor Orbán for the third mandate as a Prime Minister of Hungary comes at no surprise for many Hungarians. Fidesz, the ruling party, and Jobbik, the opposition strongest party, accused of Nazi-inspiration, have used all their power order to promote their illiberal ideas, using state funds and shutting down all the opposition.

As OSCE's observation mission report noted, even if in Hungary there is still a plurality of choices, the campaign was fulfilled with intimidating and xenophobic rhetoric, "undermining contestants' ability to compete on an equal basis".

The Hungarian Civic Alliance (Fidesz), and its coalition partner the Christian Democrats (KDNP), have enjoyed a lot of political ascendancy had the possibility to pursue most of their planned political agenda.

The recent change of the constitution, passed thanks to a 2/3 majority of the parliament, allowed for a reform of the electoral and legislative system: in particular, the independence of the judiciary is under attack, which has prompted the European Commission to launch an infringement procedure against Hungary.

In April 2017 the Higher Education Act was launched to restrict the licensing and operation of foreign universities in Hungary, followed in June 2017 by another law set forth extensive registration and disclosure requirements for certain types of foreign-funded civil society organizations (CSOs). Those actions are clearly for impeding the functioning of universities such like the Central European University, an international-renewed research pavilion financed by the US-based philanthropist George Soros.

For the 2018 the parliament is expected to pass the "Stop Soros Legislative Package", which would place restrictions on CSOs allegedly supporting illegal migration.

The electoral campaign that leads to the result of April 8 was centred around the theme of migration, a theme that has been in the Hungarian political agenda since 2015. Since the construction of a border fence the hostility against migrants quickly escalated, prompting the government to launch a referendum to reject the EU migrant quota obligations. The referendum has failed, but the government continued a pounding campaign aimed at "Defend Hungary against external forces", might them be migrants, European Union, United Nations and of course George Soros.

The emphasis is put on of the ethnic purity of Hungary, which must defend itself from the possible infringement of the morality taken by the Non-Hungarians. This is a recurring theme in Orbán's discourses, since he proclaimed the theory of illiberal democracy in 2014. In fact, according to Orbán's thought, there's no strong culture without identity, which cannot be built in a society that does not have a stable ethnic composition. The mission of a strong country is to prevent any alteration to their ethnic purity.

On the other side, a massive campaign oriented at menacing and denigrating all the organization that are in any kind involved in the protection of human rights and freedom has started: on April 12, the filo-governmental journal "Független" published the names of more than 200 "mercenaries". Among those names, there

was the Helsinki Committee for Human Rights, Transparency International, the Corruption Research Center and the Central European University. This is an example of the tactic used by the government for denigrating all of those who do not affiliate with the government ideas.

The quasi-absolute control of the media system by the governments is in fact an obstruction for the work of thousands of NGOs, research groups and other organization in their work in support of human freedom.

One may ask himself when that started: The Hungarian government has been for the past two years been under scrutiny for its regressive policy approach toward refugees and migrants. As a relatively new entrant into the EU, Hungarian policy around refugees and migrants has caused much controversy as it specifically denies the entry, support and assistance of refugees, whether coming through or seeking asylum.

The Hungarian government has proceeded to close all refugee camps and converted them into detention centres. The detention centres are shipping containers where asylum seekers and refugees are held until their cases are heard via video link. One imagines this as one of the measures taken to repel refugees from the country, Orban, the Prime Minister has referred to asylum seekers and refugees as "Trojan horses for terrorism". Orban's government has further put forward that organizations working in the area of migration, refugee and asylum seeker assistance will be sanctioned through more taxation from any funding received toward this effort. This has caused significant issues concerning the stability and future of organizations or institutions involved in the assistance of refugees and migrants further heightening the refugee/migrant crisis in Hungary.

The support from the public sector has been retracted not only from funding, but from any kind of support geared toward refugees and migrants, whether concerning their settlement or entrance.

But what does this mean for the NGOs? While the law is intended to stop illegal immigration, in fact it is crushing the civil society: it deprives the NGOs of the democratic capacity to act in order to solve a problem that the state is not capable to.

The package of acts, full of menacing words and references to the illegality of migration, the defence of Hungary and the cost that migration entails to the Hungarian budget, consists of 3 acts: Act on the social responsibility of organisations supporting illegal migration, Act on the immigration financing duty, Act on immigration restraining orders.

The first act requires the registration of all the organizations that "propagate and support mass migration, or sponsor or otherwise support persons who commit illegal border-crossing and do not receive asylum are required to register". All their financial and property benefits must be made public, including information on personal benefits and reimbursements. It is specifically addressed to control the inflow of financial assistance from abroad, which can only be approved if there is sufficient support of the society. The act also includes a series of legal consequences in case of non-compliance.

This act is a reinforcement of the 2017 act on "Transparency of Organisations Receiving Support from Abroad";

The act on the immigration financing duty further underlines the "danger" of immigration, in fact requiring all the previously registered organization to use the 25 % of their financial or property benefit originating from abroad. The justification of this act is that Hungary spends millions of forints on border protection, and that the organizations that work in assisting the migrants are in fact endangering the budget.

The third act is oriented to the individuals who unlawfully enter Hungary, instituting an immigration restraining order: it would be considered a criminal offence to reside in a Hungarian Location if the entrance has been made through illegal ways. The same order could be applied to anyone that assist illegal migrants either to enter or to reside in Hungary, or that funds those type of organizations.

The intention of these acts is to from one side to undermine and separate from the society those NGO that do not align with the political line of the government, and in a final stance force them to cease their operations. From the other side,

thousands of people who benefit from the services of those NGO are left without protection and potentially at risk of being accused of criminal acts.

The practical effect of such actions is multiple. First of all, those act are a violation of the European Chart of Fundamental Rights, because they interfere with the right of personal data protection by requiring the publicity of all financiers data.

It is important to underline this aspect because the interference of the Hungarian government has reached excessive range. Those acts are completely unnecessary, as there are already regulations and laws that are destined to the same objective: prevent terrorism and money laundering. Furthermore, this acts are violating multiple European laws[1]: the government is not allowed to limit the flow of capital between European Countries, including donation, as it constitute a restriction of the international movement of capitals. The only possibility to limit this freedom of movement of capital would be to prove an imminent threat or danger, a proof that the Hungarian Government is unable to provide.

Second, they are aimed at diminishing the public trust: in fact, to work in an inefficient and transparent way, the NGOs have to gain the public trust, by allowing citizens to participate in the democratic process and by pushing the government to comply with their legal obligations. If the activity of the NGOs is controlled by the government, the public trust is not available anymore, as the bond of mutual trust is broken. The NGOs are then exposed to be considered not worth of trust and consequently not able to coordinate their civic actions, making them unworthy of receiving donations.

It is clear that Hungary is not respecting her obligations towards respecting the basic human rights of all the human beings, by not only demonizing migrants but as well the Hungarian citizens that are committed to defend human rights and freedom of expression.

This is why it is important that you keep supporting Mahatma Gandhi Human Rights Organization, as not only our work is endangered by the lack of funds but the lives and the wellbeing of our beneficiaries are put at risk by those non-sense discriminative laws.

However, we are committed to continue our work despite the obstacles, and we will continue to provide the best support and care possible to anyone who comes and seeks for our help.

You can read a unofficial translation of the proposed law here: <https://www.helsinki.hu/wp-content/uploads/STOP-SOROS-LEGISLATIVE-PACKAGE-PROPOSAL.pdf>

[1]Directive (EU) 2015/849 of the European Parliament and of the Council of 20 May 2015 on the prevention of the use of the financial system for the purposes of money laundering or terrorist financing,

Art 63 TFEU:1. Within the framework of the provisions set out in this Chapter, all restrictions on the movement of capital between Member States and between Member States and third countries shall be prohibited.

2. Within the framework of the provisions set out in this Chapter, all restrictions on payments between Member States and between Member States and third countries shall be prohibited.

Council Directive 88/361/EEC of 24 June 1988 for the implementation of Article 67 of the Treaty