

JUNE

YEAR IN REVIEW



HUNGARY: A fresh assault on freedoms came in June with the passing of a new law limiting international funding for civil society.

JUNE YEAR IN REVIEW

In a boost for the freedom of expression, Denmark scrapped its **blasphemy law** in June. Another positive development saw six people found **not guilty** of false imprisonment in a court case in Ireland, after trapping the deputy prime minister in his car during a 2014 protest against water charges. Many believed the charges were excessive and politically motivated, pointing to the dangers of state security discourse inhibiting civil disobedience.

But while civil society welcomed the change of law in Denmark, a new law in Japan raised major concerns, among Japanese civil society and UN human rights experts, about the right to privacy. The **Anti-Conspiracy law** vastly extended the state's surveillance powers, encompassing investigation of 277 possible types of crimes, and opening up the potential for broad misapplication. Thousands protested in the capital, Tokyo, following the law's passing. The month before, even larger demonstrations, estimated at 55,000 people, protested at moves to change the country's avowedly pacifist constitution, while August saw **protests** over the location of a US military base.

A **cybercrime law** passed in Palestine contained troubling provisions on the freedom of expression and right to privacy. The new law imposed harsh punishments for vaguely-defined crimes, ordered internet companies to share data with the state and made it easier to block websites. The authorities were quick to exercise their new powers: by July, an estimated 30 websites had been blocked, while **five journalists** were arrested and charged under the cybercrime law in August.

Further worrying developments in laws affecting civil society came in Tajikistan, where amendments to the **law on corruption** mandated CSOs, as well as political parties and international organisations working in Tajikistan, to provide detailed corruption risk assessments to government anti-corruption authorities. In conditions of repressed civic space where CSOs are regularly subjected to intrusive inspections, this fuelled civil society concern that the new measures would enable further government interference. **A new law in Hungary** required CSOs that receive international funding to declare

themselves as foreign-supported and publish the names of their donors, a move that will enable the state to vilify CSOs.

June was a mixed month for LGBTI rights. The Philippines' Metro Manila Pride March saw more than 7,700 people **celebrate peacefully**, with numbers far up compared to those who took part in 2016. Thousands of people also marched in an LGBTI **pride parade** in Sofia, Bulgaria. The march was peaceful and protected by the police following extreme right-wing threats. In Tanzania, however, **threats** to LGBTI people came from the highest level: President Magufuli accused CSOs working for LGBTI rights of bringing harmful practices to the country. A few days later, Home Affairs Minister Mgiwgulu Nchemba threatened to de-register LGBTI rights CSOs and jail activists.

Cambodian civil society called attention to **multiple irregularities** in the June local elections, including pressure on election observers that forced them to abandon their posts, and the presence of a high number of unauthorised people in polling stations. In the same month, the government announced its intention to investigate the "neutrality" of a number of CSOs. The **inauguration** of Serbia's new President Aleksander Vučić, formerly prime minister, was marked by a number of physical attacks on and threats against journalists, with the police refusing to intervene when incidents were reported. The following month, journalist Dragana Peco, who was investigating the attacks, had her flat broken into, but no items of value were stolen. The attacks were consistent with the narrowing of the freedom of expression that accompanied the April election, particularly for **women reporters**. There were also citizen protests against the inauguration.

Violence greeted **protests** outside Lebanon's parliament as it voted to extend its term for the third time. Lebanon's divided and dysfunctional government has seen years of deadlock, with elections repeatedly postponed. While a new electoral law was finally passed in June, paving the way for elections potentially to be held in May 2018, people's anger was sparked by the slow pace of change. The excessive force used to quell the protest, including the use of batons, left at least seven people injured.

Panama saw **protests**, including a demonstration outside the president's residence, against a proposed law that could increase taxes for homeowners, along with a protest by students. In both cases there were violent clashes with the police, with teargas used against the student protest, which led to nine police officers sustaining minor injuries and four students being arrested. Protests continued to be repressed in the following months, including a **teachers' protest** that was suppressed with arrests and teargas. Costa Rica saw a series of **strikes** in June and July, including by teachers and **judicial workers**, along with a one-day general strike that saw mass marches in multiple cities.

The government of Gabon **suspended** a newspaper from publishing for two months after deeming that it had publicly insulted the president. It also arrested and detained trade union leader Marcel Libama and the journalist who interviewed him, Jules Bivinga. They were accused of defamation after publishing an interview about charges brought against another trade unionist for holding an unauthorised assembly. Their union, Conyased, was suspended in March after a long-running strike, while a trade union gathering in May was dispersed by security forces. In another incident in Gabon, a group of armed people stormed the premises of four media outlets in Libreville, the capital, insisting that they broadcast messages in support of an opposition political candidate.

The South Sudan Media Authority **banned** 20 foreign journalists from entering or operating in the country, claiming that their stories were unsubstantiated and had the potential to provoke violence. The ban was lifted later in June following pressure from the National Dialogue Steering Committee. Yet the state remained the main instigator of violence in South Sudan, with an ongoing and brutal campaign against civil society and media freedom. The following month, the state **blocked access** to a range of news sites and blogs.

As part of a diplomatic crisis between the governments of Qatar and Saudi Arabia and its allies, the Al Jazeera network came **under attack**. The

governments of Bahrain, Egypt, Saudi Arabia and the UAE demanded that Qatar close down Al Jazeera. Al Jazeera subsequently had its websites blocked in Saudi Arabia and the UAE, had its office in Riyadh, capital of Saudi Arabia, closed, and had its licence withdrawn in Jordan and Saudi Arabia. Its websites were subsequently taken down by a sustained **cyber attack**. Civil society condemned these attacks on media diversity and the freedom of expression.

HUNGARY: CIVIL SOCIETY TARGETED BY STRONG-ARM POLITICS

Past editions of our State of Civil Society Report have tracked how **Hungary's** Prime Minister Viktor Orbán, in power since 2010, has taken a strongly nationalist and socially conservative direction that has set his government at odds with its human rights commitments as an EU member. Prime Minister Orbán has spoken of turning Hungary into an "**illiberal state**," citing China and Russia as role models, and made common cause with Poland's ideologically similar leadership in a pledge to lead a "**cultural counter-revolution**" in the EU.

A fresh assault on civil society freedoms came in June with the passing of the Law on the Transparency of Foreign Funds, in a move **condemned** by the European Parliament and international civil society. The law **requires** any CSO that receives over €24,000 (approx. US\$28,000) in funds from outside Hungary to register as a "foreign-supported" organisation and label all their communications accordingly, and list any foreign supporter that provides over €1,600 (approx. US\$1,900) per year. Penalties for non-compliance can include the freezing of an organisation's assets and the forced termination of its activities. Although **some concessions** were made in the late stages of the bill's passing to allow for anonymity for smaller donations, the clear intent was to undermine the credibility of many CSOs by stigmatising them as 'foreign agents', following the approach pioneered in **Russia** and **Israel**.

JUNE YEAR IN REVIEW

Anita Koncsik of the **Hungarian Civil Liberties Union (HCLU)** rejects the argument that the introduction of the new law was necessary to improve the accountability standards of CSOs, citing stringent existing reporting requirements:

It is not necessary at all. CSOs are complying with already existing comprehensive transparency requirements. The 2011 Act on the Freedom of Association, on the Non-profit Status and on the Operation and Support of Civil Organizations, also known as the Civil Act, already regulates which financial statements have to be presented to meet transparency standards. HCLU has to create four annual reports, including one focusing on donations. CSOs that do not receive Hungarian public funds have to publish an annual financial report, a non-profit report and a report on donations.

Hungary has a vibrant and diverse civil society, with an estimated **60,000** CSOs. But it is hard to escape the suspicion that the section of civil society targeted for attack is that which defends progressive values, which puts that civil society at odds with the ruling party. For example, while the ruling party shored up its vote by taking a tough line on migrants and refugees, including by building **new border barriers** in 2015 and 2017, civil society groups could be characterised as taking an opposing stance by providing care and support to migrants and refugees. With parliament weak and the media heavily constrained, it has often been civil society that has taken the role of exercising scrutiny over state actions, including by **exposing** state corruption. The new law can be seen as one of a **series of actions**, including concentration of media ownership, hate campaigns and the use of violence, that make it harder to express and share opinions that diverge from official narratives. Anita describes a sustained campaign of intimidation:

Government propaganda created a false link between human rights defence and terrorism, since according to the government's narrative, the refugee phenomenon is the root of terrorism. There is a vocal

group of human rights CSOs that devote attention to refugee rights and try to help in spite of the current hostile circumstances. These CSOs therefore face charges of supporting terrorism.

While we believe that accountability in both the governmental and non-governmental sphere is important, the new regulation clearly serves other interests. That is the reason why it was embedded into the smear campaign by the government against CSOs that dare to take a critical stance against its measures. It is an attempt to silence or threaten critical voices. It violates the freedom of expression, serves to stigmatise CSOs and infringes on the privacy of donors.

This proposal clearly fits into the hostile anti-CSO campaign that was initiated four years ago, during which Prime Minister Orbán denounced human rights CSOs as agents of foreign political interests and endorsed the idea of the “illiberal state,” and rhetorical attacks were accompanied by a series of administrative checks and criminal investigations. Eventually, all investigations were dropped and none yielded any finding of wrongdoing or irregularities. In 2016, after a two-and-a-half-year-long legal procedure, HCLU shed light on the fact that the government investigations were ordered by the Prime Minister himself, which proves the purely political nature of the audits.

A particular target of the new law is the Hungarian-born, US-based financier and philanthropist George Soros, founder and backer of Open Society Foundations, which extensively supports civil society, including the HCLU, in Hungary and many other countries. President Orbán, who benefits from close control of public media, has waged a **campaign of vilification** against Soros, accusing him of promoting mass migration into Hungary and the EU. The campaign has included print and poster adverts; some have been defaced with anti-Semitic abuse, picking up on a repeated **implied theme** of the campaign. President Orbán's international spokesperson, Zoltan Kovacs, **described** Soros-funded organisations as “foreign agents financed by

foreign money,” and indicated that CSOs should play no role in advocating to influence political decision-making, implying a narrow interpretation of democracy. The Soros-supported Human Rights Watch faced verbal attack, while Amnesty International was accused by the government of publishing fake reports and encouraging migrants to break laws.

In April the government **quickly passed a law** making it harder for foreign universities to operate in Hungary, in what was a clear and specifically targeted attack on the Soros-funded **Central European University (CEU)**, and by extension, on broader notions of pluralism and freedom of thought. With elections scheduled for April 2018, it seems that demonising Soros, and smearing civil society as part of that, is a key plank of the ruling party’s re-election strategy. Anita offers some more details on these attacks:

Government propaganda started to portray CSOs that criticise it as a national security risk. Szilárd Németh, vice president of the Fidesz ruling party and of Parliament’s National Security Committee, announced in September 2016 that he had requested the national security services to inspect organisations “cooperating with the Soros network.” He stated that he had identified 22 such organisations, and claimed that these organisations openly violated Hungarian and European laws, and participated in politics unlawfully with “black money.” In Hungary secret services can gather information without a judicial warrant when it is related to national security risks.

In December 2016, Prime Minister Orbán announced that in 2017, states would aim to “drive out” George Soros and the organisations he supports from their countries. A month later, Szilárd Németh said: “The Soros empire’s fake civil organisations are maintained so that global capital and the world of political correctness can be imposed on national governments. These organisations have to be rolled back with all available tools, and I think they have to be swept out of here.”



People protest against plans to close down the Central European University

Credit: Getty Images

JUNE YEAR IN REVIEW

These statements reveal the true aim of the illiberal Hungarian government: to stigmatise and silence those who voice critical opinions about public affairs.

Many states that have shifted towards more right-wing, less pluralistic politics have attacked George Soros' support for CSOs, including Bulgaria, Israel, Poland, Serbia and Slovakia, with the process seemingly accelerating since President Trump's 2016 US election victory, since Trump supporters also **attacked Soros** and accused him of funding anti-Trump protests. In Romania ([see February](#)), state TV **accused** Soros of paying for people to participate in huge anti-corruption protests, seeking to deny the reality of public anger about poor governance.

In Macedonia, former Prime Minister Nikola Gruevski, who had to step down in 2016 following a wide-ranging surveillance scandal, called for a “**de-Sorosization**” of civil society, falsely claiming that over 90 per cent of Macedonian CSOs were funded either by Soros or foreign governments under his control; prominent civil society activists were accused by a group linked to the ruling party of being in the pay of foreign governments, and activists were targeted with threats and hate speech on social media ahead of December 2016 elections. Such rhetoric led to the launch in January of a ‘**Stop Operation Soros**’ campaign, which was accompanied by a surge in the formation of organisations calling themselves ‘**patriotic NGOs**’, aligned to nationalist causes as part of Macedonia's ethnic political divide ([see February](#)). In May, Macedonia's outgoing government attempted to grant state funds to this group of nationalist organisations, but their decision was reversed by the new government that took office in June. In February, the Macedonian government also **launched** a wave of inspections and audits of **21 CSOs** that had taken part in a politically neutral voter education campaign ahead of the election, borrowing Hungarian tactics of arbitrarily inspecting and auditing critical CSOs.

The attempt in all contexts is to manufacture an enemy as a smokescreen for an attack on rights and groups that exert accountability over political and economic power. George Soros fits the picture as an arch-enemy that only centralised political power and nationalist politics can counter.

In Hungary, suggests Anita, the intent is also to divide civil society into a compliant camp, funded by and uncritical of the government, and a camp that can be demonised as anti-government and anti-patriotic, and denied the ability to receive resources:

CSOs experience different treatment depending on which financial resources they have access to and how critical they dare to be of the government. There are pro-government organisations, such

IT IS HARD TO ESCAPE THE SUSPICION THAT THE SECTION OF CIVIL SOCIETY TARGETED FOR ATTACK IS THAT WHICH DEFENDS PROGRESSIVE VALUES, WHICH PUTS THAT CIVIL SOCIETY AT ODDS WITH THE RULING PARTY

as the Civil Cooperation Forum (Civil Összefogás Fórum, CÖF) that is the organiser of pro-government “peace rallies” and which participated very actively in the 2014 electoral campaign on the side of the governing parties. CÖF claims to finance the organisation’s operations exclusively through private donations. It is not clear from their reports, though, who these donors are, and CÖF has a proven connection to a ruling party foundation from which it has received tens of millions of forints. The transparency of such an organisation, however, is not an issue according to the government.

Not all citizens are in support of the government’s moves, and civil society is fighting back. Thousands protested in Budapest **before** and **after** the law affecting the CEU was passed. Anita describes the protests and the reaction:

Opponents were protesting against unconstitutional restriction on educational and academic freedom and freedom of research, joined by thousands of Hungarians outraged over the latest government anti-EU propaganda campaign calling on Hungarians to “stop Brussels.”

As a reaction to the first protests, the government accelerated the legislative procedure, aiming at prohibiting real political discussion about the amendment. During the mass protest other causes emerged, including the illicit closure of the left-wing broadsheet Népszabadság, restrictions on the freedom of expression, Fidesz propaganda, including on public TV channels, and social exclusion and xenophobia fuelled by the government.

An anti-Putin march was organised when Russia’s President Vladimir Putin, a key figure of inspiration for leaders like Prime Minister Orbán, visited Budapest in February, while National Day in March saw **thousands participate** in a protest in which they blew whistles during the Prime Minister’s speech. A court had overturned the government’s earlier ban on the protest. There were reports of clashes with pro-Orbán demonstrators.

HCLU vowed to refuse to register under the new law, insisting that it already fully complied with existing regulations. And in September, **23 CSOs**, including HCLU, filed a joint appeal to the Hungarian Constitutional Court against the new law, offering another example of how, in different contexts in 2017, civil society worked together to use legal channels to defend rights.

The government’s actions increasingly put it on a collision course with the EU’s core **values** of respect for human rights, freedom, democracy, equality and the rule of law. In July, the EU began formal legal proceedings against Hungary’s government for violating the freedom of association as a result of the new law, along with other basic rights, and in December, **announced** that it was taking the government to the European Court of Justice.

The EU also **launched** a formal process about the government’s treatment of the CEU in April, and in June **began** legal proceedings against the governments of the Czech Republic, Hungary and Poland for refusing to accept refugees in accordance with the EU’s quota system. In a further sign of its preparedness to act in defence of core values, in December, the EU also **began proceedings** against the government of Poland for serious breaches of the rule of law, after it tightened its control of judicial appointments. Meanwhile the government of **Norway** stated in May that Hungary and Poland would have to allow funding to go directly to civil society as part of an aid package it gives as a European Economic Area member, a point of contention ever since the Hungarian government **raided** three Norwegian-supported CSOs in 2014 and accused Norway of political interference.

At a time when the role and purpose of the EU is increasingly being called into question in its most powerful states, Hungary’s independent civil society, and international civil society, will keep looking to the EU to stick to its guns and ensure that it enforces the human rights agreements that states committed to when they joined the association.