

# The European Union has an obligation to protect civil society in Hungary

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New rules affecting the Central European University in Budapest have been criticised by several prominent figures in the EU and United States. [Andrea Fumarola](#) writes that the actions of the Hungarian government have been motivated in part by a desire to solidify their support base ahead of elections in 2018, and that the EU has an obligation to make its voice heard to protect the country's civil society organisations.



**Protesters hold #IstandwithCEU signs in front of the Central European University, April 2017.**  
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Several [EU and US officials](#) have harshly criticised the Fidesz government led by Viktor Orbán for [new legislation](#) affecting the country's Central European University. This legislation, popularly known as 'Lex CEU', has been judged by many observers to be an assault on the foundations of Hungarian democracy and the latest step in what they see as a political strategy to shackle free expression and liberal values in Hungary. The provision is viewed as the latest step in a process that is [gradually turning](#) the country from a successful model of post-communist democratic consolidation into a "distorted" or "illiberal" democracy. But how accurate is this perspective in reality?

## Civil society and democratic transition in Hungary

Under Communist rule, Hungary experienced a systematic repression of social, professional and political organisations. Any independent organisation was banned and substituted by associations directly or indirectly controlled by the Communist Party. With the implosion of the Soviet Union, the collapse of the Berlin Wall and the end of Communist rule in Central and Eastern Europe, independent actors from Hungarian civil society – including independent human rights organisations, cultural, environmental, and religious movements – assumed an important

role in the transition to democracy.

Many commentators have portrayed this process as the [resurgence of civil society](#), made up of those NGOs (nongovernmental organisations) that, incentivising and promoting the involvement of citizens outside the traditional channels of political participation, were able to drive the country's progress throughout this period. Hungary, together with Poland and the Czech Republic, were characterised by the presence of more robust and independent organisations, as well as larger and more diverse opposition movements capable of mobilising wide public support for protest activities. The actions of such vibrant organisations with a strong power of mobilisation constituted the basis of the peaceful – and successful – epilogue of the revolutionary movement in Hungary, contributing to the transition and consolidation of democracy in the country.



**The crowd was asking President Áder János to veto the decision of the parliament to accept the legislative change. Credits: [Edit Kalman Photography](#) ©**

However, during its first period in office – between 1998 and 2002 – Orbán's Fidesz-led government implemented a number of amendments to the Labour Code to limit the influence of trade unions, which were harshly criticised by employers' associations. After 2010, when Fidesz won legislative elections in a landslide victory, securing a two-thirds majority in the Hungarian National Assembly, some [NGOs](#) reported concerns about civil society and restrictions on freedom of association. In 2013, the far-right party [Jobbik](#), which is one of the key rivals to Fidesz, even attempted to limit the activity of foreign funded organisations by promoting a [bill](#) on 'foreign agents' that was rejected at the committee stage.

The situation has deteriorated since Orbán's re-election in 2014, which has come alongside falling support for Jobbik. The necessity for Fidesz to limit Jobbik's [potential for success](#) in elections scheduled for 2018 has pushed Orbán to alter his domestic policies. In the last four years, Hungary has become an increasingly hostile climate for NGOs dealing with human rights and gender issues, or other foreign-funded organisations such as those that make use of EEA/Norway Grants – a government-backed funding vehicle for social cohesion projects in Central and Southern Europe. Among the main targets of this new approach have been asylum seekers and, specifically, the [EU's refugee quotas](#), which were subject to a popular referendum that failed to reach the required turnout threshold. Above all, the Prime Minister has taken aim at those organisations and civil society actors that he views as "foreign agents".

## Lex CEU: An attempt to suffocate dissent?

The objective of the recent education legislation has been foreign universities, in particular the Central European University, which was established by the Hungarian-American financier George Soros more than 25 years ago in Budapest. The amendments prescribe a series of restrictive measure for these organisations, such as changing their legal status, tightening enrolment and hiring policies for non-EU applicants, and having campuses both in Budapest and their home country. The CEU, while operating in Budapest as an American institution, does not currently have a branch in the United States.

This provision has been viewed by many observers as an attempt by Orbán to suffocate one of the most influential independent voices in Hungarian civil society, the last step of his strategy to dismantle liberal-democracy. Given the long-term ineffectiveness of political opposition in the country, where the bulk of information sources are run by pro-government figures, the CEU has served as one of the main bulwarks against a further 'illiberal' drift. Since Orbán came to power in 2010, CEU has always acted as an effective 'counter-power', providing a platform for dissident voices, supporters of civil liberties, minority rights and cosmopolitan values, in contrast to the model of the 'illiberal state' shaped by majority rule and the national interest. As an effective civil society organisation, it has always been oriented toward providing information and knowledge to inform political debate.

Despite the latest developments, the current President of CEU, Michael Ignatieff, has [made clear](#) his determination to remain in Budapest, stating that: "We will never close this university and we will maintain our academic programmes no matter what. Budapest is our home". His appeal did not go unheard. The academic community worldwide has expressed its solidarity through a [petition](#) signed by more than 5=0,000 people as well as a social media campaign ([#standwithCEU](#)), while the US government and the European Union have [emphasised](#) the importance of civil society for democracy and economic welfare.



**Protesters gather in front of the Central European University, April 2017. Credits:**[Edit Kalman Photography](#) ©

On 9 April, around 40,000 Hungarians [protested](#) in Budapest against the law. This mobilisation tallies with recent findings from a [survey](#) by the Zavecz Research Institute on citizens' attitudes towards civil society. According to this poll, a large majority of Hungarians (71%) generally agree with guaranteeing the independence of civil society organisations from the government, while 81% support the right of Hungarian civil society organisations to criticise

the government, and 62% support their right to receive funds from foreign institutions.

However, since Hungary's President, János Áder, signed the reform on 10 April, the support of one quarter of MPs will be required to request a review of the legislation by the Constitutional Court. Undoubtedly this will be a difficult task considering the parliament – which had its seats substantially reduced by an [electoral reform](#) in 2012 – is firmly controlled (133 seats out of 199) by the government coalition.

Nevertheless, the need to safeguard pluralism and freedom in Hungary will require the commitment of all social and political forces at the national as well as the supranational level. The European Union must make its voice heard, not only to stem the 'Putinist' approach that is orienting Orbán's domestic policy, but also to prevent other EU members, such as Poland, from pursuing the same path.

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*Note: This article gives the views of the author, and not the position of EUROPP – European Politics and Policy, nor of the London School of Economics.*

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