

Human and citizen rights and civil society in Hungary

Paper for the
SHUR Final Conference
Center for Ethics and Global Politics & Faculty of Political Science
LUISS University, Rome, Italy
June 4-6, 2009

Panel (2) Civil society in conflict
Session 4

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Abstract

NGOs engaged in human and civil rights defence in Hungary constitute a small but strong circle of organisations. According to statistics, there are almost 700 organisations in operation in this field. They struggle with the typical challenges of NGOs in general: bureaucratic operation required by the law, financial sustainability problems, limited capacity of human resources.

This paper identifies the major issues in human rights in Hungary at the moment as mainstream human rights, minority rights, especially Roma rights, civil rights, especially the transparency of public institutions in general, corruption, public access to data, freedom of information and women's rights. When introducing these problem areas, the paper identifies those major organisations active in the field. The paper concludes that the two major challenges in the NGO sector in general and human rights organisations in particular are the „floating” status of NGOs on the top of the society and the appearance of the dichotomy of good and bad civil society.

Introduction

This paper aims to present an overview of the current status of NGOs dealing with human and citizen rights and advocacy in related fields in Hungary. The author is well aware that the current SHUR conference concentrates on the human rights issues and NGOs mainly in conflict zones, so at first sight Hungary, being a new member of the European Union and a relatively peaceful country, seems to be a misfit in the general agenda of the conference.

On the other hand, the reader might remember the pictures presented by CNN in September 2006 when protesters seized the headquarters of Hungary's state television network in Budapest and set fires in and around the building after the country's prime minister (then Mr. Ferenc Gyurcsány) admitted lying about the economy "throughout the past one and a half or two years."¹ CNN also presented some comments from Hungary on the events:

A lot of people think they cannot change this system through democratic steps. If your enemy uses unfair weapons (lies and media-manipulation), the only possible way to win may be through unfair moves. I personally disagree with vandalism but what else can disappointed men do? I hope, Hungary will soon find its way to real democracy. (Dr. Karoly Kiss, Budapest)

The most violent rioters were members of the anti-Semitic hard-core gangs of some football club. They are not making a revolution as they claim it but they burn cars, loot the TV studios and support the most extreme nationalist-right wing parties in Hungary. I hope that they will not succeed. (...) (Peter Morvay, Budapest)²

Luckily, Hungary does not usually give a reason to become subject of „breaking news” on worldwide news channels, but on the basis of the events and the quoted comments it is obvious that there are quite a few challenges concerning democratic structures, public participation, civil society in general and in the field of human rights and related advocacy activities in particular.

Also, in our region of Central and Eastern Europe the year of 2009 is full of events remembering, evaluating and interpreting the past 20 years, two decades of new democracies, re-introduced market economies and transition societies. Twenty years seem to be a long enough period to take our time and look back what we achieved and what we have not, to identify the signs of malfunctions, the heritage from the communist and the feudal past and to find solutions how to get rid of them.

This is partly what I would like to present in this paper – partly, because this time I will concentrate on one small segment of the Hungarian civil society, namely those organisations

¹ <http://edition.cnn.com/2006/WORLD/europe/09/18/hungary.riots/> Downloaded 12 May 2009

² <http://edition.cnn.com/2006/WORLD/europe/09/19/hungary.ireports/index.html> Downloaded 12 May 2009

that deal with human rights protection and related advocacy activities. In the first part of the paper I will give a brief overview of the Hungarian nonprofit sector and a short analysis of civil society. In the second chapter I focus on the characteristics of organisations active in this area and identify the burning issues in Hungarian society related to human and citizens' rights.

The Hungarian nonprofit sector and civil society – a brief introduction

Until the end of the fifteenth century, Hungary – its economy, society, and also charities and voluntary organisations – followed the development of the European countries. The sixteenth century however, brought about two major events that broke this process (not only in Hungary but in the entire Central and Eastern European region): the discovery of the American continent (and the restructuring of trade routes) and the long-lasting Turkish occupation. After that period the country regained her sovereignty for only moments in history: there were several fights for independence, against the Turks, against the Habsburgs and latest, in 1956, against the Soviets. The belated economic development, surviving feudalism and delayed embourgeoisement contributed to the underdevelopment of civil society. Voluntary movements became oppositional (usually towards foreign rulers) and mainly social policy oriented. However, voluntary organisations were formed in all stratas of the society, already in the 19th century their role was essential in service providing, advocacy and social innovation (kindergartens, women's education, etc.)³

After the Communist takeover in 1948/49 both the economy and the society became under state (Communist Party) control. Freedom of association was not granted, those nonprofit organisations that operated before were either dissolved or put under state control. Opposition groups were formed informally, in a very narrow layer of the society, mostly in the circles of the intelligentsia. The party dominance of civil life created long-lasting individualism and low evaluation of collective action in the Hungarian society.⁴

After the system change in 1989/1990 huge changes were about to start: NGOs started to emerge as if from nowhere, made possible by the various legal forms of nonprofit organisations that were introduced (foundations, associations, public benefit companies, etc.) We know a lot about these organisations since the National Statistical Office – based on the strong traditions of Hungarian statistical methodology) – started to gather data on the sector. In 1989, a statistical survey found approximately 8500 associations and about 400

³ KUTI, Éva (2008): Civil Europe – Civil Hungary. European House, Budapest. pp. 9-10.

⁴ It did not happen so in all Central and Eastern European Countries – the Polish Solidarity movement is a counter-example.

foundations. After the political – and legal – changes, the „establishment rush” lasted until about the mid 1990s, when the pace of growth started to decline and even in 2000 the number of organisations also declined then started to grow again.⁵ *Table 1* shows the newest available data on the number of organisations and their field of activities.

1. Table: Membership in nonprofit organisations according to types of activities (trade unions and interest representations included), 2006

Activity	No. of organisations	Share of organisations with membership %	No. of members	Distribution of members, %	Average membership
Culture	3 241	45,7	185 391	4,9	62
Religion	190	11,7	33 184	0,9	194
Sport	6 204	73,1	443 229	11,8	84
Freetime, hobby	9 135	87,2	859 175	22,9	101
Education	651	6,8	52 600	1,4	94
Research	532	41,1	162 572	4,3	332
Healthcare	533	17,4	40 962	1,1	85
Social provision	1 552	28,1	398 610	10,6	276
Civil defence, firemen	753	72,8	17 558	0,5	27
Environment	807	53,7	49 967	1,3	66
Local development	1 932	46,5	82 641	2,2	48
Economic development	581	38,1	29 510	0,8	60
Human rights,	690	65,8	87 455	2,3	161
Public security	1 695	76,6	60 685	1,6	39
Grant management, nonprofit associations	720	33,7	90 959	2,4	352
International	450	50,2	37 113	1,0	91
Professional and economic	3 919	74,9	1 056 175	28,2	346
Politics	426	75,7	67 620	1,8	176
Total	34 011	50,8	3 755 406	100,0	126

Source: National Statistical Office⁶

In *Table 1* we can see that the number of active NGOs are close to 34.000 in Hungary, according to court registration (that also lists the non-operational organisations), there are about 50.000. *Table 1* also indicates that the organisations in human rights and advocacy

⁵ NAGY Renáta – SEBESTÉNY István (2008): Methodological Practice and Practical Methodology: Fifteen Years in Nonprofit Statistics. IN: Hungarian Statistical Review, Special Number 12. pp. 112-138., available at http://portal.ksh.hu/pls/portal/docs/PAGE/STATSZEMLE/STATSZEMLE_ARCHIVUM/2008_ARCHIVUM/2008_SPECIAL_S12_ARCHIVUM/SEBESTENY.PDF (Downloaded 14 May 2009)

⁶ Quoted by F. TÓTH, András – NAGY, Ádám (2008): Humán infrastruktúra: Önkéntesség – foglalkoztatás – tagság. IN: Civil jelentés 2007-2008. Special issue of Civil Szemle, pp. 59-77.

represent a rather small segment of the Hungarian NGO sector, accounting for merely 690 active organisations.

The legal framework for nonprofit organisations developed in four clearly divisible periods. In the first period (1989-1991) the constitutional basis for NGOs was created. Just to mention the most important steps: the old, so-called „communist” constitution was amended, the act on freedom of association was accepted (Act No. II. in 1989), court registration for associations and foundations was introduced (they had to get permission before). In the second period (1992-1999) the legislation on NGOs further developed: the differentiation of NGOs was introduced (public benefit and prominently public benefit status, most important for preferential tax treatment, 1997), the so-called 1% law (1996) allowed citizens to decide upon 1% of their income tax to go to an NGO of their choice. The third period (2000-2006) was characterised by the reform of the system of subsidies of NGOs. In 2003 the National Civic Fund (NCF) was established that channeled the formerly scattered state funding into one single fund where the decisions are made by elected civil representatives.⁷ The central budget allocates as much resources to the sector as the sum of the 1% allocation of citizens - in the previous years' average -, the overall amount of NCF allocation was HUF 6,5 billion. In 2005 the act on volunteering regulated the work of volunteers that was most important for the emerging activity of the field. The act on freedom of electronic information of 2005 contributed to the opportunities of NGOs dealing with basic rights and advocacy since it obliged public actors, institutions to provide access to public data on the internet (legal initiatives, contracts of public interest, etc.). In the fourth period (after 2007) the main trend goes towards the transparency of state-civil relations. Incompatibility rules became well defined in 2007, direct subsidies from ministries and local authorities were put under strict regulation.⁸

When exploring the financial situation of Hungarian NGOs, we have to list the potential resources they have at the moment. Generally speaking, there are six types of resources

⁷ The first experiences of the National Civic Fund are rather contradictory. On the one hand, the civil sector finds useful to have a serious impact on how the state resources are distributed in the sector. On the other hand, however, many civil representatives in the decision-making system see their role as a some kind of interest representation. There are huge problems with incompatibility rules – there are data available proving that those – usually well established and big – organisations who have their representatives in the NCF system, are 100% successful in receiving NCF funding. See Beszámoló s Nemzeti Civil Alapprogram hatásvizsgálata című kutatási programról. Kutatásvezető: KINYIK, Margit (2008). <http://www.szocioeast.hu/> (Downloaded 14 May 2009). See also the website of the National Civic Fund (www.nca.hu).

⁸ See BÍRÓ, Endre (2008): A nonprofit szektor jogi környezete. IN: Civil jelentés 2007-2008. Special issue of Civil Szemle, pp. 22-34.

available: state funding (central budget, national programmes, EU Structural Funds, etc.), local authorities (local budgets, local public foundations, etc.), private funding (1%, other private donations from people, volunteering, bequests, etc.), company donation (sponsoring, in kind contributions, etc.), foreign resources⁹ (foreign government resources, foreign private foundations, companies, etc.), internal income (service fees, membership fees, entrepreneurial income, etc.) The changes in income can be found in *Tables 2-3*.

2. Table: Income of nonprofit organisations according to resources, 1993-2006 (million HUF)

Type of income	1993	1995	1997	2000	2003	2006
State subsidy	19 440,6	40 911,4	63 329,3	140 917,4	308 964,0	378 353,7
Private donation	26 764,6	42 492,6	51 942,3	79 993,0	95 117,6	126 466,2
Income from main activity	21 730,6	44 275,3	95 490,1	183 105,5	210 740,9	235 820,0
Entrepreneurial income	37 945,7	52 097,6	69 922,1	87 558,4	110 590,0	147 331,6
Other	12 593,9	2 139,4	3 678,4	3 933,7	5 641,1	8 272,6
Total	118 475,4	181 916,3	284 362,2	495 508,0	731 053,6	896 244,1

Source: National Statistical Office

3. Table: Income of nonprofit organisations according to resources, 1993-2006 (%)

Type of income	1993	1995	1997	2000	2003	2006
State subsidy	16,4	22,5	22,3	28,4	42,3	42,3
Private donation	22,6	23,4	18,2	16,1	13,0	14,1
Income from main activity	18,4	24,3	33,6	37,0	28,8	26,3
Entrepreneurial income	32,0	28,7	24,6	17,7	15,1	16,4
Other	10,6	1,1	1,3	0,8	0,8	0,9
Total	100,0	100,0	100,0	100,0	100,0	100,0

Source: National Statistical Office

On the basis of these data, we can also identify important tendencies in the financial situation of the Hungarian NGO sector. Nominally the income level grew 750%, but in real prices the growth is only 78%. The structure of income also went through severe changes. While in 1993 most income came from entrepreneurial activities (32%) and private donations (23%) whereas state subsidies accounted for 16,4%, in 2006 state subsidies constituted the biggest source of income (42,3%) for these organisations.¹⁰

⁹ Foreign resources used to mean mainly American money, partly from the USA government (via USAID), partly from private foundations (Rockefeller Brothers Funds, Charles Stuart Mott Foundation, German Marshall Fund, etc.) in the 1990. These resources were mostly withdrawn as EU accession came close. See NIZÁK, Péter (2005): Demokráciafejlesztési stratégiák és a magyar civil szektor. IN: Szabó Máté (szerk.): Civil társadalom: elmélet és gyakorlat. Rejtjel, Budapest, pp. 276-294.

¹⁰ For the tables and analysis see NAGY, Renáta – NIZÁK, Péter (2008): A civil szektor pénzügyi életképessége. IN: Civil jelentés 2007-2008. Special issue of Civil Szemle, pp. 35-58.

As the financial situation of NGOs active in different fields is concerned, we can see that NGOs focusing on human rights and advocacy, are in the mid-range in terms of income in the Hungarian NGO sector.

4. Table: Income for 1 organisation according to fields of activities

Activity	Income for 1 organisation		
	2004	2005	2006
Culture	17 380,9	18 468,4	19 426,8
Religion	5 567,4	4 483,0	5 017,4
Sport	5 492,4	5 916,3	5 801,1
Freetime, hobby	5 669,6	4 734,3	4 645,5
Education	12 689,0	13 492,3	14 037,6
Research	18 370,3	19 556,8	22 180,8
Healthcare	18 661,3	24 373,2	26 370,1
Social provision	14 610,4	17 151,6	17 681,9
Civil defence, firemen	3 258,1	3 696,4	3 815,0
Environment	23 408,9	24 704,6	24 508,2
Local development	26 235,6	27 415,9	25 593,9
Economic development	77 028,9	66 727,6	76 105,9
Human rights, advocacy	13 426,9	16 916,2	11 576,2
Public security	2 295,4	2 991,7	2 511,4
Grant management, nonprofit associations	34 791,7	35 259,1	32 442,3
International relations	13 484,9	11 205,6	9 610,8
Professional, economic interest representation	25 146,0	22 115,8	22 584,8
Politics	7 552,1	9 371,3	8 289,0
Total	14 611,2	15 076,6	15 388,3

Source: NAGY – NIZÁK (2008) p. 43.

In terms of the human infrastructure of the NGO sector we can analyse NGO employment, volunteering, and membership. The number of full time employees in the sector increased from about 30.000 in 1993 to 75.000 in 2006.¹¹ This relatively low figure can be explained by the fact that the NGO sector cannot offer competitive wages, and employees many times leave the sector for financial reasons. On the other hand, there are examples that people who become „tired” of the stress and the (informally) long working hours in the business sector, come to NGOs to work for peace and moral equilibrium.¹² Volunteering has been promoted and given a legal basis only in 2005. According to national statistics, in 2006 there were 438.000 volunteers in Hungary, most of them active in associations (73%), 20% worked for foundations. One third of them was active regularly, the rest only occasionally.¹³

¹¹ The number of employees in Hungary is around 3,9-4 million in Hungary.

¹² See F.TÓTH – NAGY (2008) pp. 61-62.

¹³ See F.TÓTH – NAGY (2008) pp. 63-70.

When we turn to the issue of membership, with that subject we can also move from the world of NGOs to civil society. Do people feel that belonging to a community outside the family and work is valuable and useful? Do they seek these contacts? Do they trust these organisations? Do they feel that by civil action difference can be made in their neighbourhood, region, in the country, or in education, environment or human and minority rights?

The answer to those questions is far from being positive. In *Table 1* we can find data on membership that at first sight presents a nice picture: in a country of about 10 million inhabitants, 3.750.000 people are members in some kind of civil organisation. Other data show however, that only 10-12 percent (declining tendency) of the Hungarian population is a member of some civil organisation that implies multiple membership. *Table 1* also shows that most members are in sport and recreational organisations. Here we have to make a difference between two basic concepts: social participation and civic participation. Social participation focuses on organised activities in different groups for establishing personal relations and interactions, whereas civic participation relates to citizen action for influencing local, regional or sectoral issues.¹⁴ In this sense Hungarian membership data show that only about 14,4% of members are active in the sense of civic participation in 2006 – that is a telling figure if we accept Putnam’s theses on social capital.¹⁵

Public trust is also a key element if we intend to get a picture about Hungarian civil society – and also find a reason why civic participation is low in our country. We have all these organisations but are they embedded in the society? Do people trust them? Or are they just „floating” above the society and communities as parties did in the early 1990? Data show that towards public institutions in general and civil society organisations in particular there is a rather low level of trust in Hungary.

5. Table: How much do you trust ...?

	2005	2006	2008
1–4 averages (1= very much, 2=much, 3=not really, 4= not at all)			
civil society?	n.a.	2,2	2,6
the police?	2,7	2,5	2,7
local governments?	2,5	2,6	2,7
the judicial system?	2,6	2,6	2,8
the parliament?	3,0	3,1	3,3

¹⁴ See HARPER, Rosalyn (2002): The Measurement of Social Capital in the United Kingdom. <http://www.oecd.org/dataoecd/22/52/2382339.pdf> (Downloaded 14 may 2009)

¹⁵ PÉTERFY Ferenc (2008): Érdekképviselés, érdekvédelem, hatalomkontroll – mivégre? IN: Civil jelentés 2007-2008. Special issue of Civil Szemle, pp. 78-94. See also PUTNAM, Robert D. (1993): *Making Democracy Work*. Princeton University Press, Princeton NJ.; R. PUTNAM(2000): *Bowling Alone: The Collapse and Revival of American Community*. Simon Schuster, New York.

politicians?	3,3	3,4	3,5
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Source: PÉTERFI (2008) p. 85.

In the last three years, the level of mistrust in public institutions has grown significantly. Comparatively, civil society is the least mistrusted among the listed players, but mistrust has grown 0.4% towards them, too.¹⁶

In summary, Hungary is characterized by a high number of NGOs paired with a weak civil society. NGOs by function concentrate on social participation, low percentage of them deals with civic participation. We can also assume that even those organisations are „floating” on the top of the society, since public trust – as one indicator of civil participation – is relatively low and in decline even towards civil society organisations.

Organisations dealing with human rights in Hungary

After 1989, the general legal and political environment made possible to NGOs concentrating on human and civil rights and advocacy to be born and operate. On the one hand it is paradoxical that during the period of (however soft) dictatorship this type of NGOs could not even exist, whereas immediately after the constitutional and political change, when the conditions of the rule of law were established, human and civil rights activism started. On the other hand, this is the international pattern: even when democratic conditions are granted in a polity, authorities do make mistakes, do have unfair practices and civil control has the opportunity and the means to press for the correction of these mistakes.¹⁷

In this chapter I would like to introduce the major issues in the field of human and citizens' rights in Hungary in our days. I am not in an easy situation here since the content of this concept is not at all straightforward if we would like to explore - not the legal category of human and citizens' rights but - the organisations pressing to enforce them. Even when we work with statistics we have to admit that one particular organisation may act in different fields, and this makes them hard to categorize. Moreover, statistical methodology is far not concise: the National Statistical Office and the Hungarian State Treasury collects data based on different working definitions concerning the category of human and civil rights.

So, what areas do we deal with when talking about human and civil rights? A more than 30 years old international NGO, *Human Rights Watch* concentrates on the following topics on its website:

- arms,

¹⁶ PÉTERFI (2008) p. 85-86.

¹⁷ SZABÓ Máté (1997): A katakombákból a professzionalizmus felé. Jogvédő civil szervezetek helyzete Magyarországon a rendszerváltás után. IN: Fundamentum, 1997/2. pp. 124-128.

- childrens' rights;
- health,
- LGBT rights;
- terrorism / counterterrorism;
- women's rights;
- business (workers' rights, LDC employees);
- refugees;
- ESC rights;
- migrants;
- torture;
- press freedom.¹⁸

To come closer to Hungary, the previously referred article of *Máté Szabó* names 3 areas where human and citizens' rights organisations operate; those are:

1. Womens' rights;
2. Rights of minorities, drug addicts, ethnic, sexual, special needs, others rights;
3. Asylum seekers', migrants' rights.¹⁹

In a more recent analysis, *György Ligeti* talks also about three major areas within human and citizens' rights, that are:

1. representation of people with disabilities or with special needs;
2. mainstream citizens' rights;
3. organisations representing special interests (ethnic, social, LGBT, etc.).²⁰

Thus, there seems to be no consensus on how to categorize organisations operating in human and citizens' rights protection, that is why the following list will be by definition very subjective. It is worth mentioning in advance that I do not list those issues that do not constitute a problem in Hungary at the moment (e.g. there is no arbitrary or unlawful deprivation of life from the side of the government, there are no political prisoners, etc.)²¹. Also, I do not go into detailed analysis concerning the emerging issues within the field of human and citizens' rights, like the rights of the disabled and special needs people, second and

¹⁸ See www.hrw.org (Downloaded 19 May 2009)

¹⁹ SZABÓ (1997) op. cit. p. 124.

²⁰ LIGETI, György (2008): Jogvédelem. IN: Civil Szemle különszám, 2008/ 1-2. pp. 173-189.

²¹ See Country Report on Human Rights Practices in Hungary. Bureau of Democracy, Human Rights, and Labor, U.S.A. March 2007. <http://www.state.gov/g/drl/rls/hrrpt/2006/78816.htm> (Downloaded 19 March 2009)

third generation human rights like social rights and rights to a healthy environment. Thus, the picture I give is inevitably one-sided, or better to say, problem-oriented.

On my part, I find currently within the general field of human and citizens' rights in Hungary the following problem areas:

1. Mainstream human rights;
2. Minority rights, especially Roma rights;
3. Civil rights, especially the transparency of public institutions in general, corruption, public access to data, freedom of information;
4. Womens' rights.

When talking about an issue, I will also introduce those major organisations that are key actors in the particular areas concerned.

Mainstream human rights

The most visible conflict around human rights in the recent years in Hungary was the series of events that I referred to in the introduction. In September 2006, after the Prime Minister acknowledged that he and the leading coalition party (the Hungarian Socialist Party) based the successful electoral campaign in early 2006 on a series of lies²², the anyway deeply politically divided Hungarian society reacted with a series of riots. Riots had been unheard of in Hungary before: the Hungarian audience had been always surprised when these types of news came from civilized democracies of Western Europe. This is why the people were shocked and they were also shocked when the September events continued in October, especially on the day of the celebrations of the 50th anniversary of the 1956 revolution. The shock was twofold: on the one hand, people are not accustomed to street violence and on the other hand, they are not accustomed to exaggerated police aggression (by unmarked policemen, also towards people who were not demonstrators but only accidentally present) as it was experienced in several cases.²³

It was worth recalling these events because they put a series of human rights issues in spotlight: the right of assembly, the possibilities of innocently beaten up people for legal redress, the civil control of the police, etc. A number of traditional and new civil society

²² „There is not much choice. There is not, because we screwed up. Not a little, a lot. No European country has done something as boneheaded as we have. Evidently, we lied throughout the last year-and-a-half, two years. It was totally clear that what we are saying is not true. You cannot quote any significant government measure we can be proud of, other than at the end we managed to bring the government back from the brink. Nothing. If we have to give account to the country about what we did for four years, than what do we say?” See <http://news.bbc.co.uk/2/hi/europe/5354972.stm> (Downloaded 19 May 2009)

²³ See detailed description of events at http://en.wikipedia.org/wiki/2006_protests_in_Hungary (Downloaded 19 May 2009)

organisations made their voice heard in this case. The Hungarian Helsinki Committee and the Hungarian Civil Liberties Union (HCLU, Hungarian abbreviation: TASZ) called competent authorities to obey laws even in an extreme situation that occurred.²⁴

The Hungarian Civil Liberties Union (HCLU) is a non-profit human rights watchdog NGO established in Budapest, Hungary in 1994. HCLU focuses on legal reform and legal defense, works independently of political parties, the state or any of its institutions. Their aim is to promote the case of fundamental rights and principles laid down by the Constitution of the Republic of Hungary and by international conventions. Generally it has the goal of building and strengthening the civil society and rule of law in Hungary and the CEE region. Since HCLU is an independent non-profit organization the financial resources are largely provided by foundations and more and more likely by individuals.²⁵

The Hungarian Helsinki Committee (HHC) has the name and the traditions of the Helsinki movement that began in the Soviet Union following the signing of the Helsinki Final Act in 1975. The Hungarian democratic opposition had been in regular contact with the Helsinki movement, (particularly with Helsinki Watch) since the early 80's. The Hungarian Helsinki Committee was established in May 1989, it monitors the enforcement of human rights laid down in international human rights instruments in Hungary, provides legal defense to victims of human rights abuses by state authorities and informs the public about rights violations. HHC strives to ensure that domestic legislation guarantee the consistent implementation of human rights norms, promotes legal education and training in fields relevant to its activities, both in Hungary and abroad. HHC's main areas of activities are centered on protecting the rights of asylum seekers and foreigners in need of international protection, as well as monitoring the human rights performance of law enforcement agencies and the judicial system. It particularly focuses on the conditions of detention and the effective enforcement of the right to defense and equality before the law.²⁶

Apart from these well-established and widely known organizations new ones also emerged. The National Legal Defence Foundation was established in August 2004 with the aim of providing legal help (via its National Legal Defence Service) for members of the Hungarian Community who experienced an encroachment in his/her rights because of their national,

²⁴ See <http://tasz.hu/politikai-szabadsagjogok/38> (Downloaded 19 May 2009)

²⁵ See www.tasz.hu (Downloaded 19 May 2009)

²⁶ See www.helsinki.hu (Downloaded 19 May 2009)

ethnic belonging.²⁷ This organization has been very active in exploring the situation of those individuals who suffered from exaggerated police action in autumn 2006. They also provide legal defence for the new para-military movement called the Hungarian Guard²⁸ (Magyar Gárda) who have close links with the new extreme right party formation Jobbik (More Right).

To our days we still do not have a clear picture on what happened those days in Budapest and in some smaller cities in Hungary. There are political, economic, public and private interests around the events and their clarification. There are numerous legal processes under way, criminal, administrative proceedings. Two reports were written about the events and their follow-up: one was by the so-called Gönczöl Commission²⁹ (entrusted by the government) and the other was the Morvai Commission³⁰ (close to the National Legal Defence Foundation). According to *Máté Szabó*, according to international experiences, these types of commissions are usually by-products of the conflict itself and do not provide remedies.³¹ As a consequence of these issues on mainstream human and citizens' rights organisations, as we see from above, party politics and political identity has become a shaping factor in their operation.

The organisations concentrating on mainstream human rights protection, do the following activities in the field:

- Information provision, media contacts, campaigns;
- watchdog activities, documentation of breaches of law, legal initiatives;
- individual legal defence for those in need, networking, community development;
- organization of actions;
- international relations, network building.

Minority rights, especially the Roma issue

There was wide, also international media coverage on the issue that there were several killings in the gypsy community in spring 2009. Molotov cocktails were thrown to houses where Roma people live; a man, Jenő Kóka was shot in the chest, stepping out of his house heading

²⁷ See www.nja.hu (Downloaded 19 May 2009)

²⁸ See www.magyargarda.hu (Downloaded 19 May 2009)

²⁹ See <http://www.gonczolbizottsag.gov.hu/> (Downloaded 19 May 2009)

³⁰ Krisztina MORVAI, criminal law expert established the Civil Lawyer Commission to investigate the events of 32 October 2006 right after the event. Her commission published the report on 23 January 2007 that was published in a book (MORVAI, Krisztina (2007): *A Civil Jogász Bizottság Jelentése*, Kairosz, Budapest.).

Morvai later became the EP candidate of the extreme right party, Jobbik (More Right).

³¹ SZABÓ, Máté (2007): *A tiltakozás kultúrája Magyarországon*. Rejtjel, Budapest, pp.173-174.

to work, and he was the fifth victim in a few months. Police leaders commented that investigation is in full gear but there are still no results.³²

These extreme cases are just the top of the problems that are connected to the cohabitation of the Roma (approximately 600.000 people) and the non-roma population of Hungary. Apart from all laws and human rights being applied to all citizens of the country and the system of so-called „minority self governments” that are elected by the members of those communities, human rights in practice are often problematic in this community. Within this paper, I do not have the space nor the capacity to provide a proper analysis of this issue, to list the reasons and the usually unsuccessful government means and policy tools to improve the situation. I just list the key areas of the problem:

- NGOS reported several cases that Roma people are fearful to report police abuse and they are held in pretrial detention in more cases than the non-Roma.
- Although the law forbids official segregation of children according to ethnicity or nationality, Roma children are often placed in remedial classes without cause, effectively separating them from other students.
- Living conditions for Roma communities is significantly worse than for the general population. Roma are significantly less educated and have below average income and life expectancy. The unemployment rate for Roma is estimated at 70 percent, more than 10 times the national average.³³

Apart from the previously mentioned minority self-governments, there are several NGOs dealing with these issues. I find most influential the European Roma Rights Center and The Legal Defence Bureau for National and Ethnic Minorities (NEKI).

The European Roma Rights Centre (ERRC) is an international public interest law organisation that is engaged in a range of activities aimed at combating anti-Roma racism and human rights abuse of Roma. The approach of the ERRC involves, strategic litigation, international advocacy, research and policy development, and human rights training of Romani activists. Since its establishment in 1996, the ERRC has endeavoured to give Roma the tools necessary to combat discrimination and win equal access to government, education, employment, health care, housing and public services. The ERRC works to combat prejudice

³² See also <http://www.time.com/time/world/article/0,8599,1895255,00.html> (Downloaded 20 may 2009)

³³ See Country Report on Human Rights Practices in Hungary. Bureau of Democracy, Human Rights, and Labor, U.S.A. March 2007. <http://www.state.gov/g/drl/rls/hrrpt/2006/78816.htm> (Downloaded 19 March 2009)

and discrimination against Roma, and to promote genuine equality of treatment and equality of respect.³⁴

The Legal Defence Bureau for National and Ethnic Minorities (NEKI) was established in 1994 within the framework of the Otherness Foundation. It was established in order to provide legal defense for persons whose rights were violated as a result of their ethnic origin. NEKI provides legal assistance to members of national and ethnic minorities who live in Hungary, as defined in the act on the rights of national and ethnic minorities, and have suffered differentiated treatment or discrimination due to their national or ethnic origin. It is among NEKI's primary objectives to thoroughly investigate cases of discrimination by carrying out fact-finding missions, with the involvement of independent specialists, where needed.

These organizations also use very similar tools to reach their aims as mainstream human rights organisations. They also put stress to publications, mainly reports on particular areas of their work and put an emphasis on training of Roma activists.

Transparency of public institutions, corruption

Corruption is one of the most widely mentioned problems of the Hungarian economy and society nowadays. If we hear about public procurement, the wider public suspects corruption, if we talk about healthcare, everyone thinks about the pocket money people give to doctor for the treatment we already pay for when we social security fees are deducted from our wages. The widely known CPI (Corruption Perceptions Index) regularly published in 90 countries by Transparency International (TI) shows that corruption perception has grown in Hungary by 0,2 points and at the same time Hungary fell back 8 places in their list, falling from 39 in 2007 to 47 in 2008. Also, in regional comparison Hungary has been perceived as more corrupt than the regional average. According to Noémi Alexa, director of TI Hungary, the problem causing high corruption are the the intransparency of party financing, the system of public procurement, weak sanctions, the high social acceptedness of corruption, weak civil sector and the lack of political will to rein corruption.³⁵

Transparency International (TI) is a non-governmental organisation with the main goal of fighting corruption, advocating transparency and a clean, accountable business environment

³⁴ See www.errc.org

³⁵ See the presentation of Noémi Alexa, director of TI Hungary at <http://www.transparency.hu/files/p/428/3173339421.pdf> (Downloaded 20 May 2009)

by bringing together relevant players from government, civil society and business. In order to change public perception and raise public awareness TI focuses on carrying out research projects and publishing recommendations. TI does not conduct investigations to track individual corruption cases, does not operate whistleblowing services. The TI network consists of 90 national chapters throughout the world, whose activities are coordinated at the Berlin International Secretariat and the Innovation and Research Centre in London. Transparency International Hungary Foundation was established in October 2006 and report regularly about corruption issues since then.

Apart from TI, donor organizations also realized the problem of corruption in Hungary. Trust for Central and Eastern Europe (CEE Trust) that is channeling private funding (Rockefeller Foundation, Mott Foundation, etc.) to the region, in their 2008 call for proposals also highlighted the issue of corruption to be addresses in project proposals.³⁶

Transparency of public institutions is closely related to the issue of corruption but also to the basic civil rights of citizens to control public institutions. Recently there has been serious debates between civil society organizations and public institutions about the publicity of certain contracts between the state and certain companies (e.g. Hankook Tyre³⁷), about the access to data about the wages and other benefits of politicians, directors of state-owned companies, etc. The ost active organization of this issues in Hungary is the Civil Liberties Union (TASZ), already mentioned above in the section about mainstream human rights.

Womens' rights

Women, of course, have the same rights as men under family law, property law, and in the judicial system. There is an Equal Treatment Authority, in operation since 2004 that is entitled to examine reported cases and impose fines if necessary.³⁸ However, there are several fields where discrimination or abuse can be tracked towards them in everyday life. There is economic discrimination against women in the workplace, particularly against jobseekers over the age of 50 and those who are pregnant. There is family violence and spousal rape - expert research in the field of family violence indicated that an estimated 20 percent of women were threatened or victimized by domestic violence.³⁹ The Parliament

³⁶ See www.ceetrust.org (Downloaded 20 May 2009)

³⁷ See Journalist Represented by HCLU Attorney Wins Lawsuit Against the Ministry of Economy and Transportation. <http://tasz.hu/news/100> (Downloaded 20 May 2009)

³⁸ See <http://www.egyenlobanasmod.hu/index.php?g=english.htm> (Downloaded 20 May 2009)

³⁹ See Country Report on Human Rights Practices in Hungary. Bureau of Democracy, Human Rights, and Labor, U.S.A. March 2007. <http://www.state.gov/g/drl/rls/hrrpt/2006/78816.htm> (Downloaded 19 March 2009)

passed a law on restraining order in order to help protect persons from abusive spouses but in January 2009 the President did not sign the law but sent it to the Constitutional Court because he argued that the concept of family member and of violence is not clearcut, therefore, difficult to apply in practice. The Constitutional Court also found constitutional problems in the law so it nullified the law. Societal attitudes tend to blame the victim as the cause of abuse, and NGOs reported that police generally remained reluctant to arrest abusers. Most incidents of domestic violence go unreported from fear and shame on the part of victims. Although the law does not explicitly prohibit sexual harassment in the workplace, general harassment is illegal, and the law provides for the right to a secure workplace. Nonetheless, sexual harassment is a widespread problem – many women tolerate it because of fearing to lose their jobs. Prostitution is legal but there are many restrictions on where it may be “carried out”. There are estimates from 17.000 to 30.000 as of the number of prostitutes in the country.⁴⁰

NANE, Women's Rights Association was founded by eleven volunteers in January 1994. NANE is primarily dedicated to ending the human rights violations and the threat of violence against women (VAW) and children through advocacy, personal support services and public education. The main goal of the organization is to facilitate and promote changes in the laws and legal regulations so that they will be able to provide legal protection for women against discrimination and violence; to facilitate and encourage the creation of presently missing protocols related to all fields of VAW; to improve legal practice so that it will stop discriminating against women; to empower women to be better able to represent their own issues and to be better able to name their realities. NANE is still the only NGO that operates a hotline for abused women and children. They organise trainings for volunteers, helpers, even schoolchildren, they organize campaigns around the issues of their area and monitor lawmaking.

Conclusions

NGOs engaged in human and civil rights defence in Hungary constitute a small but strong circle of organisations. According to statistics, there are almost 700 organisations in operation in this field. They struggle with the typical challenges of NGOs in general: bureaucratic operation required by the law, financial sustainability problems, limited capacity of human resources. NGOs concentrating on human and civil rights however, face a special problem in

⁴⁰ See Country Report on Human Rights Practices in Hungary. Bureau of Democracy, Human Rights, and Labor, U.S.A. March 2007. <http://www.state.gov/g/drl/rls/hrrpt/2006/78816.htm> (Downloaded 19 March 2009)

financing: as I previously mentioned, in terms of foreign donors, there was a shift from American financing (state – USAID - and private funding – Rockefeller, Mott, etc.) to EU funds. This shift went together with a change in the donation philosophy: while American donors generally prioritized civil society organisations to carry out advocacy, watchdog, civil participation roles, EU funding prioritize organisations that carry out services for their communities (social, employment, childcare, etc.). Since these organisations do not like to apply for state funding for incompatibility reasons, this development brings human and civil rights organisations in a difficult financial situation.

They co-operate or rather complement the activities of state players whose job is securing the enforcement of laws that are compatible with international and European conventions. The Ombudsman, the Equal Treatment Authority, the Constitutional Court, the Public Prosecutors work for the same target using different means and those means complement each other.

These organisations are, on the other hand, carry out their activities with rather small public support. In 1997 *Máté Szabó* wrote that according to his interviews, activists find the public support of their activities rather low, the masses are unconcerned about the issues they prioritize. Although their actions are in the media – especially in quality print and internet – are covered, they find difficult to reach the masses, they do not constitute wide movements. Their supporters and active opponents are small circles.⁴¹ This corresponds to my previous hypothesis that the majority of civil society organisations, especially those in civil participation are so to say, floating on the top of a rather indifferent society.

As previously mentioned, human and civil rights organisations gained special attention when in autumn 2006 there were riots and a number of unfair police action. As a consequence, traditional and new human rights organisations answered the challenge with a certain split in the area. Whereas traditional human rights organisations (HCLU, Helsinki Committee) communicated this issue as a general breach of human rights, the National Legal Defence Foundation – providing help for members of the Hungarian Community who experienced an encroachment in his/her rights because of their national, ethnic belonging – made a theoretical difference between those whose rights were breached. Since they also provide legal help for the Hungarian Guard, a new, paramilitary movement with links with the extreme right, we can experience the appearance of the dichotomy of good and bad civil society.⁴² Thus, we have

41 SZABÓ (1997) op. cit. p. 128.

42 After 9/11 in 2001, Simone Chambers and Geoffrey Kopstein argued that civil society is usually by definition taken as means to enhance civil participation, strengthening democracy, preventing the takeover of undemocratic political forces, etc. However, as 201 shows, there are organisations that do not share these values, just the

organisations - with the active help of NGOs working in human and civil rights – that can be categorized as part of bad civil society, characterized by introverted social network, intolerance, and closed community, instead of openness, tolerance and supporting democracy.⁴³ These developments constitute a new challenge for civil society organisations in Hungary in general and those working in human and civil rights in particular.

contrary. See CHAMBERS, Simone–KOPSTEIN, Jeffrey (2001): Bad Civil Society. *Political Theory*, 29. 837-865.

43 BANERJEE, Tribid (2007): The public Inc. and Consciouce of Planning, In: *Institutions and planning. Current research in Urban and Regional Studies.* (ed: Verma, Niraj) Oxford: Elsevier, 122.

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