



RESOLUTION ON FREEDOM OF EXPRESSION IN HUNGARY

In Hungary, a series of government actions in the past few months show the continuation of the authorities' ongoing crackdown on independent civil society groups and critical voices. These actions are in violation of principles of international law, enshrined in the International Convention on Civil and Political Rights (ICCPR), and the European Convention on Human Rights (ECHR), to which Hungary is a state party.

In April 2017, Hungary adopted amendments to its National Act on Higher Education, that appear to particularly target the Central European University (CEU) community. The most discriminatory aspects of the new *Higher Education Act* include those that prevent Hungarian universities from issuing degrees by non-EU countries, which the CEU currently does under an OECD agreement. Another provision overturns a good-faith waiver allowing non-EU staff to teach at the university without a work permit. The law would also require the university to open a campus inside the US where it is registered. Finally, the CEU would be subject to the requirement that universities originating from non-EU countries need bilateral contracts between governments for operations, despite higher education being a state issue, not a federal issue. Together, these amendments will place a great financial burden on the university, and reduce its competitive position.¹ The effect, according to the CEU, is that it will become impossible to function in the country if the government does not overturn the amendments in question.

PEN International is concerned that this new law constitutes an attack on foreign funded academic institutions and particularly the CEU's independence and academic freedom – which derives from and is protected by the fundamental right to freedom of expression and information.² Vibrant and independent academic institutions are one of the key drivers of knowledge creation, and a thriving public sphere. Specifically, for 25 years the CEU has been an institution that fosters independent thought and critical debate in Hungarian society and beyond. This flagrant attempt to shut down the university in this way is tantamount to silencing these voices. In

¹ 'Hungary Law Threatens Independent Universities' *Human Rights Watch* (April 2017).

<https://www.hrw.org/news/2017/04/04/hungary-law-threatens-independent-universities>

² Alicia Mendoca, 'European Court of Human Rights upholds academic freedom' *Farrer & Co*, <http://www.farrer.co.uk/Global/Awards/European%20Court%20of%20Human%20Rights%20upholds%20academic%20freedom.pdf>

this sense, it is also a deliberate attack on freedom of expression and information, which is enshrined in Article 19 of the ICCPR and Article 10 of the ECHR.

The amendments are an example of the broader hostility that the Hungarian government has shown towards independent civil society groups in recent years, especially those that have financial ties to foreign donors. Representatives of the ruling Fidesz party led by Prime Minister Viktor Orban have consistently issued statements aimed at delegitimising organisations and associations that stand to challenge their vision of a Hungarian 'illiberal state'.³

In June 2017, the Hungarian Parliament approved Draft Law T/14967 on the Transparency of Organisations Receiving Support from Abroad. The new law will compel non-governmental organisations (NGOs) that receive more than 7.2 million Hungarian forints (approximately 24,000 euros) to re-register as 'foreign-supported organisations' and to identify themselves as such on every publication. The Hungarian authorities have claimed that the purpose of the law is to fight against money laundering and terrorism funding. The fact is, however, that the majority of NGOs that receive foreign funding focus on civil and political rights and are, as a result, more likely to be critical of the authorities and of their policies. By labelling NGOs as 'foreign-funded,' the new law will stigmatise and delegitimise their work and ultimately have a chilling effect on their ability to operate, and thus on the freedom of expression and information.

The past few months have seen an escalation of the country's anti-migrant stance, with the authorities openly fuelling anti-migrant rhetoric and smearing rights groups critical of their stance. The latest in this string of worrying incidents saw Hungarian-born businessman, philanthropist and writer George Soros, the founder of the CEU, become the target of a government-run anti-immigration campaign, with apparent anti-Semitic undertones.⁴

In the light of this situation, the Assembly of Delegates of PEN International calls on the government of Hungary to:

- Investigate and prosecute all racist, xenophobic and anti-Semitic crimes that amount to advocacy of incitement to violence and to end all attacks against dissenting voices;
- End their campaign against independent civil society groups and instead publicly recognize the value of such groups in promoting and protecting an open, transparent and tolerant society;
- Take all possible measures to combat xenophobia, anti-refugee sentiment and racism; and
- Repeal all laws that discriminate against or target foreign-funded NGOs.

³ 'Proclamation of the Illiberal Hungarian State'. *Orange Files* (August 2014).
<https://theorangefiles.hu/2014/08/01/proclamation-of-the-illiberal-hungarian-state/>

⁴ 'George Soros: Hungarian government posters "anti-Semitic"', *BBC* (11 July 2017).
<http://www.bbc.co.uk/news/world-europe-40576224>