

VIKTOR ORBÁN McCARTHIST LAW

CONTENT OF THE LAW

MAIN RIGHTS VIOLATIONS

EXPLAINER

Hungary adopted in December 2023 the Act LXXXVIII of 2023 on the protection of national sovereignty, aimed at carrying out state-sponsored smear campaigns. Specifically, the law creates a 'Sovereignty Protection Office' (SPO) designed to:

1. Stigmatise the activities and persons it deems censurable.

The SPO investigates interest representation activities and "activities aimed at influencing democratic discourse". The ambiguity of those terms allows for arbitrary enforcement.

2. Subject opposition parties, journalists and civil society to state surveillance.

The SPO can pass the data it collects during its 'fishing' expeditions onto other authorities, exposing its targets to administrative harassment.

3. Act as a 'sovereignty' watchdog of all state powers and administration levels.

The SPO provides recommendations to the administration (including on legislative proposals) and assesses their implementation.

Privacy and GDPR rights

The Office can access all information from all public administrations, including intelligence services, and use it for their smear campaigns.

Freedom of expression and association

The uncertainty on the enforcement of the law generates a chilling effect on freedom of expression. Citizens will not speak up against the government.

Internal market freedoms

The law allows for the harassment of EU companies doing business in sensitive sectors for the interests of Hungarian oligarchs.

Non-discrimination

The law allows the state to treat foreigners and Hungarian citizens differently based on their views and even subject them to various kinds of state-supported harassment.

DID YOU KNOW ...

...that the Sovereignty Protection Office (SPO) activities can have an impact on the composition of the next European Parliament?

The Office has already launched its first investigation against Péter Magyar, a relevant opposition party politician who will run for the EU elections. Its defamation campaign may influence Hungarian public opinion and, as a consequence, the results of the EU elections. [0]



Scan or click [here](#) to download RECLAIM
Legal Opinion on the Sovereignty Law.

WHO IS AFFECTED?



Opposition parties

Opposition parties are the ideal target of the Office: they can easily be portrayed as a threat to 'sovereignty'



Civil society

CSOs have been accused by the government as serving 'foreign interests'



Media

Independent journalists can be blamed of 'influencing democratic discourse'



Companies

Companies asserting their interests to the detriment of Hungarian oligarchs' companies: 'threats to sovereignty'



Anyone?

Due to the ambiguity of the Law, it is impossible to predict who will be the next target of the Office

Judicial review

404
NOT FOUND

There is no judicial review of the Office's reports. Courts offer no protection against smear campaigns.

Tamás Lanczi, SPO president

Tamás Lanczi was elected SPO president in 2024. When Mr. Lanczi was the editor-in-chief of Figyelő, the outlet published a list of names of NGO members, accusing them of being 'Soros mercenaries'. A Hungarian court ruled it as unlawful and fear-inducing.^[1]

LATEST DEVELOPMENTS

SPO President urges to modify the crime of treason to target NGOs cooperating with the EU

The President of the SPO argued that: "[I]f someone is working to deprive Hungary of the subsidies it is entitled to, and is proud to do so, what does it amount to? [...] The legislators and the law enforcers have a responsibility to clarify what they consider to be treason" ^[2]

The SPO launches an investigation against Orbán's opposition

In essence, this means targeting Hungarian and European civil society organisations working with the Rule of Law cycle and EU funding conditionality - e.g. RECLAIM.

The SPO wants to have access to the documents kept by private lawyers

The SPO launched an investigation against Péter Magyar, the main figure in the opposition to Orbán's government. Mr. Magyar accuses Fidesz of corruption and of transforming the state into a propaganda machine ^[3].

The first SPO report: targetting journalists and NGO workers by their name

The SPO has contacted the Hungarian Bar Association to conclude an agreement so that Hungarian lawyers provide information about their cases to the Office. The Bar Association, however, rejected the request ^[4].

The Office has published its first report, in which it targets journalists working for media outlets like the New York Times or the CNN, Hungarian and international NGOs staff and a former NATO commander, among others. ^[5]

LATEST DEVELOPMENTS

Hungary praises Georgia's Russian-inspired 'foreign agents' law, blocks EU diplomatic response

While blocking EU action against the Georgian 'foreign agents' law at the Council [6], Orbán's Political Director tweeted this [7]:



Our intention is not to veto #Georgia's Law on the Transparency of Foreign Influence, but to encourage the introduction of similar laws across the EU!

Hungarian Parliament asks SPO to monitor opposition MEPs Brussels activity

The report, which the Fidesz majority in parliament approved, portrays the suspension of EU funds and other EU actions as attacks on Hungarians. It accuses opposition MEPs of working against Hungary's interests and weakening its sovereignty by backing these actions. The parliament tasked the SPO with conducting a deeper investigation to propose legal changes to handle MEPs' behaviour in the future.[8]:

The SPO probes anti-corruption NGO and investigative journalism

Transparency International Hungary and Atlatszo (a Hungarian independent news outlet) are being targeted by the SPO in an effort to silence anti-corruption activists and journalists.[9]

EU REACTION DELAYED

... July
2024?

The European Commission launched an infringement procedure against Hungary on February 7, 2024, arguing that the Law violates "the principle of democracy and the electoral rights of EU citizens" and "several fundamental rights" [10]. Hungary had until 7 April to provide a reasonable explanation or repeal the law. To protect the integrity of EU elections, the Commission had until end-May to act, as a coalition of civil society organisations, including RECLAIM, has urged it to do [11].

However, the European Commission did the exact opposite: it provided Hungary with two extra months to justify its draconian law.[12].

AS THE EUROPEAN COMMISSION

- End the reasoned opinion phase and bring the case before the CJEU as soon as possible.
- Seek interim measures to limit the effects of the law on the upcoming EU elections.

AS MEMBER STATES

- Back a Commission lawsuit or independently lodge your own.
- Collaborate with MPs from different parties to sponsor questions in parliament, co-host parliamentary hearings and adopt cross-party resolutions on the issue.



Still questions?

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