

VIKTOR ORBÁN'S McCARTHYIST LAW

CONTENT OF THE LAW

MAIN RIGHTS VIOLATIONS

EXPLAINER #3

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

1. Stigmatize 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. Influence all state powers and administration levels.

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

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.

Privacy and GDPR rights

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

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 SPO can distort the Hungarian 2026 elections to undermine the opposition to Fidesz?

In fact, the SPO already launched a smear campaign against the main leader of the opposition, Péter Magyar, coinciding with the 2024 European Parliament elections. The SPO will continue its defamation campaigns against anyone challenging Fidesz, manipulating Hungarian public opinion and, as a consequence, potentially distorting the results of the spring 2026 Hungarian parliamentary elections [0].



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

WHO IS AFFECTED?



Opposition parties

The SPO has launched a defamation campaign against many of the opposition parties



Civil society

The SPO has been preying on anti-corruption watchdogs like Transparency International



Media

Independent journalists who challenge Fidesz's narrative have been branded as a threat to Hungarian sovereignty



Companies

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



EU institutions

SPO's defamation campaigns have also been directed towards the EP and the Commission

Judicial review

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

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NOT FOUND

Tamás Láncki, SPO president

Tamás Láncki, the president of the SPO, was also the editor-in-chief of Figyelő when 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].

In essence, this means targeting Hungarian and European civil society organizations (COSs) working with the Rule of Law cycle and EU funding conditionality – e.g. RECLAIM.

The SPO launches an investigation against Orbán's opposition

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

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

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

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

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 [7]:



Balázs Orbán
@BalazsOrban_HU

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

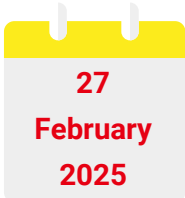
The report, which the Fidesz majority in Parliament approved, portrays the suspension of EU funds and other EU actions as attacks on Hungarians. It accuses opposition MEPs of working against Hungary's interests and weakening its sovereignty by backing these actions. The Parliament tasked the SPO with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

The SPO probes anti-corruption NGO and investigative journalism

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

EU REACTION

The Commission initiated an infringement procedure against Hungary in February 2024, arguing that the SPO Law violates, among other things, "the principle of democracy and the electoral rights of EU citizens" and "several fundamental rights". [10] Hungary's unsatisfactory reply prompted a Commission referral to the EU's top court in October. Member States and the European Parliament have until 27 February to join the case [11]. This is essential to:



- Honor their pledge to "protect and promote EU's founding values" - June 2024 EUCO Conclusions [12].
- To end the spread of foreign agents' laws across Europe. Similar bills have been introduced in Bulgaria or Slovakia, or have been adopted in Georgia and Poland under PiS.

TAKE ACTION - NOW



AS A MP

Ask your government to join the case and invite Hungarian CSOs to share their experiences in your Parliament.



AS A MEMBER STATE

Join the lawsuit and use diplomatic backchannels to urge the Commission to request interim measures.



AS A MEP

Encourage your government to join the lawsuit and advocate for the participation of the EP as well.

Still questions? Write to us

esther.martinez@reclaiming.eu
alejandro.menendez@reclaiming.eu



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