

Enhancement of Efficiency and Effectiveness at Hungarian Human Rights Non-Governmental Organizations - A Cooperation Based Approach

By
Dávid Gáspár

Submitted to
Central European University
Department of Legal Studies

In partial fulfillment of the requirements for the degree of Master of Arts

Supervisor: Eszter Polgári

Budapest, Hungary
2016

Abstract

Non-governmental organizations (NGOs) are very important in the advancement of human rights in Hungary. While their significance is unquestionable, they often seem to operate with a disappointing level of inefficiency and a low rate of success.

The thesis proposes the idea that human rights NGOs could be made more efficient, and, consequently, more effective, if they adopted a cooperation-based approach. For this very practical objective many interviews were conducted with experts working at NGOs who have already joined civil sphere cooperations in the past or are likely to join in the future.

The paper offers an overview on the right to freedom of association in the interpretation of those systems which influence the Hungarian legislation, and describes non-governmental organizations and their impact at length. By comparing and contrasting successful international and local NGO cooperations, the Control Arms' Coalition and the Working Group Against Hate Crimes, the potential of future NGO coalitions can be assessed.

In the end of the thesis practical recommendations are provided for NGOs, and the interrelatedness of efficiency and effectiveness is elaborated in details. The conclusion shall shed light on how efficiency and effectiveness of NGO functioning could be improved by a collaborative attitude.

Acknowledgements

I would like to express my deepest gratitude to my supervisor, Eszter Polgári, as she was probably the only one who believed in my project. I am also very grateful for her copious amount of support in the research process, and for her life-saving mentoring skills.

I would like to thank the organizations that participated in my interviews, namely Amnesty International Hungary, Háttér Society, the Hungarian Civil Liberties Union, the Hungarian Helsinki Committee, the Legal Defense Bureau for National and Ethnic Minorities and the Roma Press Center. Their insights and opinions were essential for the success of the thesis. I am especially thankful for Kata Jávör and Áron Demeter for inspiring me since 2014.

Last, but not least, I offer a large thank-you note for everyone in my universe who tolerated me, and made my studies and thesis writing possible in any ways.

Table of Contents

1. Introduction	1
2. The right to freedom of association and the human rights non-governmental organizations	4
2.1. United Nations	4
2.2. Council of Europe	7
2.3. Organization for Security and Cooperation in Europe	12
2.4. Non-governmental organizations (NGOs)	13
2.5. Assessing the impact of NGOs	17
3. Hungarian human rights non-governmental organizations	22
3.1. Right to freedom of association in Hungary	22
3.2. Features of the Hungarian human rights NGO system	27
3.2.1. Staff	28
3.2.2. Budget	28
3.2.3. NGO categorization	29
3.2.4. Outreach	30
3.2.5. Overlaps	32
3.2.6. Efficiency and effectiveness	33
4. International and Hungarian cooperations- Control Arms' Coalition and the Working Group Against Hate Crimes	35
4.1. Development of the Arms' Trade Treaty (ATT) and the role of Control Arms' Coalition	35
4.2. A successful Hungarian human rights coalition - the Working Group Against Hate Crimes (Gyűlölet-bűncselekmények Elleni Munkacsoport, GYEM)	38
4.2.1. Birth	38
4.2.2. Objectives	40
4.2.3. Roles and division of labour	41
4.2.4. Leader and control mechanism	44
4.2.5. Functioning	45
4.2.6. Successes and failures	46
4.2.7. Assessing the impact and effectiveness of Working Group Against Hate Crimes	48
4.3. A comparison	49
4.4. NGO coalitions - for and against	51
4.4.1. How to make NGO coalitions efficient and effective	54
5. The prospects of Hungarian NGO cooperations - a Working Group on Roma Rights	57
5.1. Future of the civil sphere	57
5.2. Prospects of the Working Group on Roma Rights	58
5.3. Prospects of human rights NGO cooperations	63
6. Conclusion	67
7. Appendices	68
7.1. Appendix 1 - Interview questions	68
7.2. Appendix 2 - Introduction to the NGOs in the thesis (based on the interviews)	71
7.3. Appendix 3 - Table about the data on the NGOs from the thesis (based on the interviews)	73
8. Bibliography	74

1. Introduction

Non-governmental organizations (NGOs) play an essential role in the functioning of the civil sphere in any country. Since many NGOs are active in the field of human rights, the consequence is that a proactive and well-functioning human rights NGO system is pivotal in the advancement of human rights in each country.

While this need for a good structure is acknowledged by many people, the implementation does not always reflect the principle. Based on my experience and discussions with prominent figures of the civil sphere I came to realize that in Hungary most human rights NGOs do not live up to their full potential.

The thesis would like to move away from legal theorizing on human rights, and aims to provide practical help in the successful implementation of those rights. In other words, the promotion of an effective operational structure for human rights NGOs is indispensable to make tangible rights from invisible ones.

The hypothesis is that relatively small and isolated NGOs rarely yield real results on their own, and cooperations in the civil sphere are essential for making serious changes. Of course, there is not one definite way of cooperation. The real task of the thesis is to examine the need and conditions of potential NGO coalitions in the Hungarian human rights civil sector. Furthermore, it will be explored how the efficiency and the effectiveness of the NGOs could be enhanced by a cooperation based approach.

There are two main sources of thesis: the available legal literature, namely pieces of legislation and other legal sources, and interviews. Interviews were conducted among those members of Hungarian NGOs who already participate in a specific NGO cooperation (the Working Group Against Hate Crimes) and those who could be potential members of a future Working Group on Roma Rights. Interviewees came from Háttér Society, Amnesty

International Hungary, the Hungarian Helsinki Committee, the Legal Defense Bureau for National and Ethnic Minorities (Nemzeti és Etnikai Kisebbségi Jogvédő Iroda, NEKI), the Roma Press Center (Roma Sajtóközpont, RSK) and the Hungarian Civil Liberties Union (Társaság a Szabadságjogokért, TASZ).

The main body of the thesis consists of four big chapters. The first part provides the legal framework of the paper, and describes the right to freedom of association. The concept of the right is examined within the domains of the United Nations, the Council of Europe and the Organization for Security and Cooperation in Europe. This section also analyzes the definition of non-governmental organizations, and the question how their exerted influence can be assessed.

The second chapter immerses in the Hungarian human rights NGO system. Firstly, it determines the right to freedom of association in the Hungarian legislation. Then, the characteristics of the system are explored with the help of the insightful opinions and personal experiences of the interviewees.

The third chapter moves on to discuss the working of NGO cooperations in practice. At first, the international Control Arms' Coalition and the Hungarian Working Group Against Hate Crimes are introduced separately. Afterwards, the two coalitions of civil sector organizations are compared and contrasted. The chapter ends with a discussion on the positive and negative sides of NGO cooperations, and tries to answer how they could be made more efficient and effective - in theory.

The fourth part would like to offer more practical recommendations and some useful guidelines. A brief conclusion is offered about NGO coalitions, and then the prospects of a potential, but currently theoretical, Hungarian NGO cooperation (the Working Group on Roma Rights) are presented. The chapter finishes with providing straightforward and tangible

recommendations for NGOs who consider venturing into a cooperation with other organizations.

The thesis, thus, aims to determine indicators of efficiency and effectiveness for non-governmental organizations, and show the interrelatedness between the two concepts. Moreover, by analyzing successful NGO coalitions, it can explore if a cooperation-based approach can be a tool for improvement for the Hungarian human rights civil sector.

2. The right to freedom of association and the human rights non-governmental organizations

2.1. United Nations

The right to freedom of association is a fundamental human right, which is enshrined in most democratic constitutions of the world and also a principal value in the 1948 Universal Declaration of Human Rights (UDHR). Article 20 of the UDHR states that - "(1) everyone has the right to freedom of peaceful assembly and association. (2) No one may be compelled to belong to an association".¹

The declared right was later in 1966 incorporated in the UN text of the International Covenant on Civil and Political Rights (ICCPR), which is the primary reference point for human rights controversies all around the world due to the high number of ratifications the treaty has received. Article 22 of the ICCPR expands the interpretation of the right to trade unions. It also contains a limitation clause, which highlights the conditions in which the qualified right to freedom of association might be limited. Article 22 (2) states that

no restrictions may be placed on the exercise of this right other than those which are prescribed by law and which are necessary in a democratic society in the interests of national security or public safety, public order (*ordre public*), the protection of public health or morals or the protection of the rights and freedoms of others.²

For the advancement of human rights at an institutionally organized level the right to freedom of association is quintessential. As the relevant Declaration formulates in Article 5 that

¹ *The Universal Declaration of Human Rights*, 1948/12/10, adopted by General Assembly Resolution 217(III), Article 20.

² *International Covenant on Civil and Political Rights*, 1966/12/16, adopted by General Assembly Resolution 2200A(XXI), Article 22.

for the purpose of promoting and protecting human rights and fundamental freedoms, everyone has the right, individually and in association with others (...) (b) To form, join and participate in non-governmental organizations, associations and groups.³

Thus, it is clear that freedom of association is the precondition for a successful human rights NGO system in any country.

In the 2011 commentary of *Margaret Sekaggya*, the UN Special Rapporteur on the situation of human rights defenders, she emphasizes that "the protective scope of the article (*on freedom of association in the ICCPR*) is broad".⁴ The Special Rapporteur considers the right remarkable, because in her opinion pluralism and democracy go hand in hand with freedom of association. It is very important that there are positive and negative obligations connected to the above mentioned right. Those include the "obligation to prevent the violations of the right to freedom of association, to protect those exercising this right and investigate violations thereof".⁵

From the case law of the Human Rights Committee (HRC) a more tangible interpretation of the right to freedom of association is revealed. According to the HRC in the case of *Kungurov v. Uzbekistan*, restriction to the right is possible only if it is a must. They say that peaceful organizations, even those holding views contrary to the opinion of the government, must not be banned, because it is a "cornerstone of a democratic society".⁶ In this case Kungurov complained at the HRC, because he tried to register a human rights NGO for long, and Uzbekistan permanently refused to grant the licence due to substantive and technical shortcomings. Kungurov claimed that the

³ *Declaration on the Right and Responsibility of Individuals, Groups and Organs of Society to Promote and Protect Universally Recognized Human Rights and Fundamental Freedoms*, 1998/12/09, adopted by General Assembly resolution 53/144, Article 5.

⁴ *Commentary to the Declaration on the Right and Responsibility of Individuals, Groups and Organs of Society to Promote and Protect Universally Recognized Human Rights and Fundamental Freedoms*, 2011, available at: <http://www.ohchr.org/Documents/Issues/Defenders/CommentarytoDeclarationondefendersJuly2011.pdf>, p. 35.

⁵ *Ibid.* p. 37.

⁶ *Kungurov v. Uzbekistan*, 2011/07/20, Communication No. 1478/ 2006, paragraph 8.4.

practice of abuse of registration process, effectively ensuring that the vast majority of those persons wishing to assert their right to associate (...) and report to the public at large on the human rights (...) simply cannot do so.⁷

The Committee confirmed that preventing the birth of an association for minor reasons, such as an overcomplicated registration procedure, violates the right to freedom of association of the affected persons. The HRC further stated that Kungurov's right to freedom of expression was also violated, since without the association the members of the group could not take part in human rights monitoring and information sharing activities that the organization meant to undertake.

In its jurisprudence the Human Rights Committee strengthens the principles concerning freedom of association formulated in the ICCPR, relevant UN Declarations and the commentary of the Special Rapporteur. In the case of *Kungurov v. Uzbekistan* it becomes clear how the right is centrally important to the working of all non-governmental organizations. Human rights NGOs are often more exposed to unlawful limitations by the State, because they often criticize the government and the people having influence. As the Special Rapporteur put it, a protective and broad understanding of the right to freedom of association is necessary to maintain a healthy and strong human rights NGO system.

The 1999 UN Declaration on Human Rights Defenders also emphasizes the importance of the work of human rights advocates and activists. According to the document a human rights defender is someone who aims to respect and actively promote or protect human rights, either individually or in association with others. In Article 2 it is written that

⁷ *Ibid.* paragraph 3.2.

"each State has a prime responsibility and duty to protect, promote and implement all human rights and fundamental freedoms".⁸

While the conviction of the United Nations to human rights oriented countries is clear, the Declaration goes a step further, because the document is aimed to actively protect the individuals behind the non-governmental processes. The Declaration clearly states the rights of human rights activists, and mentions ways of proactive involvement of future generations into the human rights agenda, for example by Article 15, facilitating the teaching of fundamental freedoms. However, any human rights activity is only acceptable, if it is put into effect in a peaceful manner.⁹ In addition the UN Special Rapporteur on the situation of human rights defenders in her commentary underlines the positive obligations of the State in protecting human rights defenders.¹⁰

2.2. Council of Europe

The right to freedom of association is incorporated into the human rights system of the Council of Europe. The freedom is included in Article 11 of the European Convention on Human Rights and Fundamental Freedoms.¹¹ Since it is a qualified right, a limitation clause, the same as the one in the ICCPR, is provided in the second paragraph setting out the conditions of permissible restrictions.

In Europe the interpretation of the right to freedom of association becomes, therefore, clear by looking at the case-law of the European Court of Human Rights in Strasbourg. Independently from which freedom of association case one looks at, the Court has the

⁸ *Declaration on the Right and Responsibility of Individuals, Groups and Organs of Society to Promote and Protect Universally Recognized Human Rights and Fundamental Freedoms*, 1998/12/09, adopted by General Assembly resolution 53/144, Article 2.

⁹ *Ibid.*

¹⁰ *Commentary to the Declaration on the Right and Responsibility of Individuals, Groups and Organs of Society to Promote and Protect Universally Recognized Human Rights and Fundamental Freedoms*, 2011, available at: <http://www.ohchr.org/Documents/Issues/Defenders/CommentarytoDeclarationondefendersJuly2011.pdf>

¹¹ *European Convention on Human Rights and Fundamental Freedoms*, 1950, ETS No. 005, Article 11.

tendency to state – in addition to assessing the particulars of a given state – also the general principles about the nature of the right itself. Those principles are the most helpful in the interpretation of the full meaning of the right, and how it shall be translated to the field of human rights organizations, for example.

Primarily, it is useful to consult the 1999 judgment of the Grand Chamber of the Court in the case of *Chassagnou and Others v. France*.¹² In the decision it is straightforwardly declared that association is an autonomous concept for the European Court of Human Rights - "the question is (...) whether they are associations for the purposes of Article 11 of the Convention".¹³ The quest of the Court for purposive interpretation opens up to the use of autonomous concepts and a more customized attitude. Furthermore, the Court stresses that in such classification "national law has only a relative value and constitutes no more than a starting-point".¹⁴

According to a commentary on the case-law of the ECtHR it makes a profound difference that association is an autonomous concept for the Court. It is important, because

the fact that (...) coordination of activities of individuals is not recognized in the national law as an 'association' will not necessarily mean that freedom of association is not at stake under Article 11.¹⁵

Sharing others' company does not qualify *per se* as an association, but still "informal, if also stable and purposive, groupings will fall within its scope".¹⁶

In the case of *Tebieti Mühafize Cemiyeti and Israfilov v. Azerbaijan* a human rights NGO was dissolved for not complying with domestic NGO legislation. As the applicants

¹² *Chassagnou v. France*, 1999/04/29, Application nos. 25088/94, 28331/95 and 28443/95, Reports of Judgments and Decisions 1999-III.

¹³ *Ibid.* par. 100.

¹⁴ *Ibid.* par. 100.

¹⁵ Harris, David, O'Boyle, Michael, Warbrick, Colin, *Law of The European Convention on Human Rights*, 2014, Oxford University Press. p. 724.

¹⁶ *Ibid.*

claimed and the Court agreed, the dissolution was disproportionate and unlawful. The Court, at the same time, also mentioned a great deal of principles concerning the right to freedom of association of human rights organizations. First of all the ECtHR found that "the way in which national legislation enshrines this freedom and its practical application by the authorities reveal the state of democracy".¹⁷

As previously stated by the Special Rapporteur pluralism, tolerance for diversity and freedom of association are in close interaction, they are all indispensable for a democratic social cohesion. In the conclusion of the Court concurred: "where a civil society functions in a healthy manner, the participation of citizens in democratic process is to large extent achieved through belonging to associations".¹⁸

In the case of *Islam-Ittihad Association and Others v. Azerbaijan* an organization dealing with religious-cultural initiatives, but also with humanitarian and human rights objectives, was dissolved for being a professional religious organization. The Court found that although religious organizations are not allowed in Azerbaijan, it was not clearly prescribed by law what constituted a religious activity, and it was not foreseeable by organization that their functioning is prohibited.¹⁹ Their diverse activities further complicated the situation. The ECtHR in this 2014 case reiterated the same general principles about freedom of association than in the previous case. This glimpse into the case-law helps to understand how the European Court of Human Rights interprets the right, and shows the general principles about the nature of association. Since freedom of association is, thus,

¹⁷ *Tebieti Mühafizə Cəmiyyəti and Israfilov v. Azerbaijan*, 2010/05/10, Application no. 37083/03, Reports of Judgments and Decisions 2009, par. 52.

¹⁸ *Ibid.* par. 53.

¹⁹ *Islam-Ittihad Association and Others v. Azerbaijan*, 2015/02/13, Application no. 5548/05.

clearly the basis for human rights NGOs, now it is possible to turn the attention to the non-governmental organizations themselves.

A human rights non-governmental organization is a special subcategory of NGOs, and only a very narrow slice of a country's civil society. According to *Salamon*, from the 1990's we live a worldwide "associational revolution".²⁰ He claims that all major social movements, including human rights initiatives come from the civil sector. *Neier* adds in 2013 that the movement has "taken root in most countries of the world"²¹ except for the most repressive ones, and that the "driving force behind the protection of human rights (...) has been the nongovernmental human rights movement".²² *Neier* is convinced that the movement would not cease, but would "remain an enduring force in world affairs".²³

In the following it will be important to clearly constitute the international political and legal support of non-governmental organizations and to state how NGOs, especially human rights defender ones, are defined in the thesis.

International non-governmental organizations (INGOs) are special in the sense that their functioning is not limited to one country, but they rather advocate on a regional or even global level. INGOs are not the focus of this research, but, they are, of course, not excluded either.

INGOs, due to their size and outreach, are usually more embedded in global decision-making structures. A suitable example is the 2009 Conference of INGOs of the Council of Europe where the Code of Good Practice for Civil Participation in Decision Making Process was drafted. In the document they emphasized that the inclusion of civil society in the

²⁰ Salamon, Lester M., 'The Rise of the Nonprofit Sector', 1994, *Foreign Affairs*, available at: <https://www.foreignaffairs.org/articles/1994-07-01/rise-nonprofit-sector>.

²¹ Neier, Aryeh, *The International Human Rights Movement - A history*, 2013, Princeton University Press. p. 6.

²² *Ibid.* p. 7.

²³ *Ibid.* p. 7.

political sphere through civil organizations is an "alternative way (...) of making their voice heard and working for the community".²⁴ The Code helps countries of the Council of Europe to elaborate techniques and mechanisms that strengthen and support the proliferation of the civil sphere. This is one way how the Council of Europe interactively consults with NGOs - even if the Council directly discusses with just a small minority of the most influential ones.

The Parliamentary Assembly of the Council of Europe also stresses the importance of clear guidelines in the area, while the Committee of Ministers even adopted a specific Declaration on the topic. The Committee considers the Code of Good Practice "as a basis for the empowerment of citizens to be involved in conducting public affairs in European countries".²⁵

According to the Code of Good Practice, four principles are indispensable to accept in order to establish a fruitful relationship between NGOs and the State. These are participation, trust, accountability and transparency, and independence.²⁶ The level of NGO participation in decision-making is a gradual process, which should increase from information gathering, through consultation and constructive dialogue, to partnership, ideally to the establishment of co-decision-making bodies.²⁷ NGOs must play a central role in political decision-making processes, because they shall express the voice of the society primarily by agenda setting, policy drafting, helping in the implementation of a decision and monitoring.

A Toolkit for Conducting Intercultural Dialogue was elaborated by the Conference of INGOs, which practically voices the needs of the European civil society. According to the recommendations the Dialogue Toolkit is useful to "improve the practice of Democracy, Human Rights and the Rule of Law".²⁸ The Dialogue Toolkit represents the objective of the

²⁴ *Civil Participation in the Decision-Making Process - The Code of Good Practice*, 2009, p.1.

²⁵ *Declaration by the Committee of Ministers on the Code of Good Practice for Civil Participation in the Decision-Making Process*, 2009/10/21, adopted by the Committee of Ministers

²⁶ *Civil Participation in the Decision-Making Process - The Code of Good Practice*, 2009, p. 2.

²⁷ *Ibid.* p. 3.

²⁸ *Dialogue Toolkit - Toolkit for Conducting Intercultural Dialogue*.

Conference of INGOs to promote social cohesion and human rights based-approach in diverse communities. The Toolkit emphasizes the importance of civil society, namely NGO, participation in all democratic processes.²⁹

An earlier Recommendation of the Committee of Ministers on the legal status of NGOs in Europe from 2007 has already underlined that non-governmental organizations greatly contribute to the "development and realization of democracy and human rights".³⁰ As the document states, existence of NGOs and belonging to an organization is the most clear-cut manifestation of the right to freedom of association provided by the ECHR. Therefore we can see the determination of the Committee to provide, or at least motivate the establishment of, a stable legal framework for NGOs. The Recommendation helps Council of Europe countries how an NGO should be regulated domestically, and, thus, unquestionably strengthens the position of the civil sector.

2.3. Organization for Security and Cooperation in Europe

The Council of Europe is not the first one, and definitely not the only one, to express the support for the intensification of NGO participation. Already in 1995, during the Budapest Summit the Organization for Security and Cooperation in Europe (OSCE) adopted the Study on Enhancement of NGO Participation. In the Study the OSCE concludes that NGOs had made decisive contributions to the human rights-oriented and democratic changes in Europe. The document was helped by a great number of NGOs, thus, it is not surprising that the first recommendation asks States to involve "NGOs in OSCE activities, including the designation of NGO liaison persons".³¹ Based on the Study, NGOs should be almost equal

²⁹ *Ibid.*

³⁰ *Recommendation CM/Rec (2007)14 of the Committee of Ministers to member states on the legal status of non-governmental organizations in Europe.*

³¹ Organization for Security and Cooperation in Europe, *Study on Enhancement of NGO Participation.*, 1995, available at: <http://www.gdrc.org/ngo/ngo-enhance.html>

partners at any OSCE related event in line with the State and the OSCE. While the document proved to be rather ideal, it is important to spot the commitment on the part of the OSCE already in 1995 to include NGOs in high-level decision-making processes.

Now that it is straightforward that the United Nations and the European institutions are eager promoters of active NGO participation, and human rights defenders are defined, it is possible to move on to describe human rights non-governmental organizations and to determine how their human rights impact may be measured.

2.4. Non-governmental organizations (NGOs)

It is quite a challenge to define non-governmental organizations, because in international law there is no working definition on them. There is some consensus about what an NGO is not, but a definition formed in exclusive terms rarely proves very usable in practice. However, it is true that an exclusive definition would remain more open ended than a concrete one. According to *Kamminga* five criteria describe an NGO in general –

they are not established or controlled by States (...) do not seek to overthrow governments by force (...) do not aim to acquire power themselves (...) do not seek financial profit for their own sake (...) are generally law-abiding.³²

He recognizes that the goals and strategies of NGOs profoundly differ. Among the strategies he distinguishes between advocacy or campaigning and more humanitarian oriented, relief organizations.

As presented by *Calnan* an NGO is defined variously, mainly depending on who is defining it.³³ He discusses the delicate question to what extent the political activity of a

³² Kamminga, Menno T., "The Evolving Status of NGOs under International Law: A Threat to the Inter-State System?" in Gerard Kreijen (ed), *State, Sovereignty, and International Governance*, 2002, Oxford University Press, p. 391.

private association "disqualifies (...) from being described as an NGO". *Calnan* conflicts *Neier's* exclusive definition with *Van der Berg's* more inclusive one, and concludes that the former one would prove unnecessarily narrow, especially on a domestic level. Basically the only criteria in which *Calnan* finds agreement is that an NGO shall not be State owned, funded or founded, and its members shall be getting together with a central aim.³⁴

In the thesis the term human rights NGO is used to mean an association that is not or not exclusively based on State funds, in which people gather with the governing principle to advance human rights, and which may be both domestic or international. In addition to that an NGO is not considered to be political, if the human rights act is, coincidentally, a political stance. However, if an act is accomplished to express political views, the NGO is understood to be political.

In international law non-governmental bodies enjoy a rather particular position regarding their rights and obligations. In the domestic sphere they generally have a legal personality that comes with a certain extent of rights, duties and obligations. However, the international sphere is different, and rights of NGOs are more restricted. Among others they cannot conclude treaties or take part *officially* in the drafting of international documents (unless they are fortunate enough to achieve a consultative status), thus, they seem to be excluded from setting a human rights-driven political agenda. Although, in practice, the informal influence of NGOs in sketching international instruments is unquestionable. This goes back to the standard-setting strategy of most campaigning organizations.³⁵ After a treaty was signed, NGOs have a crucial role in monitoring the implementation of the terms of agreement, for example in their shadow reports. In his assessment *Kamminga* still concludes that power of NGOs in international law is very weak, for example in the UN they "have

³³ Calnan, Scott, *The Effectiveness of Domestic Human Rights NGOs - A Comparative Study*, 2008, Martinus Nijhoff Publishers. p. 5.

³⁴ *Ibid.* pp. 6-7.

³⁵ *Ibid.* p. 396.

consultative relations with ECOSOC and not with bodies that matter, such as the Security Council and the General Assembly".³⁶ He stresses the importance of qualitative NGO coalitions, which can have a real influential voice and "moderating effect (...) and may legitimately be regarded as the views of civil society".³⁷

Wouters and *Rossi* extensively, but not exhaustively, listed the strategies non-governmental organizations are usually ready to apply.³⁸ While it is acknowledged that an NGO may work in practically any field from the protection of environment to the preservation of folk arts, the authors concentrate their working paper exclusively on human rights NGOs. Even more they underline that the mandates of such organizations considerably differ, some work for a longer, more inclusive list of human rights, while some concentrate on less issues, possibly on one right only.

Wouters and *Rossi* list four main roles of such organizations, namely agenda setting, standard setting, enforcement, and aid and education. Agenda setting involves the channeling of attention of a particular human rights issue into the front. Raising awareness of a topic is essential in politics, media and naturally within a given society. Standard setting is, to a certain extent, the improved form of agenda setting, because in that phase NGOs are busy with assisting the creation of human rights oriented drafts and more tangible political lobbying.³⁹

Enforcement means the monitoring of human rights guidelines prescribed for a state through various methods "such as diplomatic initiatives, fact-finding missions, reports, public statements and mobilization of public opinion".⁴⁰ The next step for NGOs is usually to publish the gathered information, and send it to international organizations with enforcement

³⁶ *Ibid.* p. 405.

³⁷ *Ibid.* pp. 406-407.

³⁸ Wouters, Jan, Rossi, Ingrid, *Human Rights NGOs: Role, Structure and Legal Status*, 2001, Working Paper No. 14 for the Institute for International Law, K. U. Leuven, Faculty of Law, pp. 4-5.

³⁹ *Ibid.* p. 4-5,

⁴⁰ *Ibid.* p. 5.

potential. Finally, to a smaller or larger extent, human rights NGOs provide some level of support to victims, and often educate and train the public or the relevant authorities.

Wouters and Rossi also summarize the general principles concerning the internal structure of human right organizations. They claim that "generally, decision making within these NGOs follows consensus procedures"⁴¹ and to cover their expenses they often do fundraising activities and apply for different grants.

The authors underline an interesting internal contrast within the functioning of NGOs. On the one hand they aim to participate in decision-making processes to the highest level possible, in order to "enhance the legitimacy of these processes through broader public participation and increasing transparency".⁴² On the other hand the transparency and legitimacy of NGOs themselves is sometimes questionable, because of the lack of accountability checks. To achieve wider public acceptance and legitimacy, *Wouters* and *Rossi* recommend human rights NGOs to enhance their transparency, internal democracy, accountability and accuracy. One tangible suggestion to control this checklist would be the establishment of a code of conduct.⁴³ The European Commission of the European Union also endorsed this proposition.⁴⁴

In the literature there are several attempts to categorize human rights NGOs, but a precise taxonomy does not, and cannot really, exist. There seems to be clear difference between international and domestic non-governmental organizations (INGOs and DNGOs), but in real life the boundaries are so subjective and porous that it is hard to identify a DNGO that is domestic in all aspects. *Calnan* calls these constellations "DNGO/INGO hybrids".⁴⁵

⁴¹ *Ibid.* p. 7.

⁴² *Ibid.* p. 11.

⁴³ *Ibid.* pp. 11-13.

⁴⁴ Edwards, George E. 'Assessing the effectiveness of human rights non-governmental organizations (NGOs) from the birth of the United Nations to the 21th century: Ten attributes of highly successful human rights NGOs', *Michigan State Journal of International Law*, 2010, vol. 18:2., p. 227.

⁴⁵ Calnan, Scott, *The Effectiveness of Domestic Human Rights NGOs - A Comparative Study*, 2008, Martinus Nijhoff Publishers. p. 8.

Therefore, it makes sense to discuss both DNGOs and INGOs under the umbrella term NGOs. *Edwards* suggests a rather compact list of possible categorizations, among others he could imagine categorization by

geographical emphasis, status of personnel, structure, size, substantive area of human rights concern, nature of mandates and work, funding sources, how they share information, their affiliations, etc.⁴⁶

Another great and widely-contested area about NGO working is funding. Types of funding are surprisingly diverse, but it is probably the easiest to make the distinction along the line of who gives the financial resource and why. As *Welch* formulates it: "What founders establish, funders maintain. NGOs are resource driven. The search for new and continuing funds is a central task".⁴⁷ Some NGOs, like Amnesty International, categorically refuse to use any form of state funds, while the resources of others, usually smaller NGOs, often depend on governments. Those NGOs, which do not accept state funds, claim that they do not want to compromise their independence and integrity, so they gather the necessary money from grants, members' dues, donors and other contributions.⁴⁸ Naturally, accepting state money is not always black and white, for example some NGOs accept money from the EU, while for others, it is also unacceptable. Human rights NGOs occupy different places on the road between the two poles of fully accepting and rejecting direct state funds.

2.5. Assessing the impact of NGOs

⁴⁶ Edwards, George E., 'Assessing the effectiveness of human rights non-governmental organizations (NGOs) from the birth of the United Nations to the 21th century: Ten attributes of highly successful human rights NGOs', *Michigan State Journal of International Law*, 2010, vol. 18:2., pp. 174-5.

⁴⁷ Welch Jr., Claude E. (ed.) Conclusion in *NGOs and Human Rights: Promise and Performance*, 2001. University of Pennsylvania Press, p. 267.

⁴⁸ *Ibid.* Introduction. pp. 11-12.

Welch identifies that "only NGOs that are effective can hope to continue to receive support"⁴⁹, which take us to the next point to be considered: how can the effectiveness and efficiency of an NGO be measured? Is there an assessment of success or reliable method of measuring impact?

First of all, it is important to distinguish between effectiveness and efficiency. Effectiveness is doing something in a way that achieves the envisaged result and generates success. Efficiency is doing something in an optimal way, it is not necessarily related to success: it only tells us about how ideally the act in consideration is carried out. If we ponder about the functioning of human rights NGOs, both are relevant, but differently. In abstract terms an organization is effective or successful, if it fulfills its objectives. However, an NGO is efficient or capable, if it functions in a rational way, for example considering time, program and resource management.

Calnan uses a very similar framework by distinguishing between

goal effectiveness', which measures the extent to which an NGO is able to achieve the goals it sets (...) and 'agenda effectiveness' which looks at the effectiveness of a human rights NGO in choosing human rights goals of continuing relevance.⁵⁰

As we can see, *Calnan* describes 'goal effectiveness' and 'agenda effectiveness' similarly to how effective and efficient were defined above.

Of course, in practice, the determination of effectiveness and efficiency of human rights NGOs is much more complicated. While the two definitions seem to differ in their meaning, in this thesis the words 'effective' and 'efficient' will be incorporated into the broader term 'successful'. The thesis uses this technique to show that the enhancement of NGO functioning requires the strengthening of both their efficiency and effectiveness (see

⁴⁹ *Ibid.* Conclusion. p. 268.

⁵⁰ Calnan, Scott, *The Effectiveness of Domestic Human Rights NGOs - A Comparative Study*, 2008, Martinus Nijhoff Publishers. p. 231.

*Calnan*⁵¹). The two terms go hand in hand: a capable NGO with weak goals is just as irrelevant as an incapable NGO with ambitious goals⁵².

A similar approach can be detected in the article of *Edwards*, who combines efficiency and effectiveness under successfulness. He lists ten features what makes or at least most probably enhances the success of human rights NGOs. An organization must be straightforwardly committed to the promotion and protection of human rights, must stick to human rights principles and must be law-abiding and legal.⁵³ NGOs must be independent and

should not accept funding from sources that attach conditions to the funding, jeopardizing the NGO's independence in decision-making, internal operations, or programs or projects.⁵⁴

Additionally, NGO funding must be appropriate and sufficient.

Edwards further adds that human rights NGOs must be transparent, non-profit, accountable, competent, reliable, credible and be able to adapt and respond to changes rapidly.⁵⁵ According to him "an effective NGO needs to be open-minded, creative and extremely flexible and needs to be willing and able to adjust"⁵⁶, which includes opening up to new technology, like social networking and blogging, and human rights education. Interestingly *Edwards* specifically emphasizes that human rights NGOs must be cooperative and collaborative, because they can achieve more profound changes through coalitions. This point transcends traditional NGO capacities: it shows the importance of living in an interconnected world, where the best result can be reached by a more holistic approach.⁵⁷

⁵¹ *Ibid.* p. 244.

⁵² *Ibid.* p. 327.

⁵³ Edwards, George E., 'Assessing the effectiveness of human rights non-governmental organizations (NGOs) from the birth of the United Nations to the 21th century: Ten attributes of highly successful human rights NGOs', *Michigan State Journal of International Law*, 2010, vol. 18:2., pp. 193-99.

⁵⁴ *Ibid.* p. 200.

⁵⁵ *Ibid.* pp. 203-9.

⁵⁶ *Ibid.* p. 204.

⁵⁷ *Ibid.* pp. 207-9.

On the other hand *Welch* identifies four main variables to determine the performance of an NGO: "financial resources, popular backing/ membership, societal diversity, and political space available to NGOs".⁵⁸ In his book a similar trend is followed, where success is measured by assessing the goals achieved with the available resources.

All in all it is clear that measuring the impact of human rights NGOs is a hot topic for scholarly debates. In the chapter about Amnesty International *Winston* suggests that the fulfillment and expansion of the mission and organizational growth are clear indicators that an organization is on the rise.⁵⁹

At the same time *Cingranelli* and *Richards* stress that the influence of different human rights advocate bodies and organizations needs to be separated. They do not claim that this is an easy task - but a necessary one. One requirement for impact measurement is regular and objective data collection about human rights practices in a country and the different organizations' strategies.⁶⁰ As best indicators of human rights advocacy performance they firstly mention the level of resources, both money and staff, spent on changing human rights practices. Secondly, they suggest consulting publications of NGOs, including organizational and country-specific documents.⁶¹

In his conclusion *Welch* summarizes that

success (...) must be assessed in relative terms, that is, by examining the 'inputs' of budget, leadership, preexisting networks, and the like, in order to measure the 'outputs' of pressure popular mobilization, research reports and so on.⁶²

⁵⁸ Welch Jr., Claude E. (ed.) Introduction in *NGOs and Human Rights: Promise and Performance*, 2001. University of Pennsylvania Press, p. 9.

⁵⁹ Winston, Morton E.. Assessing the Effectiveness of International Human Rights NGOs: Amnesty International quoted in Claude E. Welch, Jr. (ed.) *NGOs and Human Rights: Promise and Performance*, 2001. University of Pennsylvania Press. pp. 28-29.

⁶⁰ Cingranelli, David L., Richards, David L.. Measuring the Impact of Human Rights Organizations quoted in Claude E. Welch, Jr. (ed.) *NGOs and Human Rights: Promise and Performance*, 2001. University of Pennsylvania Press. pp. 226-28.

⁶¹ *Ibid.* pp. 232-233.

⁶² Welch Jr., Claude E. (ed.) Conclusion in *NGOs and Human Rights: Promise and Performance*, 2001. University of Pennsylvania Press. p. 272.

Where he is heading in the final remarks is remarkably similar to the recommendations of *Edwards*. *Welch* recognizes that the situation is changing, and the era has come, when successful NGO working is decreasingly about free riders, and increasingly about inclusive coalitions. He claims that to achieve results, partnering is the new trend and "steps toward success on a truly cooperative, global foundation are thus being taken".⁶³

⁶³ *Ibid.* p. 276.

3. Hungarian human rights non-governmental organizations

3.1. Right to freedom of association in Hungary

The right to freedom of association is enshrined in the current Hungarian Constitution, the so-called Fundamental Law, which was adopted by the Parliament in 2011. It is not a new provision, the right was guaranteed in the previous, 1989 Constitution, too. Article VIII (2) of the Fundamental Law states that "everyone shall have the right to join and establish organizations".⁶⁴

Act no. CLXXV of 2011, which replaced Act no. II of 1989, regulates issues concerning freedom of association, non-profit status, and the operation and support of civil organizations.⁶⁵ The Act is, thus, referred to as the 'Civil Act'. In its Preamble the act highlights that civil organizations are the essential units of society, acknowledges that their functioning is beneficial for the society and the public interest, and confirms that their work is supported by the legislation.⁶⁶ The articles of Act no. CLXXV of 2011 introduce all the operational rules and circumstances how civil society organizations are allowed to function in Hungary.

The Hungarian legislation, on a theoretical level, seems to recognize the importance of the right to freedom of association, and participation in civil society organizations. However, from a more practical point of view, there have already been conflicts arising from the full implementation of the right to freedom. A prominent 1996 decision of the Hungarian Constitutional Court barred a minor from joining an NGO dealing with LGBTIQ issues.⁶⁷

In its judgment the Constitutional Court examined the membership of the minor in relation to two provisions: the right to freedom of association and the obligation of the State

⁶⁴ *The Fundamental Law of Hungary*, 2011/04/25, Article VIII (2).

⁶⁵ *Act no. CLXXV of 2011*. Available at http://www.njt.hu/cgi_bin/njt_doc.cgi?docid=139791.238105.

⁶⁶ *Ibid.* Preamble.

⁶⁷ *Hungarian Constitutional Court Decision no. 21/1996*. (V. 17.)

to provide effective protection and care for child, which may result in the limitation of the former right of the child.⁶⁸ Interestingly, neither the new 2011 Fundamental Law, nor the old 1989 Constitution contained a specific limitation clause regarding the right to freedom of association, but it does not mean that restrictions may not apply.

Articles 8 and 9 of the judgment stressed that in private matters it is the parents', while in public matters it is the State's obligation to protect kids. Furthermore, it was acknowledged that the State needs to take the 'risk prevention', and sometimes bar the children from acting in public matters that may prove detrimental in their future lives.⁶⁹ The focus of consideration in these cases should be the age and maturity of the child.

Adapting the principles to this case the Constitutional Court repeated numerous times that they were not judging homosexuality as such, but they were deciding on the possibly detrimental, long-term effects of the being a member of an LGBTI organization as a minor. The judges were mainly concerned about the negative societal attitude towards homosexuality, and the unstable sexual orientation a minor may possess.⁷⁰ Considering the unknown, but potentially negative consequences of a public coming out, the Constitutional Court deemed it proportionate to limit the right to freedom of association.

The judgment is a questionable decision of the Constitutional Court, because they manage to undermine the importance and benefits of human rights NGOs by finding them potentially detrimental, and, thus, they undermine the importance of the right to freedom of association, too. The LGBTI organization in question, Szivárvány Társulás a Melegek Jogaiért, brought the case before the European Court of Human Rights. Disappointingly, the ECtHR agreed with the Hungarian Courts, and in their admissibility decision they found that the exclusion of the minor "pursued the legitimate aims of the protection of morals and the

⁶⁸ *Ibid.*

⁶⁹ *Ibid.* Articles 8 and 9.

⁷⁰ *Ibid.* Article 15.

rights and freedoms of others (...) and the interference was proportionate"⁷¹ and reasonable. Therefore, the case was found to be manifestly ill-founded, and inadmissible.

Situation of Hungarian human rights NGOs

The UN Special Rapporteur on the situation of human rights defenders, *Michael Forst*, visited Hungary for the first time in February 2016. In his press release and end of mission statement *Forst* emphasized that the situation of Hungarian human rights defenders, especially for those working in NGOs, was worsening in the last years.

The Special Rapporteur was critical about the fact that human rights defenders are increasingly stigmatized and intimidated by the Government, through creating various, for example administrative, legal, financial and attitudinal obstacles, and by a very negative media representation of human rights NGOs in the media.⁷² Affected people are often "portrayed as 'political' or 'foreign agents'".⁷³

The end of mission statement of *Forst* asserted that "the legal framework in Hungary is generally hospitable to freedom of association"⁷⁴, however, there are severe procedural failures concerning the operation of an NGO. For instance the length of the registration procedure is seen as long, and actors of the civil society consider many regulations to be unreasonably bureaucratic. In his conclusion *Forst* summarized his findings -

⁷¹ *Szivárvány Társulás a Melegek Jogaiért, Géza Juhász and Balázs Pálffy v. Hungary*, 2000/05/12, Application no. 35419/97.

⁷² Office of the United Nations High Commissioner for Human Rights, *UN expert urges Hungary not to stigmatise and intimidate human rights defenders*, 2016/02/16, available at: <http://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=17037&LangID=E>.

⁷³ *Ibid.*

⁷⁴ Office of the United Nations High Commissioner for Human Rights, *End of mission statement by Special Rapporteur on the situation of human rights defenders*, Visit to Hungary 8 - 16 February 2016, 2016/02/16, available at: <http://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=17048&LangID=E>

authorities have effectively sought to restrict the work of civil society and increase supervision through such indirect means as investigations on funding, increased auditing and (...) media campaigns stigmatizing human rights defenders.⁷⁵

Similarly to the UN Special Rapporteur, the Council of Europe Commissioner for Human Rights, *Nils Muižnieks*, also conducts occasional country visits to Hungary. Lastly, he was in the country in 2014, when he briefly mentioned the "essential role in a democracy of non-governmental organizations"⁷⁶ and he condemned that the "stigmatizing rhetoric used against NGOs has also continued".⁷⁷

Forst and *Muižnieks* do not highlight the problem of government hostility against NGOs coincidentally. There is a perceivable trend in Hungary, which is increasingly tangible in the last few years, that there are numerous attempts to stigmatize and condemn human rights NGOs working in Hungary.

The last, prominent raid against the civil sector was led by the government itself in 2013 and 2014. In 2013 government-friendly newspapers accused tens of human rights NGOs of being part of the 'Soros crew or Soros soldiers'.⁷⁸ They based their allegation on the fact that the named NGOs received financial grants either from the Open Society Foundations (organization founded and directed by György Soros) or from the EEA/ Norway Grants NGO Fund (whose grants are distributed primarily by Ökotárs Foundation). The core of the

⁷⁵ *Ibid.*

⁷⁶ Council of Europe: Commissioner for Human Rights, *Report by Nils Muižnieks Commissioner for Human Rights of the Council of Europe following his visit to Hungary from 1 to 4 July 2014*, 2014/12/16, CommDH(2014)21, available at: <http://www.refworld.org/docid/54905c1d4.html>. p. 7.

⁷⁷ *Ibid.* p. 8.

⁷⁸ Hungarian Helsinki Committee, *'Timeline of governmental attacks against the Hungarian NGO sphere'*, 2014, available at: http://helsinki.hu/wp-content/uploads/Timeline_of_gov_attacks_against_Hungarian_NGOs_20140921.pdf

accusation was that Soros wanted to exert pressure and political influence through the civil society on the Hungarian political scene, and, thus, acted as hidden opposition.⁷⁹

Hostility did not end on a verbal level. Ökotárs Foundation had to hand in certain documents to prove that they function legally. Although they did not agree, the Foundation complied. The climax was most likely the point when the Government Control Office raided two members of the consortium distributing the EEA/ Norway Grants in September 2014. They were accused of fraud, and later it was modified to fraudulent misuse of funds and unauthorized financial activities. The tax numbers of all four members of the consortium were suspended. Since then it was decided by the Court in 2015 that the raid was illegal, and no unlawful financial practice had taken place.^{80,81}

In the meantime there was extensive opposition to the government's accusations: within the civil sector, the Hungarian politics and society, and worldwide, too. In May 2014, EEA/ Norway grants were suspended by Norway, due to the breach of agreement - lifting this suspension could only have been settled by the end of 2015. Both the Council of Europe⁸² and the Organization for Security and Co-operation in Europe⁸³ have condemned in strong terms the authorities' hostility against the civil sector. Many Hungarian NGOs decided not to comply with the audit requests of the Government Control Office, and a few of them, instead, uploaded their audit documents on their websites. Probably the harshest response from the civil sphere was the lawsuit of the Hungarian Helsinki Committee against an influential politician of the governing party, Péter Hoppál. Hoppál stated the notorious allegation about

⁷⁹ *Ibid.*

⁸⁰ Ökotárs Foundation, 'Court decision says that house search against Ökotárs was illegal', 2015, available at: <https://norvegcivilalap.hu/en/node/11139>.

⁸¹ Ökotárs Foundation, 'Court decision welcomed', 2015, available at: <https://norvegcivilalap.hu/en/node/11452>.

⁸² Council of Europe, 'Commissioner expresses concern over NGOs in Hungary', 2014, available at: <http://www.coe.int/pt/web/commissioner/-/commissioner-expresses-concern-over-ngos-in-hungary>

⁸³ Hungarian Helsinki Committee, 'Governmental attacks against Hungarian NGOs discussed at OSCE Human Rights meeting', 2014, available at: <http://www.helsinki.hu/en/governmental-attacks-against-hungarian-ngos-discussed-at-european-conference/>

the 'Soros soldiers' who are funded by György Soros to undermine the government.⁸⁴ In 2015 the Court decided that Hoppál's statement was untruthful, and he was made to apologize on the website of his party and in two big newspapers.

3.2. Features of the Hungarian human rights NGO system

The main characteristics of the Hungarian human rights NGO system were explored by conducting many interviews with representatives of civil society organizations. The interviewees involved the NGO members of the Working Group Against Hate Crimes (Gyűlölet-bűncselekmények Elleni Munkacsoport, GYEM) and the potential, future members of a Working Group on Roma Rights: Háttér Society, Amnesty International Hungary, the Hungarian Helsinki Committee, Legal Defense Bureau for National and Ethnic Minorities (Nemzeti és Etnikai Kisebbségi Jogvédő Iroda, NEKI), the Roma Press Center and the Hungarian Civil Liberties Union (Társaság a Szabadságjogokért, TASZ).

In the beginning of every interview⁸⁵ the interviewees were asked to name the three most positive and most negative characteristics that came into their mind about the Hungarian human rights NGO system. On the positive side the representatives said that the level of professionalism and competence is high among the human rights defenders. Furthermore, there seemed to be consensus that those taking part in such work are generally reliable, independent and very committed. Others mentioned more debated positive features, for example the relative efficiency, taking into consideration the quantity of financial resources, and the creative ideas and campaigns.

There seemed to be wider consensus in the negative characteristics. Interviewees generally agreed that human rights NGOs are small, they are ineffective due to the 'too high'

⁸⁴ *Hungarian Court Decision - Fővárosi Ítéltábla no.2.Pf.21.345/2014/4/II.*

⁸⁵ for the interview questions see *Appendix 1*

level of internal democracy, cooperation is hard to achieve, and there is an overarching lack of resources. Other opinions named that NGOs are too confrontational, not very strategical, their societal support is weak, thus, they are rather closed for the outside world, and they are concentrated in the capital city.

Interestingly, there was some disagreement in two points. While one interviewee claimed that there is an inclination by civil society organizations to cooperate, the majority agreed that it is really hard to actually establish a functioning collaboration. Moreover, many people thought that NGOs are ineffective, while there was an interviewee who believed that they are effective taking into account the local conditions.

3.2.1. Staff

Based on the interviews there are only a few human rights NGOs in Hungary which manage to operate with a bigger staff. While the Hungarian Helsinki Committee and the Hungarian Civil Liberties Union both have around 25 colleagues, the other NGOs manage their work with less than 10 officers. Clearly, there are other prominent and big NGOs working in the country (such as Menedék or Menhely), but it is surprising to see that the general trend suggests a low number of staff in the non-profit sector. The size of NGOs reflects on many issues determining efficiency and effectiveness, which shall be referred to later.

3.2.2 Budget

As of now most Hungarian NGOs have published their budget reports of 2014. What is striking from the documents is that organizations are struggling to find resources, because they experience the everyday problem of underfunding, which affects their working and operational potential.

It makes a profound difference from where various NGOs accept money. The most relevant and bigger funders and donors seem to be the European Union and the Hungarian State. There seems to be a linear relationship between the amounts of funds and the acceptance of the EU and/or Hungary to be donors.

While most interviewees emphasized from the beginning that they would not accept government, municipal or party fundings, in order not to compromise their independence and integrity, in reality there are some limitations to this principle. First of all, some NGOs (Háttér Society, Roma Press Center and NEKI) stated that they accept funding from the State, although it is very rarely provided, and it is mostly a negligible amount. However, Amnesty International seemed to have the most stringent budget policy, but in educational projects they accept funding from the State, too. It was only the Hungarian Helsinki Committee and Hungarian Civil Liberties Union, which categorically refuse to accept all State fundings in practice. There seemed to be a much less negative attitude towards EU funds - it was only Amnesty International who rejected them with the same reasoning they use to refuse State funds.

In order to see clearly about the available resources for the Hungarian NGOs, the smaller interviewed organizations operate from approximately 20-60 million HUF, while the bigger interviewed NGOs function from 200-300 million HUF. The difference in financial status can be explained by many factors, among which one is the range of donors.

3.2.3. NGO categorization

As Edwards has previously suggested, there are many ways to potentially categorize human rights NGOs.⁸⁶ Among his suggestions there are some which are obvious to decide, for instance that among the interviewees it is only Amnesty International which is an

⁸⁶ Edwards, George E., 'Assessing the effectiveness of human rights non-governmental organizations (NGOs) from the birth of the United Nations to the 21th century: Ten attributes of highly successful human rights NGOs', *Michigan State Journal of International Law*, 2010, vol. 18:2., pp. 174-5.

international human rights NGO, all the others are domestic. Categorization along the lines of number of staff, budget and resources has just been mentioned.

The more interesting framework to differentiate between human rights NGOs is to consider their focus and methods of working. First of all, there are human rights NGOs which focus on one kind of human rights violation or vulnerable group (such as Háttér Society, working with LGBTIQ rights), a certain group of human rights violations (like NEKI, struggling against all kinds of racial and ethnic discrimination), and there exist more general human rights defender NGOs with a broader focus (for example, Amnesty International).

Some interviewees agreed that categorization makes more sense based on the activities of NGOs, because 'instead of what, how is important'. Just to shed some light on the various ways of working, activities of human rights NGOs may include education, awareness raising, issuing communications and publications, research, monitoring, strategic litigation, advocacy and activism. Of course, NGOs seldom conduct one activity at a time, they usually combine their activities to achieve bigger and more successful results.

In order to show the complexity of the work of human rights NGOs, one interviewee said that they research and monitor an issue for long before starting a campaign, in which they publish communications, do extensive media work to raise awareness of the issue, advocate, and occasionally apply strategic litigation to achieve true results. The campaigning is often complemented with human rights education to start the human rights conscious education of the problem as soon as possible.

3.2.4. Outreach

The outreach of a human rights NGO can be measured by several factors, such as the number of volunteers and supporters, presence in the mainstream media and the general awareness about the organization by the public.

The number of volunteers and supporters (including financial donors) can be a tricky indicator, because some NGOs, for example the Hungarian Helsinki Committee, claim that they do not need external supporters for some reason. In case of the Hungarian Helsinki Committee the representative told me that their work is just too professional and technical that they could rarely involve an external person, who does not hold responsibility. Among those NGOs, which operate without the support of volunteers and those, which use the help of people other than the actual staff, there is a considerable distinction. Three of the interviewed organizations involve a bigger number of external support: the traditionally activist-based Amnesty International, Háttér Society and the Hungarian Civil Liberties Union. Their number of activists varies in the wide range of 10 to 100 people. On the other hand, NEKI, Roma Press Center and the Hungarian Helsinki Committee do not have many volunteers, maximum those, who are recruited for a specific project.

Media presence can be a crucial indicator for NGOs. It primarily reflects on the effectiveness of their activities, but also on the work of the communication or media officer in the organization. Roma Press Center is in a special position in this question, because their core mandate is to provide the mainstream media with articles and information. Their representative did claim that they were successful in their activity, and sometimes their articles indirectly reach more than millions of people. Other organizations, whose core activities are passed on to the media, usually employ a media officer, or even a whole media department, if they can - for instance the Hungarian Civil Liberties Union, Amnesty International, NEKI or the Hungarian Helsinki Committee. A central concern of basically all interviewed human rights NGOs was that their press releases and communications were almost only considered by liberal means of media. It is not just very restrictive, but also quite unfavorable for the successful NGO work.

There are various views among the interviewed NGOs regarding the general awareness of the public about their respective organizations. Interestingly, it does not seem to correlate with the size or budget of the NGO. The representative of the Hungarian Civil Liberties Union claimed that they are rather 'less known', and the NEKI specified that they are not generally known, but among professionals they do have a reputation. Some NGOs have even conducted a research on this topic, for example Amnesty International found out a few years ago that about 6% of the public know them by heart, while approximately 30% of the people know them by name. The Roma Press Center claimed that their work is often not even recognized, because people rarely look at the source of mainstream media articles. The most positive about the issue was the Hungarian Helsinki Committee, who said that they are more and more widely known, especially due to their direct rhetoric concerning the refugee crisis. There are, of course, special cases, for example Háttér Society that is quite widely known, but in a more limited subgroup of the society, LGBTIQ people.

3.2.5. Overlaps

There are numerous considerable overlaps and smaller or bigger cooperations in the working of Hungarian human rights NGOs, which is simply natural, because of their often similar objectives. All involved NGOs (Hungarian Civil Liberties Union, NEKI, Hungarian Helsinki Committee, Háttér Society, Amnesty International) mentioned that in the topic of hate crimes they work together in the Working Group Against Hate Crimes (GYEM), which will be described later. Furthermore, Háttér Society cooperates with many organizations (Transgender Europe, ILGA Europe, Hungarian LGBT Society, Civil AIDS Forum, etc.) concerning LGBTIQ issues. There seems to be significant overlap in the functioning of NEKI, Hungarian Civil Liberties Union and the Hungarian Helsinki Committee in the legal support and strategic litigation services provided for Roma people. Hungarian Civil Liberties

Union also mentioned the Eötvös Károly Institute, Chance for Children Foundation (CFCF) and Amnesty International as further organizations they often cooperate with in the topic.

The Roma Press Center is in a special position again, because their media work does not concur with the mandate of other traditional organizations dealing with Roma rights. While they acknowledged that there could be overlap with their work and others, there was some disagreement among the staff members how well they can cooperate with other organizations.

3.2.6. Efficiency and effectiveness

Asking the interviewees about efficiency and effectiveness, the representative of the Hungarian Helsinki Committee said that 'effective cannot hinder efficient'. This was an interesting quotation, because it showed the close relation between the two concepts. Two NGOs, NEKI and the Roma Press Center, claimed that there was not a big difference between the two terms, because they often overlap in practice.

However, there seemed to be a more general trend to define the words in the way how the legal literature phrases it. 'Efficient' was usually described by the interviewees with the following terms - transparent, rational, professional, independent, authentic, reasonable methodology and concrete. It shows how operational the adjective 'efficient' is in the functioning of human rights NGO working.

On the other hand, an 'effective' NGO was most often described to achieve great results. It is sometimes easier to follow up, and measure (in case of a legal change), but sometimes it is problematic to assess (such as the awareness raising of the general population). The Hungarian Civil Liberties Union claimed that nowadays they are considerably more efficient than effective, because it is quite hard to reach true, real results in

the current Hungarian political and socioeconomic context. The contextual factor of effectiveness will be an interesting issue to consider in case of working groups and coalitions.

4. International and Hungarian cooperations- Control Arms' Coalition and the Working Group Against Hate Crimes

4.1. Development of the Arms' Trade Treaty (ATT) and the role of Control Arms' Coalition

The Arms' Trade Treaty is a significant Convention of the United Nations, and is considered to be a milestone for disarmament. It was adopted by the UN General Assembly in 2013, and entered into force in 2014. As of now 82 States have ratified the ATT, and altogether 133 countries are signatories to the treaty. States Parties are obliged to submit annual reports about their performance regarding the provisions of the binding document.⁸⁷

ATT regulates the international commerce of weaponry in order to promote peace, transparency and cooperation among states, reduce human suffering and block the armament of terrorist groups.⁸⁸ The Convention places special significance to international assistance and cooperation among the countries.

The Control Arms' Campaign and Coalition has been working actively on the adoption since 2003 and, nowadays, on the ratification and enforcement of the ATT. The Coalition considers that the unregulated international arms' trade seriously contributes to human rights violations, economic inequalities and aggression around the globe.⁸⁹

In those 10 years, from the launch of the Campaign to the adoption of the ATT, the Control Arms' Coalition applied a wide range of techniques to assist the agreement on the Convention. Advocacy was the core activity of the Coalition, but an extensive list of publications was also produced and issued in order to back up their arguments.

⁸⁷ *Arms' Trade Treaty*, Article 13.

⁸⁸ *Ibid.* Article 1.

⁸⁹ Control Arms Coalition, *Our Work in 2016*, available at: <http://controlarms.org/en/about-controlarms/>

It was straightforwardly confirmed by several States that the push from the Coalition was indispensable in the adoption of the ATT. The indirect assistance of the cooperation is, however, often forgotten among the proud declarations and statements of certain countries. According to Whall and Pytlak "civil society organizations are increasingly inserting themselves into and impacting international decision-making processes".⁹⁰

The Control Arms' Campaign was based on the so-called four 'golden rules', devised by Amnesty International.⁹¹ While they were not of clear consensus, they, in the end, still constituted the driving principles of the cooperation. The claims included that the ATT should be specific and consistent with other legal obligations, States should assess commerce of arms carefully, citizens should be protected and development should be sustainable.⁹² These 'golden rules' were the foundations for the "golden principles" that outlined the coalition's vision for ATT's parameters".⁹³

An external evaluation of the role of Amnesty International suggested that the international human rights NGO was indispensable for the success of the treaty process.⁹⁴ The evaluator praised the strong and unique advocacy skills Amnesty International brought to the tables, and complimented the strength of the international Convention. However, it was made clear that "the transparency and compliance mechanisms in the treaty could be stronger"⁹⁵ - as it is often the problem with other human rights documents, too.

Whall and Pytlak, who were both active participants of the Control Arms' Campaign process, claim that the contribution of civil society in the formulation of ATT was diverse and extensive. This was mainly due to the fact that "civil society has to use 'soft' instruments

⁹⁰ Whall, Helena, Pytlak, Allison, 'The Role of Civil Society in the International Negotiations on the Arms Trade Treaty', *Global Policy*, 2014, 5(4), p. 453.

⁹¹ *Ibid*, p. 454.

⁹² *Ibid*, p. 454.

⁹³ *Ibid*, p. 454.

⁹⁴ Norris, Carolyn, *External Evaluation of Amnesty International's Arms Trade Treaty Campaign - Executive Summary*, 2014, available at: <https://www.amnesty.org/en/documents/act30/013/2014/en/>

⁹⁵ *Ibid*, p. 3.

of power such as 'moral authority' and the 'power of persuasion'.⁹⁶ They identify three ways for the civil society to function effectively - establishing of powerful alliances, taking proper care of the information flow (both between partners and the coalition and the media and public) and creative, useful advocacy and campaigning. Although there was considerable opposition, "civil society was nevertheless able to exert pressure to expand the number of supportive states and persuade them".⁹⁷

Keck and Sikkink, similarly to Whall and Pytlak, highlight that the effectiveness of coalition working often depends on the smooth information flow among the member organizations.⁹⁸ It is important, they claim, because "serving as alternative sources of information' civil society organizations also gain influence".⁹⁹

The successful and rapid exchange of information was one cause of success for the Control Arms' Campaign. Information from the Coalition included publications of research, policy papers and technical advice. Consistency within the Coalition was achieved by daily briefing sessions in order to achieve "singing from the same hymn sheet' in the delivery of policy messages".¹⁰⁰ This also showed that delegates could trust and confide in the unity of the Coalition. They also dominated the media by organizing regular press conferences, and using social media to raise public and media attention and exert pressure on politicians.¹⁰¹

The Control Arms' Coalition used various ways of advocacy tactics to put into effect the most comprehensive campaign possible. This was facilitated by the large budgets which were available for the bigger, international NGOs in the Coalition. As Whall and Pytlak

⁹⁶ *Ibid*, p. 456.

⁹⁷ *Ibid*, p. 459.

⁹⁸ Keck, Margaret E., Sikkink, Kathryn, 'Transnational Advocacy Networks in International and Regional Politics', *UNESCO*, 1999.

⁹⁹ *Ibid*, p. 95.

¹⁰⁰ Whall, Helena, Pytlak, Allison, 'The Role of Civil Society in the International Negotiations on the Arms Trade Treaty', *Global Policy*, 2014, 5(4), p. 461.

¹⁰¹ *Ibid*, p. 462.

conclude "transnational civil society networks continue to play an increasingly important role in global issues, particularly in the human security area".¹⁰²

4.2. A successful Hungarian human rights coalition - the Working Group Against Hate Crimes (Gyűlölet-bűncselekmények Elleni Munkacsoport, GYEM)

4.2.1. Birth

The beginning of the functioning of the working group dates back to 2012 when a group of like minded members of Hungarian human rights NGOs and independent experts decided to unite and act together to amend hate crime legislation in the Penal Code. The working group was an informal, ad hoc gathering for the sake of a particular objective, but as the representative of NEKI claimed, it was not unusual, they had previously got together to consult and discuss cases and issues related to hate crimes.

The new Hungarian Penal Code was adopted in 2012, but came into force on 1st July 2013. The specific parts pertaining to hate crimes have been modified to largely reflect the recommendations of the Working Group Against Hate Crimes. Section 216 extended the definition of the protected grounds of hate crime to sexual orientation, gender identity and disability.¹⁰³ The new Penal Code also punishes hate speech that could incite against a member of a certain community. According to Section 332 of the document:

Any person who before the public at large incites hatred against: a, the Hungarian nation, b, any national, ethnic, racial or religious group, c, certain societal groups, in particular on the grounds of disability, gender identity or sexual orientation, is guilty of a felony punishable by imprisonment not exceeding three years.¹⁰⁴

¹⁰² *Ibid*, p. 465.

¹⁰³ Section 216, *Act C of 2012 on the Criminal Code*, available at: <http://www.refworld.org/pdfid/4c358dd22.pdf>

¹⁰⁴ Section 332, *Act C of 2012 on the Criminal Code*, available at: <http://www.refworld.org/pdfid/4c358dd22.pdf>

It was a huge success that the working group has achieved that protected grounds of hate crime shall concretely name sexual orientation, gender identity and disability. Furthermore, a decree of the Ministry of Internal Affairs made it compulsory that the county police headquarters must deal with hate crimes.¹⁰⁵ The change was very important, because this way those policemen deal with these sensitive situations who are specially trained to handle hate crime scenarios. The decree was a modification in law, which the Working Group had directly requested.

After having successfully lobbied to amend the hate crime legislation, members of the unofficial working group realized that in this very specific area of minority rights protection they can successfully cooperate. It is important to stress that the GYEM works only about hate crimes, and avoids similar, but more controversial fields, such as hate speech. There is a perceivable difference in the points of view of the member organizations - Hungarian Civil Liberties Union and Amnesty International, for example, are big supporters of freedom of speech, and, thus, they do not want the comprehensive criminalization of hate speech, while others rather disagree with them.

There is no consensus among the members of the GYEM who has actually proposed the idea of forming an official working group. The general agreement seems to be that it was a joint initiative. According to the Hungarian Civil Liberties Union, it was, however, a gradual transformation into a more formal coalition, they managed to write a longer-term operational and organizational strategy by time.

¹⁰⁵ 25/2013. (VI. 24.) *Decree of the Ministry of Internal Affairs*, available at: http://njt.hu/cgi_bin/njt_doc.cgi?docid=161352.243760

4.2.2. Objectives

The above mentioned amendment to the hate crime legislation is uncontested to be the first and primary objective of the Working Group Against Hate Crimes. Although, after successfully completing it, the GYEM needed to reformulate its targets and plans for the future to remain a relevant working group on the issue. While the future of the coalition is always changing and formulating as a result of the political and cultural environment, it is getting clearer where the core mandates of the GYEM would lie. The long term planning of the working group shows no signs that the GYEM would cease to exist after completing a certain set of actions. Furthermore, as one of my interviewees told me the GYEM would end if everything was ideal in the country (including the social environment and the authorities), which is very unlikely.

There were some very specific claims about the future of the working group. Amnesty International prompts the reform of the Hungarian data collection techniques (lack of disaggregated data), the qualitative improvement of the hate crime specialist department of the police, the establishment of a hate crime investigational protocol, the betterment of the law enforcement and communication with the police and hate crime victim assistance in bringing cases to court and in their everyday lives, too. The Hungarian Helsinki Committee added that awareness raising needs to play a pivotal role in the future of the GYEM.

When the interviewees were asked about the possibility of extending the working group either member-wise or topic-wise, many controversial replies were provided. There was considerable consensus about broadening the scope of the working group. The NGO representatives, in general, agreed that at the moment it is unlikely that any reasonable broadening could happen. For example, Háttér Society asserted that the GYEM does not want to become a huge umbrella organization. Their cooperation is very professional and close, but it limits their common working ground, too. The representative of Amnesty International told

that broadening is not realistic, because one of the main advantages of the working group is to be able to remain well-focused, concentrating on hate crimes only.

Concerning the enlargement of the GYEM, the representatives were more divided. They more or less agreed that if an NGO was doing real work in the field, there should be no obstacle of it joining the working group - the practical weakness of this perspective is that they could not really name one potential candidate. Háttér Society added that the organization does not only need to do relevant work about hate crimes, but it also needs to have a similar profile to the other member NGOs, in order to be able to cooperate efficiently.

There were some references that NGOs working with certain minority rights, such as the protection of homeless, refugee or Jewish people, are missing from the coalition, but they could not offer actual candidates for their representation. It was also mentioned that enlargement was not a problem in the past, because an NGO working with African refugee rights (Ebony) was able to join the GYEM in 2014. Their current absence from the working group is only due to personal reasons.

4.2.3. Roles and division of labour

The five current NGO members of the working group perform various activities of the GYEM. They most often resemble the actions they already do, to some extent, in their respective organizations, but certain roles are additional.¹⁰⁶

Each member NGO was asked about its mandate in the coalition, but they were also prompted to evaluate the working of the other members. The Hungarian Helsinki Committee asserted that they primarily work for the effective struggle of authorities against hate crimes. It includes the publishing of expert training supplements and materials, trainings and coordination with the authorities. Others added that the NGO plays a vital role in legal

¹⁰⁶ see *Appendix 2*

representation, and due to the big size of their organization their connections are very relevant and beneficial for the coalition. The representative told me that her work is only in little overlap with her roles in the Hungarian Helsinki Committee.

Háttér Society represents the LGBTIQ society within the GYEM. They often conduct in-depth researches, and do legal aid work. The interviewee also added that they are also ready to undertake ad-hoc duties, for example he himself put together the homepage of the GYEM, because he had such skills. Other members of the coalition highlighted the excellent connections and network Háttér has, the NGO's police trainings¹⁰⁷, victim support and assistance programmes and data collection roles. The representative claimed that in the past there was a bigger overlap in his work at Háttér Society and in the GYEM, but now it is rather a voluntary addition.

Amnesty International Hungary is in a special position within the GYEM, because they do not offer legal representation for victims of hate crime. On the other hand, they perform some roles that are unique for their organization. Amnesty International is most active in lobbying and communications. Until now the GYEM had one press conference, but it was organized by Amnesty International. A considerable part of the background work necessary for the successful functioning of the cooperation is also done by the organization, for example translations or data collection. It was also stressed that they bring education and awareness raising about hate crimes to high schools by their young-age training programmes. Others also mentioned that Amnesty International was strong in policy making, PR work, brainstorming and professional reviewing of materials. Háttér Society added that the logo of the GYEM was also created by the NGO. The roles performed by the interviewee from Amnesty International are mostly in overlap with his work within the organization.

¹⁰⁷ see *Appendix 2*

The primary work of the NEKI is to provide legal assistance and to do strategic litigation. They claim that their strength is that they have concrete and direct information through their cases, and they have a good insight of the practice. Others confirmed these roles of the NGO. The interviewee from NEKI, who has just quitted his job at the organization, and, thus, not a member of the cooperation any longer told me that his GYEM-related duties were in partial overlap with his work in the NGO.

The first reply received, asking about the roles of the Hungarian Civil Liberties Union, was that the various jobs within the GYEM that need to be done are not set in stone. They are usually discussed and undertaken by the choice of the NGOs, this way, usually everyone has a little piece to do in everything. Still, the Hungarian Civil Liberties Union is most prominently active in commenting on professional materials and providing legal assistance. In the future it will also be the central role of the NGO to help create the coordination of the hate crime investigational protocol for the police and contribute to the lobbying for its introduction. The representative of the Hungarian Civil Liberties Union is responsible for keeping in touch with the hate crime specialist department of the police, and organizing regular meeting with them. The NGO also adds that they help with communications, for example, their communications department reviewed the newsletters of the GYEM. Members of the GYEM have mentioned that the Hungarian Civil Liberties Union, similarly to Hungarian Helsinki Committee, adds a lot of weight to the coalition thanks to its size, influence and extended network within the field.¹⁰⁸ The interviewee from the Hungarian Civil Liberties Union said that her work in the GYEM is in absolute overlap with her roles in the NGO, because the tasks of the GYEM are part of their Roma strategy programme.

¹⁰⁸ see *Appendix 3*

There was a general consensus among the NGO members of the GYEM that the working group functioning helps to rationalize the tasks. The duties are performed in a coordinated way, and, if it happened otherwise, now that work is not duplicated. Still, Amnesty International highlighted, just as it was mentioned before, that usually everyone has a say in every task and feedback is provided to each from all. The representative of NEKI finally added that in the cases of strategic litigation each NGO does its task on its own, it is more like the professional materials and discussions which are produced in a coordinated manner in that area.

4.2.4. Leader and control mechanism

One thing is clear about the GYEM - it has no leader or boss. However, four of the five NGO members could imagine someone, who is not a leader, but an external controller to help the coordination of work, and make members of the working group finish their undertaken jobs in time. It was told by some that this position is, to some extent, fulfilled by the previous representative of the Hungarian Helsinki Committee who is on maternity leave. The operational and organizational strategy, which will be introduced, soon also declares that the working group has no leader, but there could be an external controller of the processes. There is only one NGO, NEKI, that does not believe in centralizing the executive power, even if it is a supervisory role.

The GYEM does not have an official control mechanism on a State level, since they are not an NGO or a formal organization in the eyes of the Hungarian legislation. It was, though, accepted, when it was asked, that the measurement of efficiency could be boosted by some inner control mechanism. The external controller role, informally fulfilled by an earlier GYEM member, was often the answer for my inquiry. The NEKI, instead, claimed that they believed in the establishment of certain efficiency indicators. The representative of the

Hungarian Civil Liberties Union told that the fact itself of writing a long-term strategy is an assurance that the plans of the working group can be fully assessed. Amnesty International insisted that considering the voluntary nature of the coalition it is very efficient, and that they receive both internal and external feedback on the jobs they perform. On the contrary the Hungarian Helsinki Committee does not find the working group very efficient, but the interviewee said that it was formulating and changing thanks to new external controller and the strategy. In addition the Háttér Society stressed the advantages of the long-term strategy, too, which would be compiled with reminders, exact deadlines, and it would also reflect on the proportions of work each NGO had chosen to do.

4.2.5. Functioning

The working group does not have a budget. It means that its members work on a voluntary basis, to more or less extent for the sake of their roles in their respective NGOs. Work force may be obtained free of charge, but there are some fees and expenses which are inevitable. According to the interviews, the member organizations choose to undertake certain expenses as a last resort, but they usually cost usually small amounts of money, for example printing of certain materials. This is, in a way, an indirect and informal budget of the working group. The necessity of a budget is an important question that is widely debated in the literature¹⁰⁹, and will be considered at a later stage.

The Háttér Society emphasized - if the GYEM wanted to have a regular and formal budget, then official formulization would need to occur. Another difficulty is, in the opinion of the Hungarian Helsinki Committee, is that hate crime topics are rarely able to obtain any financial support. Probably the most prominent, but least straightforwardly formulated, concern about a real budget was how it could be fairly divided. Problems of the equal

¹⁰⁹ see *Edwards and Welch*

division of labor would hit in soon. As some have said: the success of the GYEM lies in the simple fact that no money is involved.

The member organizations generally agree that it is not hard to find compromise concerning the objectives and targets of the working group. It is considered 'fluent' and 'unproblematic'. Amnesty International added that the realization of certain objectives is sometimes debated, but they strive to find consensus. According to NEKI it is harder to find a suitable date and time for everyone to meet than to agree on the objectives. Háttér Society evaluated that disputes are rare, mainly due to the fact that they avoid ambiguous topics, such as hate speech. Moreover all NGOs agree that there is no perceivable battle for dominance between bigger, international and smaller, local organizations. As the representative of the Hungarian Helsinki Committee put it - the more useful and effective one is the more dominant.

4.2.6. Successes and failures

There are many successes the GYEM can be proud of, but, inevitably, there are some failures and shortcomings, too. The first objective of the working group to amend the hate crime legislation was successfully achieved, however, Háttér Society is a tad bit unsatisfied that the 'law is not perfect'.

On the positive side, it is a clear improvement that the communication between the civil society and the authorities has considerably improved. The relation of the coalition with the Budapest Police Headquarters (Budapesti Rendőr-főkapitányság, BRFK) is especially strong and beneficial. The GYEM manages to hold a meeting with the police twice a year, and the coalition is taken seriously. Furthermore, valuable, relevant and professional materials were published by the GYEM. Trainings are organized for policemen, judges and

prosecutors in the topic of hate crimes. Due to extensive outreach of the cooperation more and more people contact the GYEM, including different means of the media.

One of the most interesting replies was given by the representative of Amnesty International, who said that a big success of the GYEM is that 'it exists'. There are not many similar examples of the working group in the neighboring countries, and it is a real achievement to keep diverse NGOs¹¹⁰ united in the field of hate crimes.

On the more negative side, the contribution of the GYEM in the Roma policemen project cannot be claimed very successful, because a weak protocol was compiled by the authorities. According to the interviews, the shortcomings of the working group rather relate to the management side of the coalition. The Hungarian Helsinki Committee finds that the voluntary nature of the cooperation sometimes goes hand in hand with skipped deadlines and postponed activities. The Hungarian Civil Liberties Union also sees the deadlines problematic; they are usually very long, but still rarely respected. Concerning the deadlines, Amnesty International Hungary considers that the agreed internal deadlines (usually a few weeks to complete a task) are generally kept, and no real pressure needs to be exerted by the coalition to make its members work and comply.

The Hungarian Civil Liberties Union also remarks the occasional weak communication among the members, and that due to capacity problems the working group does not apply for grants and financial resources, for example from the EU, although, it is planned every year. While previously it was emphasized by other NGOs that the GYEM is not an umbrella organization on purpose, the NEKI found that a shortcoming of the coalition is that it is inefficient, because it is an umbrella organization. Furthermore, they see the lack of budget as very problematic in terms of successful functioning.

¹¹⁰ see *Appendices 2 and 3*

4.2.7. Assessing the impact and effectiveness of Working Group Against Hate Crimes

In the introductory chapter the literature on the evaluation of NGO effectiveness was explored, mainly by using the works of *Calnan, Edwards, Welch and Winston*. Now, their way of thinking will be followed in assessing the successfulness of the GYEM.

Calnan very importantly highlights the difference between 'agenda effectiveness' and 'goal effectiveness', thus, realizes the conceptual difference between functional efficiency and effectiveness.¹¹¹ His division between the two kinds of effectiveness will be followed in the assessment.

From the *Edwards'* ten principles¹¹² for NGO success three should be underlined and analyzed more profoundly in the case of this NGO cooperation. *Edwards* emphasizes that appropriate and sufficient funding is indispensable for effective functioning and an NGO shall be able to adapt and respond fast.¹¹³ These are principles, which may be considered problematic for the GYEM, knowing that it lacks a normal budget and, due to its diverse membership, it cannot be stated that the working group in its current form is quick to react. However, *Edwards* also claims that a holistic, cooperative, collaborative approach is vital for boosting NGO effectiveness. Thus, his ideas suggest that, in terms of efficiency, budget and deadline modifications should be made in order to max out the effectiveness potential of the coalition.

Similarly to *Edwards*, *Welch* also mentions the importance of financial resources. Although, *Welch* sees the issue of effectiveness in a more complex way.¹¹⁴ He would consider social diversity and the inputs-outputs of the working group for the assessment, and his conclusion tends to support inclusive cooperations and coalitions for the future. It

¹¹¹ Calnan, Scott, *The Effectiveness of Domestic Human Rights NGOs - A Comparative Study*, 2008, Martinus Nijhoff Publishers. p. 231.

¹¹² Edwards, George E., 'Assessing the effectiveness of human rights non-governmental organizations (NGOs) from the birth of the United Nations to the 21th century: Ten attributes of highly successful human rights NGOs', *Michigan State Journal of International Law*, 2010, vol. 18:2., pp. 174-5.

¹¹³ *Ibid.*

¹¹⁴ Welch Jr., Claude E. (ed.) *Conclusion in NGOs and Human Rights: Promise and Performance*, 2001, University of Pennsylvania Press

shows that the member NGOs correctly sensed that they are likely to be more successful in the field of hate crimes, if they cooperate. *Winston* adds that the fulfillment and expansion of the mission of an NGO is quintessential¹¹⁵, which is clearly the case for the GYEM, so through his lens the working group has lived up to the expectations.

As it is obvious from the literature, there are many ways to evaluate the performance of an NGO or a coalition. However, based on the criteria of the aforementioned experts, the GYEM seems to operate rather effectively, there are certain shortfalls in its efficiency, which are capable of influencing negatively its overall effectiveness and success.

4.3. A comparison

The Control Arms' Coalition and Campaign is active since 2003, when they began to push for an international Arms' Trade Treaty, strictly regulating the trade of weapons.¹¹⁶ The Working Group Against Hate Crimes (Gyűlölet-bűncselekmények Elleni Munkacsoport, GYEM) is, on the other hand, a newer formation - it officially exists from 2012, and struggles to bring positive changes to the management of hate crimes by the legislative, judiciary and executive branches of the Hungarian State.

The former one is a huge international coalition with over 300 satellite organizations¹¹⁷, while the latter one is a smaller working group with, at the moment, five human rights organizations and four independent experts.¹¹⁸ Due to the size and geographical location of the cooperations, it is no surprise that the Control Arms' Coalition is a

¹¹⁵ Winston, Morton E.. Assessing the Effectiveness of International Human Rights NGOs: Amnesty International quoted in Claude E. Welch, Jr. (ed.) *NGOs and Human Rights: Promise and Performance*, 2001. University of Pennsylvania Press. pp. 28-29.

¹¹⁶ Control Arms Coalition, *An Archived History of the ATT*, available at: <http://controlarms.org/en/about-controlarms/>

¹¹⁷ Control Arms Coalition, *About our Work*, available at: <http://controlarms.org/en/about-controlarms/>

¹¹⁸ Control Arms Coalition, *Experts*, available at: <http://gyuloletellen.hu/munkacsoport>

coordinated, but more loosely joined network, but GYEM is a more tightly coordinated cooperation, since all experts work within Hungary.

The objective of the Control Arms' Campaign was more limited to the adoption of the Arms' Trade Treaty (ATT) by the United Nations. Now their work is mostly about ensuring that States refusing the ATT accept it, and signatory States ratify it. Furthermore, the practical implementation and future monitoring of the Convention is also a role of the Coalition.

Although GYEM was similarly established to achieve a relatively objective amendment in the legislation, which was successfully fulfilled¹¹⁹, members of the working group redefined their potential mandate within the field of hate crimes (details will be provided later). According to the interviewees, now they conduct numerous hate crime related activities and tasks that considerably and creatively expand the original purpose of the cooperation.

It is very likely that the Control Arms Campaign would cease to exist after all the UN States, or at least a convincing majority of the countries, ratifies the Arms' Trade Treaty. There are claims to continue monitoring on the long run, but it would be a real surprise to keep up a huge transnational network just for a monitoring role. On the contrary, GYEM seems to continue its working, because their size (number of affiliates) and shared location make it possible and reasonable to keep regular contact, and harmonize hate crime activities of human rights NGOs in the same field.

From the outset it is clear that the two cooperations follow a different path about their membership policy. The Control Arms' Campaign wanted to be a huge transnational advocacy network with a great number of more than 300 civil society organizations. Those include from the biggest and most prominent human rights NGOs (OXFAM, Amnesty

¹¹⁹ *Act C of 2012 on the Criminal Code*, available at: <http://www.refworld.org/pdfid/4c358dd22.pdf>, Sections 216 and 332.

International) to the tiniest grassroots organizations from all around the globe, both international and domestic ones.

The GYEM was chosen to represent a narrower range of human rights NGOs. It is not a coincidence - many of my interviewees claimed that the aim was not to establish an umbrella organization with many theoretical supporters, but to create a working group in which the members can effectively and fast harmonize the duties to achieve the best results. For this reason most members of the GYEM were rather skeptical about the possible enlargement of the working group, some of them could only imagine if it was 'meaningful', for example by the inclusion of enthusiastic NGOs working with homeless people or anti-Semitic acts, since those human rights violations are not properly covered by any NGO of the GYEM.

4.4. NGO coalitions - for and against

A particular NGO coalition, the GYEM, was evaluated in a previous section, but it is also important to be able to draw a line between a practical, specific example and the theoretical advantages and disadvantages of any NGO working group. It may show that the GYEM is not taking advantage of its full potential or, quite the contrary, it works better than *in abstracto*.

There are strong arguments on both sides of the balance. It forms a part of the general consensus that the professional knowledge and competence is boosted by involving more experts, and more pressure and bigger impact can be achieved by a joint action. It is claimed to have a positive message, too, that the civil society is in agreement and full support of a certain set of recommendations, or, put it simply, the main civil stakeholders are driving in the same direction. To bring an example from the United Nations, a 1996 ECOSOC Resolution states:

where there exists a number of organizations with similar objectives, interests and basic views in a given field, they may, for the purpose of consultation with the council, form a joint committee (...) to carry on such consultation for the group as a whole.¹²⁰

Furthermore, a coalition most often increases the resources, both in terms of staff and money. It necessitates, therefore, creates a close, friendly atmosphere among the member NGOs, which may open up to other different cooperations in the future. The Hungarian Helsinki Committee stressed that there is a joyful aspect in being able to cooperate with other organizations, and engage with new experts of the field. Amnesty International Hungary framed it that such a cooperation is usually paired with a great atmosphere and work ethics.

Moreover, parallel completion of the same tasks can be prevented by regular discussion and cooperation of the work that needs to be done. A working group confirms and strengthens communication links between the actors.

On the other hand it did not take a long time for the interviewees to find some disadvantages of an NGO coalition. The main concern of the Roma Press Centre was that topics and questions might come up during the process which are contradictory issues even among the member NGOs.

A clear difficulty of a working group is coordination. Many people, and more specifically, the time and workload of many hard-working civil society actors need to be harmonized. If the coalition does not have a budget, or it is not formally a legal organization, member NGOs need to provide financial inputs at random intervals. In addition, if someone drops out, there might be no one to replace the person from the NGO. This is the actual case

¹²⁰ ECOSOC Resolution 1996/31, 25/07/1996.

in the GYEM with Ebony now, which cannot provide a substitute member for their ill representative.

Háttér Society mentioned that the share and division of labor may be disproportionate among the members, and there is no real way to react to it on a coalition-level, due to the lack of a leader. Informal peer pressure is a way of pushing people to work, but it often proves ineffective. Moreover, since there are no external requirements, the not-so-urgent matters may be postponed or even forgotten for long. This is also a negative side of a voluntary institution.

The Hungarian Helsinki Committee added that diversity, which is, in theory, positive, may also be negative, because different people work with a different level of work ethics. The representative of NEKI told me that, because of the joint nature of actions, a working group is rarely able to provide responses to current events. The Hungarian Civil Liberties Union, in the end, said that even a smaller conflict may seriously hinder the functioning of the whole coalition, and that money matters and disagreement can easily spoil such cooperations.

In addition to the opinions obtained from my interviewees, it is interesting to have a look at an Advocacy Manual, written by Aengus Carroll, who expands the list of arguments for and against an NGO coalition from a different, more international perspective.¹²¹

He finds NGO cooperations useful, because he claims that they have a bigger say in lobbying and exerting pressure on governments, so they cannot really be ignored as relevant stakeholders. Furthermore, he adds that collective work is appealing when looking for

¹²¹ Carroll, Aengus, *Make It Work: Six steps to effective LGBT human rights advocacy*, 2010, ILGA Europe.

financial donors, and "for politically sensitive issues, individual organizations can find a safe haven in a coalition".¹²²

At the same time his arguments against NGO coalitions include the possibility of the domination of the cooperation by bigger or louder organizations, and that notorious human rights NGOs may be detrimental for the coalition. It is no surprise, but if it is a hardship to agree on the objectives or on the means to achieve it, and "if the question of who takes credit for success is more important than the victory"¹²³, there will be many difficulties.

4.4.1. How to make NGO coalitions efficient and effective

Considering the advantages and disadvantages of an NGO cooperation, a trend seems to emerge. The former, in general, refers to effectiveness, while the latter refers to issues of efficiency. It was also the conclusion, which crystallized in my mind during the last interview.

Based on the experience of the civil society actors and other human rights experts, an NGO coalition, by definition, successfully boosts effectiveness (compared to individual NGOs), if there are no significant drawbacks in its efficient functioning. It is a very important finding, and it again reflects on how interconnected the two terms, effective and efficient, are.

That said, the conclusion is that a working group is an all or nothing scenario. If it is badly organized and cannot function efficiently, it will never have a real impact and be truly effective. However, a neat structure and management does not only result in efficiency, but almost inevitably in the effectiveness of the cooperation, too. Efficiency, thus, becomes an indicator for effectiveness, and shows the importance of and need for strong management in the non-profit sector for the advancement of human rights.

¹²² *Ibid*, p. 46.

¹²³ *Ibid*, p. 46.

As the principles have just been settled, it would be useful to shed some light on how the efficiency of NGO cooperations could be enhanced. *Moyes* and *Nash* have compiled a manual on global coalitions, in which they investigate the civil society partnerships from their establishment.¹²⁴

There are numerous recommendations in their publication that shall be considered by all NGO cooperations, because they are very relevant and helpful, and they look at working groups as bodies with significant responsibility.

In order to remedy the frequent problem of postponing tasks and deadlines, the authors suggest the use of a "coordinator, staff team or secretariat working on behalf of the coalition, rather than serving the interests of one of its members"¹²⁵, or the establishment of a steering group who controls the actions of the cooperation. They are very sound and valid ideas to keep a rather informal group more regulated. This would also be a solution to most of the difficulties, which were mentioned by the members of the GYEM - therefore, it is not a coincidence that they are considering the formal introduction of an external controller to the working group.

Among their other recommendations they mention the need for strong logistics within an NGO coalition, because when it

functions well few people notice, yet poor logistics can undermine the credibility of the coalition with its own members, with its funders, and with those it is trying to influence (...) it is the backbone of any coalition effort.¹²⁶

¹²⁴ Moyes, Richard, Nash, Thomas, *Global Coalitions - An introduction to working in international civil society partnerships*, 2011, available at: http://www.globalcoalitions.org/wp-content/uploads/2011/12/Global_Coalitions_published_Dec_2011.pdf.

¹²⁵ *Ibid*, p. 29.

¹²⁶ *Ibid*, p. 61.

In their conclusion, *Moyes* and *Nash* consider an NGO cooperation powerful, if it is coordinated, diverse, inclusive, affiliative and cooperative.¹²⁷

Now that it was established that NGO cooperations are effective and can have a real impact, if they are organized to function efficiently, then it might make sense to ponder about the future of NGO working groups in Hungary, and look at their prospects in other fields of human rights advocacy. The example for consideration will be the non-existent and completely theoretical Working Group on Roma Rights, because, first of all, it is not very different from the interests of the GYEM, and secondly, because improvement of Roma rights' advocacy has a great potential, and is very much needed in Hungary.

¹²⁷ *Ibid*, p. 79.

5. The prospects of Hungarian NGO cooperations - a Working Group on Roma Rights

5.1. Future of the civil sphere

As it was broadly discussed in the essay, if human rights NGOs cooperate, there is a strong potential that they would achieve better results and become more effective. However, the inevitable prerequisite is that the functioning of such a coalition or working group is efficient. Logics, thus, say that NGO cooperations are beneficial for the civil sector.

In this last chapter before the conclusions of the thesis, it will be considered how an NGO working group needs to work to result in efficiency and, therefore, effectiveness. It will also include specific recommendations for the Hungarian human rights non-governmental organizations based on the interviews and the legal literature.

In the first part of this chapter the prospects of the theoretical Working Group on Roma Rights will be evaluated based on the contributions of the interviewees. They were asked to assess and suggest tips on this very specific working group, because this way the questions and their answers were more practical and tangible. It makes more sense to analyze their replies on a concrete cooperation, than *in abstracto*. They could more easily imagine themselves in the quite possible situation, and seriously consider how they would establish a successfully working coalition. For the first part the responses of the interviewees will be primarily used, and the European Roma Policy Coalition will be mentioned as a similar initiative on a regional level.

In the second part of the chapter the prospects of the cooperation based NGO working in certain fields will be researched in more general terms. The chances and obstacles will be assessed, and using the available literature recommendations will be provided for the Hungarian human rights civil sphere.

5.2. Prospects of the Working Group on Roma Rights

For this section of the thesis I had managed to conduct interviews with the representatives of five Hungarian non-governmental organizations: Amnesty International Hungary, the Hungarian Helsinki Committee, Legal Defense Bureau for National and Ethnic Minorities (Nemzeti és Etnikai Kisebbségi Jogvédő Iroda, NEKI), the Hungarian Civil Liberties Union (Társaság a Szabadságjogokért, TASZ) and the Roma Press Center (Roma Sajtóközpont, RSK). The first four are human rights NGOs, while the last one is an independent news agency concentrating on Roma issues that functions like an NGO.¹²⁸

Naturally, there were many attempts to include other prominent human rights NGOs, which work with Roma rights. There was a long exchange of letters with the European Roma Rights Centre (ERRC), in which they could not have been convinced to join the research, and they continuously refused to take part in the interviews. Similarly, the Roma Education Fund (REF) did not reply to any of my requests. Finally, the Chance for Children Foundation (CFCF) was not included in the thesis, because their work is now suspended due to the lack of financial resources. The unwillingness of the ERRC and the REF to join the interviews is, nevertheless, telling.

The interview questions relating to the Working Group on Roma Rights, similarly to the interview questions on the GYEM, are available in the Appendices.¹²⁹

Among the five NGOs who could have been finally asked about the need for a potential Working Group on Roma Rights, only two, Amnesty International Hungary and the Roma Press Center, reacted in a straightforwardly positive manner. The other three organizations were more hesitant about the issue. The Hungarian Helsinki Committee preferred the direct link with local foundations in the field, NEKI also believed in the

¹²⁸ for more information on the selected NGOs see *Appendix 2*

¹²⁹ see *Appendix 1*.

strengthening of the locals and the Hungarian Civil Liberties Union claimed that there were many attempts for such a cooperation, but they usually worked out in an *ad hoc* manner.

Anyways, all NGOs agreed that if the Working Group on Roma Rights existed, it should work for the advancement of concrete objectives, and not on general terms. These smaller-scale goals were more achievable, according to the representative of Amnesty International Hungary, and the 'smallest common denominator' approach would not work for a coalition.

The interviewees were asked to ponder about which organizations they would include in the working group. There was a tendency to mention all, or almost all, human rights NGOs which are asked in this research. Some people added the Roma Press Centre to the list, too, while others believed that in the struggle for advancing human rights, a news agency might not find its place. All organizations would include the European Roma Rights Centre, and two persons mentioned the Roma Education Fund and the Open Society Foundations (OSF). As it was written before, the NGOs generally supported the idea of including local organizations, the Romaversitas and independent experts in the Working Group on Roma Rights, similarly to the Working Group Against Hate Crimes. NEKI, however, warned that it is a real difficulty to find a potent organization in the countryside to cooperate with.

The next big area of consideration is how the division of labor of the cooperation could work. Clearly, the question came all out of a sudden, and some representatives did not dare to dig that deep into the organizational matters. NEKI simply claimed that 'everyone should do what she/he is good at', namely that the legal professionals should prove themselves useful in the courts, while those working with locals should stick to that. Amnesty International Hungary agreed and added that, with internal coordination, everyone should work according to its capacity and profile. The Hungarian Civil Liberties Union highlighted

that the available financial resources would greatly determine what people could do at all. The Roma Press Centre also believed that the preset mandates should determine the tasks of each NGO, for example they would deal with the media, while the Hungarian Civil Liberties Union could proceed with legal precedents, while NEKI with personal legal assistance.

Concerning the budget all organizations agreed that there would be a great need for it. However, most of them emphasized that money makes things problematic, to some extent. For example, the representative of Amnesty International Hungary asked the theoretical question bluntly: 'who would decide on the division of the money?' While a budget is problematic, it is a must to achieve real results and become more effective. NEKI added that a budget is indispensable for the efficiency of the working group, too.

While it was generally hard for the interviewees to determine the ideal frequency of meetings for the coalition, all of them stressed that these meetings have to happen regularly. The Roma Press Centre set bimonthly or monthly frequency, while Amnesty International Hungary and the Hungarian Helsinki Committee would yearly have four to six and four meetings, respectively. The Hungarian Civil Liberties Union considered that the importance of *ad hoc* meetings is significant, too. They all agreed that each NGO should send its expert on Roma issues, and it is not the leaders who are supposed to meet at these meetings. However, NEKI was right to suggest that at the birth of the working group the presence of the director of each NGO can be of symbolic value.

There were many different replies concerning the potential control mechanism of the Working Group on Roma Rights. Amnesty International Hungary believed that if it worked like the Working Group Against Hate Crimes, there was not a real need for a control mechanism - since it would be more like an informal gathering than an official coalition. The Hungarian Helsinki Committee stressed that if money was involved, then the control of an

outsider, legal professional would be essential. NEKI claimed that a self-reflexive control mechanism should be built in the cooperation. Furthermore, their representative also added that if there were financial supporters, then a financial control would also be in place by the donors. While the Roma Press Center was hesitant at first, they introduced the idea that NGOs should learn from the private sector. By this, they meant that an insider control can become too bureaucratic, and an outsider control of efficiency can be important.

There was a question about how the efficiency and effectiveness of the cooperation could be measured. Three NGOs referred back to the question on control mechanism, but two organizations have extended their replies. The Hungarian Helsinki Committee said that the demonstrability of concrete, expert materials and successes in dealing with the authorities are easier to follow up. However, the change in societal attitude towards a certain issue is much more problematic to assess. Amnesty International Hungary mentioned, too, that while it is easy to spot a change in legislation, it is much harder to track the flow of public opinion. Their representative highlighted that if the strategical objectives are well composed, they include the indicators of success, too.

Asking about the presupposed advantages and disadvantages of the Working Group on Roma Rights, the interviewees listed quite many things on both sides. They generally agreed that acting together strengthens their voice, makes communication and the flow of information easier and brings together experts on the topic, which gives authority. The Hungarian Helsinki Committee emphasized that the voice of the coalition is more likely to appear in the media than the opinion of one NGO. Moreover, NEKI added that a coordinated action is mutually beneficial for the locally affected people and the human rights defenders, too. As he said, 'they mutually strengthen each others' voice and authority'.

Of course, interviewees could easily identify potential problems in the coalition. According to Amnesty International Hungary, it would be very similar to the Working Group Against Hate Crimes, because it would most likely to be a voluntary cooperation, which would take the time and energy of each member for free. The Roma Press Center was concerned about the potential disagreements between member NGOs on certain issues. The Hungarian Helsinki Committee was most worried about the difficulties in finding financial resources and also wondered if the working group would really help the Roma community or it would be just too far from reality. NEKI referred to the problem that there is perceivable tension among the organizations active in this field, and that the cooperation could bring nothing new to the already existing network of allies.

The idea of bringing together civil society actors in the topic of Roma rights is not new or unprecedented in Europe. In 2008 the European Roma Policy Coalition (ERPC) was founded by prominent human rights organizations such as Amnesty International, the Open Society Foundations (OSF), the Roma Education Fund (REF), the European Roma Rights Center (ERRC), the Minority Rights Group International and others.¹³⁰

It is an informal gathering for NGOs where they can discuss and analyze issues of Roma inclusion policies, anti-discrimination and human rights. They are also particularly active in lobbying and issuing joint statements, and, as such, they helped in formulating the European Union Framework for National Roma Integration Strategies.¹³¹ "The Coalition is chaired on a rotational basis among its member organizations"¹³², for 6 months each.

¹³⁰ Fundación Secretariado Gitano, '*European Roma Policy Coalition*', 2013, available at: https://www.gitanos.org/que-hacemos/areas/international_cooperation/programas/97761.html.en

¹³¹ European Roma Rights Center, '*European Roma Policy Coalition*', 2010, available at: <http://www.errc.org/cikk.php?cikk=3796>

¹³² Fundación Secretariado Gitano, '*European Roma Policy Coalition*', 2013, available at: https://www.gitanos.org/que-hacemos/areas/international_cooperation/programas/97761.html.en

Frankly speaking, the ERPC is not a major actor in influencing Roma rights' enforcement. It seems to exist formally, but in reality their contributions to the European agenda are rather negligible. However, the inefficient and, thus, inevitably ineffective and unsuccessful functioning of the Coalition does not mean that a cooperation for Roma rights is doomed to death. Based on the available very scarce information on ERPC, it seems to be more of an operational failure than an inescapable one.

Now that we have got to know the not very compelling example of the ERPC, and have considered the expert contributions of the most prominent Hungarian human rights NGOs in the field, we shall move on, and draw more general conclusions on how a successful NGO cooperation should function by using the available literature.

5.3. Prospects of human rights NGO cooperations

The whole concept about the introduction of various human rights working groups in Hungary would be unquestionably useful for one important aspect - for the refreshment of the civil sphere. No matter how it would work out, a new structure always brings the potential of incorporating progressive ideas and abandoning useless trends.

It was demonstrated earlier that in the literature¹³³ the ideas of cooperative NGO working and a more holistic approach are widely supported. *Welch* specifically wrote about our age to be a new era, in which success is only achievable for partnering NGOs, and the time is not favorable for individualistic organizations.¹³⁴

Carroll was cited, too, where he argued that NGO cooperations were more successful in exerting pressure. He additionally wrote in his manual that a coalition was more appealing for receiving different funds.

¹³³ see *Edwards and Welch*

¹³⁴ *Welch Jr., Claude E. (ed.) Conclusion in NGOs and Human Rights: Promise and Performance*, 2001. University of Pennsylvania Press. p. 272.

As for the main advantages of a general cooperative NGO working the interviewees listed the enhanced communication links between the organizations and the positive effects of a combined expertise and competence that increases their outreach at the same time. Moreover, they added that by the presumably larger resources, both in terms of staff and money, and a sensible division of labor, their ability to exert real pressure can be significantly boosted.

On the other side, according to the interviewees, disadvantages could include tensions arising from contradictory topics even within the same field. The difficulties of coordination and control were also repeatedly mentioned, and the potential controversy around a budget, if exists at all, is not a negligible concern. The slowness of the decision-making and reaction time of an NGO coalition was a final worry of many. *Carroll* wrote that NGOs need to play equal roles in a cooperation, irrespective of their size, because, otherwise, sensitive issues of domination and internal oppression may arise.¹³⁵

Having looked at the presumed advantages and disadvantages, an interesting feature becomes evident. While the positive aspects seem to refer to the effectiveness of NGO cooperations (potential, outreach, impact, etc.), the negative aspects refer to characteristics of efficiency (control mechanisms, budget, coordination, time management). Thus, the interviewees and the literature tend to agree that NGO cooperations are more effective, but they can have problems of efficiency. As follows, if problems of efficiency do not undermine them, NGO cooperations are highly recommendable for becoming more effective and successful.

¹³⁵ Carroll, Aengus, *Make It Work: Six steps to effective LGBT human rights advocacy*, 2010, ILGA Europe, p. 46.

The very last part of the thesis, therefore, offers recommendations for Hungarian human rights NGOs. Ideas include suggestions on how to achieve greater success by NGO coalitions, and, as a prerequisite, tips on efficiency will be provided.

Firstly, the introduction of an external controller to an NGO coalition has the potential to improve issues of time management, and to help and keep deadlines for the member organizations. This idea is also proposed by *Moyes* and *Nash*¹³⁶, who believe that a controller or even a steering group can keep less formal groups more regulated.

Among their other recommendations they highlight that an NGO cooperation shall be inclusive and diverse, but remain coordinated by strong logistics.¹³⁷ Strong logistics is a complex concept, for example, it refers to the stringent determination and compliance of deadlines for all team members.

Furthermore, concrete and verifiable plans and goals must be introduced; whose assessments are objective and clear-cut. In order to keep track of the progress, a regular schedule of meetings is recommendable, and additionally, *ad hoc* gatherings should also be held, if there is acute need for them.

Finally, the question of a budget cannot be avoided. One option is not to have a budget, but the opinion of the interviewees clearly suggests that the potential of a working group to achieve results without financial resources is very limited.

The other option is to have a budget, but, then, it must be very well regulated. Firstly, it must be made clear where the NGO cooperation would accept funding from, as different organizations think differently about this issue. Secondly, the division of the money must be straightforwardly set, even before any money flows in. Thirdly, a very clear and accessible account of the incoming and outgoing sums of money must be kept that is regularly checked

¹³⁶ Moyes, Richard, Nash, Thomas, *Global Coalitions - An introduction to working in international civil society partnerships*, 2011, available at: http://www.globalcoalitions.org/wp-content/uploads/2011/12/Global_Coalitions_published_Dec_2011.pdf, p. 29.

¹³⁷ *Ibid.* pp. 61, 79.

by a financial controller. All money-related issues must be taken care of in the most transparent manner, which do not allow even the shadow of mishandling funds.

The aforementioned recommendations shall prove useful to any prospective NGO cooperation, because they help and boost efficiency, and, thus, a greater level of effectiveness and success is achievable.

6. Conclusion

Efficiency is not optional when trying to achieve success in the world of non-governmental organizations. As the thesis has proven, there is no chance for effectiveness, if an NGO operates weakly. The domain of human rights is especially a sector in which the work of NGOs is essential, therefore, it is similarly vital that the civil sphere functions well-organized and efficiently in the background.

The thesis explored that the concept of non-governmental organizations roots in the right to freedom of association. Therefore, the right is taken seriously in all researched international organizations (United Nations, Council of Europe and OSCE), and receives similarly strong protection in the Hungarian legislation, too. The literature review and the interviews helped to shed light on the various definitions of an NGO, and advised ways how to evaluate its performance and impact.

The international Control Arms' Coalition and the Hungarian Working Group Against Hate Crimes have proven that NGO coalitions do work, and must be taken seriously. They showed that significant results can be exerted through a cooperative manner. The real-life examples were very useful in indicating the trend that NGO coalitions have the true potential, thus, the idea of a future Hungarian Working Group on Roma Rights was introduced.

Finally, a set of recommendations were considered and proposed for NGOs. They describe ways that can boost efficiency in NGO cooperations, and, as a result, they inevitably improve the effectiveness and level of success, too.

The thesis, in the end, proves the link between efficiency and effectiveness. Furthermore, it demonstrates that cooperations among Hungarian human rights NGOs are highly recommendable, because if coalitions operate efficiently, they will be more effective than NGOs alone.

7. Appendices

7.1. Appendix 1 - Interview questions

Hungarian human rights NGOs

- What are the three most positive and three most negative features you would say about the Hungarian human rights NGO system?
- At which organization do you work?
- What is your role?
- Please tell me a little bit about your workplace: is it Hungarian or international?
- How long has it been working in the country?
- How many colleagues do you have?
- What is your yearly budget? Is it more increasing or decreasing? Where do you accept money from? If you refuse money from certain organs, why is that?
- What is the profile of your NGO?
- Which themes do you work on?
- How do you work?
- Could you tell me a little bit about your supporters, donors and volunteers? Is their number increasing or decreasing?
- To what extent are you present in the media?
- Do you publish writings?
- How much do people know the NGO? Is there any research on it?
- Is there an overlap with the working of other NGOs? Do you cooperate?
- What makes an NGO efficient and effective?

Working Group Against Hate Crimes

- How was the working group established? Who initiated it?
- Did you instantly join it? Why?
- What is the role of your NGO in the working group? What does it represent?
- Is there a leader in the working group? Would there be a need for it?
- What roles do you and the others undertake in the working group?
- To what extent your job in the working group overlaps your job at your NGO?
- What was/ is the objective of the working group? Was/ Is it successful?
- What are the short/ long-term plans? Will it stop working when achieving the objective?
- Would it be possible to broaden the working group? (Both theme-, and memberwise)
- What is the budget of the working group like? How constant the input is? Where does the money come from? Are there any difficulties in finding donors?
- How does the working group work?
- Can it be said that earlier one task was undertaken by more NGOs, but now the tasks are divided?
- How difficult is it to make a compromise about the goals and about how to achieve them?
- How slow or fast the process is?
- Is there a perceivable struggle for dominance with the group? For example, between the bigger, international and the smaller, Hungarian NGOs?
- How efficient is the working group? Is there a control mechanism? Would there be a need for it?
- What are the successes of this working group?
- What are the failures of this working group?

- What are the advantages of a working group in general?
- What are the disadvantages/ structural problems of a working group in general?

Working Group on Roma Rights

- Would there be a need for/ would it make sense to establish a working group on Roma rights?
- Which NGOs would you invite to join?
- Are there overlaps and differences in the working and tasks of the aforementioned NGOs?
- Who would do what? How would the work be shared and divided?
- How would the budget work? In ideal and realistic terms?
- How would the NGOs work together?
- Would the working group work in the philosophy of the ‘lowest common denominator’ or rather more profoundly in different, selected areas?
- How would the meetings be organized? How often would the members meet?
- Who would be present at these meetings? The heads or the experts of the NGOs?
- Who could be the control mechanism for the prospective working group? How would they check on their progress and budget spendings?
- Who or what could measure the efficiency and effectiveness of the working group?
- What would be the presupposed advantages and disadvantages of the working group?

7.2. Appendix 2 - Introduction to the NGOs in the thesis (based on the interviews)

Háttér Society is a Hungarian NGO that was founded in 1995. They work for the advancement of the rights of lesbian, gay, bisexual, transgender, queer and intersexual (LGBTQI) people. The activities of Háttér Society are manifold: among others they maintain helplines, educate professionals about LGBTQI issues, provide legal assistance and hold HIV/AIDS testings. They aim to positively influence the public opinion and the society, and would like to create equality between heterosexuals and people with different sexual orientations and gender identities.

The **Hungarian Civil Liberties Union** was founded in 1994 in Budapest. Their primary target is to make fundamental rights available for everyone. As one of the biggest Hungarian human rights NGOs, it provides ample legal assistance. They also try to influence political decision-making, educate professionals, such as lawyers and policemen, and extensively use the media to transmit their messages. They are unique in working on special human rights issues, which are not covered by other NGOs, for example the Hungarian Civil Liberties Union has a very proactive euthanasia programme.

Amnesty International Hungary was founded in 1990, and is a part of the huge worldwide Amnesty International organization. It is an activist NGO, so they primarily function by mobilizing like-minded people. As of now Amnesty International Hungary is mostly active in contributing to the worldwide campaigns of Amnesty International. They constantly keep in touch with the media, teach human rights values to students, and work on influencing political decision-makers.

The **Hungarian Helsinki Committee** is a Hungarian human rights NGO that functions since 1989. They protect human dignity and rule of law in the country, primarily by various advocacy strategies. Their two main areas currently are the law enforcement and the

refugee programmes. Being a considerably big NGO, they provide legal assistance to many people, and regularly teach good practice to numerous legal and law enforcement professionals. The NGO works with many prestigious legal experts, thus, their recommendations to the authorities are usually well-received.

The **Legal Defense Bureau for National and Ethnic Minorities** is a Hungarian organization, which exists since 1993. The relatively smaller NGO is the most active in advancing Roma rights and in the betterment of the lives of Hungarian Roma people. They were the first organization to provide free legal assistance to citizens. The Bureau is strongest in strategic litigation and struggling against ethnic discrimination.

The **Roma Press Centre** is an independent Hungarian news agency that was founded in 1995. Their functioning resembles NGO working, and they are a very prominent organization in Roma issues. Their central job is to provide Roma-related news and narratives objectively to the mainstream media, thus, they are aiming to achieve a fairer balance in the mainstream news coverage. According to their statistics, from the thousands of news they had published, 80% was taken over by printed media.

7.3. Appendix 3 - Table about the data on the NGOs from the thesis (based on the interviews)

	Háttér Society	Hungarian Civil Liberties Union (TASZ)	Amnesty International Hungary	Hungarian Helsinki Committee	Legal Defense Bureau for National and Ethnic Minorities (NEKI)	Roma Press Centre
Local/ international	local	local	international	local	local	local
Foundation	1995	1994	1990	1989	1993	1995
No. of staff	1 full- time, 6 part- time	25-30	6 full-time, 1 part- time	25	7-8	about 5
Budget (approx., 2015, million HUF)	60	200	54	360	30-40	20
Budget trend	increase	slight increase	increase	increase	decrease	stagnation
No. of supporters/ volunteers	4/ 60	few	500/ 1000 (100 active)	few, <i>ad hoc</i> basis	few	not really/ about 5

8. Bibliography

Legal Sources

- *Act C of 2012 on the Criminal Code*, available at: <http://www.refworld.org/pdfid/4c358dd22.pdf>
- *Act no. CLXXV of 2011*. Available at http://www.njt.hu/cgi_bin/njt_doc.cgi?docid=139791.238105.
- *Arms' Trade Treaty*, 2014, A/RES/69/49.
- *Civil Participation in the Decision-Making Process - The Code of Good Practice*, 2009
- *Commentary to the Declaration on the Right and Responsibility of Individuals, Groups and Organs of Society to Promote and Protect Universally Recognized Human Rights and Fundamental Freedoms*, 2011, available at: <http://www.ohchr.org/Documents/Issues/Defenders/CommentarytoDeclarationondefendersJuly2011.pdf>
- *Declaration by the Committee of Ministers on the Code of Good Practice for Civil Participation in the Decision-Making Process*, 2009/10/21, adopted by the Committee of Ministers
- *Declaration on the Right and Responsibility of Individuals, Groups and Organs of Society to Promote and Protect Universally Recognized Human Rights and Fundamental Freedoms*, 1998/12/09, adopted by General Assembly resolution 53/144
- 25/2013. (VI. 24.) *Decree of the Ministry of Internal Affairs*, available at: http://njt.hu/cgi_bin/njt_doc.cgi?docid=161352.243760
- *Dialogue Toolkit - Toolkit for Conducting Intercultural Dialogue*
- *ECOSOC Resolution 1996/31*, 25/07/1996.
- *European Convention on Human Rights and Fundamental Freedoms*, 1950, ETS No. 005.
- *The Fundamental Law of Hungary*, 2011/04/25.
- *International Covenant on Civil and Political Rights*, 1966/12/16, adopted by General Assembly Resolution 2200A (XXI).
- *Recommendation CM/Rec (2007)14 of the Committee of Ministers to member states on the legal status of non-governmental organizations in Europe*

- *The Universal Declaration of Human Rights*, 1948/12/10, adopted by General Assembly Resolution 217(III)

Case-law

- *Chassagnou v. France*, 1999/04/29, Application nos. 25088/94, 28331/95 and 28443/95, Reports of Judgments and Decisions 1999-III.
- *Hungarian Constitutional Court Decision no. 21/1996. (V. 17.)*
- *Hungarian Court Decision - Fővárosi Ítéltábla no.2.Pf.21.345/2014/4/II.*
- *Islam-Ittihad Association and Others v. Azerbaijan*, 2015/02/13, Application no. 5548/05.
- *Kungurov v. Uzbekistan*, 2011/07/20, Communication No. 1478/ 2006.
- *Szivárvány Társulás a Melegek Jogaiért, Géza Juhász and Balázs Pálffy v. Hungary*, 2000/05/12, Application no. 35419/97.
- *Tebieti Mühafize Cemiyyeti and Israfilov v. Azerbaijan*, 2010/05/10, Application no. 37083/03, Reports of Judgments and Decisions 2009.

Literature

- Calnan, Scott, *The Effectiveness of Domestic Human Rights NGOs - A Comparative Study*, 2008, Martinus Nijhoff Publishers.
- Carroll, Aengus, *Make It Work: Six steps to effective LGBT human rights advocacy*, 2010, ILGA Europe.
- Control Arms Coalition, *About our Work*, available at: <http://controlarms.org/en/about-controlarms/>
- Control Arms Coalition, *An Archived History of the ATT*, available at: <http://controlarms.org/en/about-controlarms>
- Control Arms Coalition, *Experts*, available at: <http://gyulolezellen.hu/munkacsoport>
- Control Arms Coalition, *Our Work in 2016*, available at: <http://controlarms.org/en/about-controlarms/>
- Council of Europe, *'Commissioner expresses concern over NGOs in Hungary'*, 2014, available at: <http://www.coe.int/pt/web/commissioner/-/commissioner-expresses-concern-over-ngos-in-hungary>
- Council of Europe: Commissioner for Human Rights, *Report by Nils Muižnieks Commissioner for Human Rights of the Council of Europe following his visit to*

Hungary from 1 to 4 July 2014, 2014/12/16, CommDH(2014)21, available at: <http://www.refworld.org/docid/54905c1d4.html>.

- Edwards, George E. 'Assessing the effectiveness of human rights non-governmental organizations (NGOs) from the birth of the United Nations to the 21th century: Ten attributes of highly successful human rights NGOs', *Michigan State Journal of International Law*, 2010, vol. 18:2.
- European Roma Rights Center, 'European Roma Policy Coalition', 2010, available at: <http://www.errc.org/cikk.php?cikk=3796>
- Fundación Secretariado Gitano, 'European Roma Policy Coalition', 2013, available at: https://www.gitanos.org/que-hacemos/areas/international_cooperation/programas/97761.html.en
- Harris, David, O'Boyle, Michael, Warbrick, Colin, *Law of The European Convention on Human Rights*, 2014, Oxford University Press.
- Hungarian Helsinki Committee, 'Timeline of governmental attacks against the Hungarian NGO sphere', 2014, available at: http://helsinki.hu/wp-content/uploads/Timeline_of_gov_attacks_against_Hungarian_NGOs_20140921.pdf
- Kamminga, Menno T., 'The Evolving Status of NGOs under International Law: A Threat to the Inter-State System?' in Gerard Kreijen (ed), *State, Sovereignty, and International Governance*, 2002, Oxford University Press
- Keck, Margaret E., Sikkink, Kathryn, 'Transnational Advocacy Networks in International and Regional Politics', 1999, *UNESCO*.
- Moyes, Richard, Nash, Thomas, *Global Coalitions - An introduction to working in international civil society partnerships*, 2011, available at: http://www.globalcoalitions.org/wp-content/uploads/2011/12/Global_Coalitions_published_Dec_2011.pdf.
- Neier, Aryeh, *The International Human Rights Movement - A history*, 2013, Princeton University Press
- Norris, Carolyn, *External Evaluation of Amnesty International's Arms Trade Treaty Campaign - Executive Summary*, 2014, available at: <https://www.amnesty.org/en/documents/act30/013/2014/en/>
- Office of the United Nations High Commissioner for Human Rights, *End of mission statement by Special Rapporteur on the situation of human rights defenders*, Visit to Hungary 8 - 16 February 2016, 2016/02/16, available at:

<http://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=17048&LangID=E>

- Office of the United Nations High Commissioner for Human Rights, *UN expert urges Hungary not to stigmatise and intimidate human rights defenders*, 2016/02/16, available at: <http://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=17037&LangID=E>.
- Ökotárs Foundation, *'Court decision says that house search against Ökotárs was illegal'*, 2015, available at: <https://norvegcivilalap.hu/en/node/11139>
- Ökotárs Foundation, *'Court decision welcomed'*, 2015, available at: <https://norvegcivilalap.hu/en/node/11452>
- Organization for Security and Cooperation in Europe, *Study on Enhancement of NGO Participation*, 1995, available at: <http://www.gdrc.org/ngo/ngo-enhance.html>
- Salamon, Lester M., 'The Rise of the Nonprofit Sector', 1994, *Foreign Affairs*, available at: <https://www.foreignaffairs.org/articles/1994-07-01/rise-nonprofit-sector>
- Welch Jr., Claude E. (ed.) *Conclusion in NGOs and Human Rights: Promise and Performance*, 2001. University of Pennsylvania Press
- Whall, Helena, Pytlak, Allison, 'The Role of Civil Society in the International Negotiations on the Arms Trade Treaty', *Global Policy*, 2014, 5(4)
- Wouters, Jan, Rossi, Ingrid, *Human Rights NGOs: Role, Structure and Legal Status*, 2001, Working Paper No. 14 for the Institute for International Law, K. U. Leuven, Faculty of Law