Brave New World for Human Rights NGOs? Shift in NGO Advocacy Strategy in Hungary's Illiberal Democracy after 2010

By

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Abstract

This thesis provides a detailed examination of the change of human rights NGOs' advocacy strategy in Hungary after 2010 in Viktor Orbán's illiberal democracy to understand how the anti-democratic shift of the country influences the strategy of NGOs. Relying on NGO advocacy literature and social movement theory, I use a two-dimensional model of NGO strategy. My research is based on semi-structured interviews with five human rights NGO leaders in Hungary − one big international (Amnesty International Hungary), the two largest domestic organizations (TASZ, Hungarian Helsinki Committee), a thematic umbrella (LGBT Alliance), and a small thematic NGO (CFCF).

The research shows that Orbán's takeover of public institutions and media, restrictions on civil liberties created a radically new environment for human rights NGOs. On advocacy territories affected by the governments' expansion − such as lobbying, litigation, and media -, the channels of national advocacy were partially replaced to the international level due to the closure of the domestic opportunities. The lock up of institutional access to policy-making pushed human rights NGOs to focus more on public opinion, look for more confrontative and participation-based tactics, and to turn towards citizens. Hungarian NGOs started to form coalitions as a reaction to the governments' attack on civil society.

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Table of Contents

Introduction

On 9 April 2017 ten thousand people gathered on the Heroes' Square in Budapest to shape a heart that included the word "civil" inside to show their solidarity and support with the Hungarian NGOs who are under political attack in Hungary. The government - copying the Russian *lex civil* - has passed a law in June 2017 stigmatizing the foreign-fund recipient NGOs.

The governing Fidesz party, gaining a qualified majority in 2010 and 2014, has unilaterally voted on a new constitution; fundamentally weakened the balance of power; colonized public and commercial media; restricted the freedom of the press, social rights, and civil liberties; and cut welfare benefits (Bozóki 2015, 3). Orbán calls his system illiberal democracy which is characterized by high power concentration and the takeover of important institutions including the judiciary. The government change in 2010, therefore, radically changed the social and political system and created a substantially new environment for human rights NGOs. This includes their stigmatization as enemies of the nation and as foreign agents, a new restricting legislation concerning civil society, overt, continuous and severe infringement of human rights by the state, the takeover of the majority of the media space and turning essential channels of communication of NGOs into propaganda mediums.

Observing the radical shift in the political and institutional environment, the question arises, how this change has influenced the work of human rights NGOs in Hungary, including their access to policy-making, potential to engage citizens, communicate or expand their community.

The existing literature on NGO advocacy and social movement theory provides sufficient base for analyzing this intriguing question. Although the vast majority of the research is mainly focusing on the biggest international NGOs or movements and the US and Western-European countries (Lang 2014, Reid 2000, Nelson 2000, Della Porta 2006), I found them applicable to the case of Hungary. The conceptualization of civil society and NGOs is not an easy task due to the extensive literature. In my research, I relied on the works of Arato and Cohen (1992), Habermas (1996), McCarthy and Zald (1973). The two-dimensional model for the analysis of this thesis was based on the works of Elizabeth J. Reid (2000) and Sabine Lang (2014) who both categorize advocacy strategies based on their target and the level of citizens' participation. The literature addressing government-NGO relationship partly explains the significant effect of governance and regime types on the operations of NGOs (Esman and Uphoff 1984, Bebbington & Farrington 1993, Birkenhoff 1998), however the social movement theory was proved to be more useful in addressing the influencing factors of the advocacy efforts of organizations (Della Porta 2006, Tilly 2004).

Concerning the illiberal shift of contemporary Hungary, the book The Hungarian Patient: Social Opposition to an Illiberal Democracy (edited by Krasztev 2015) is a unique and essential resource, with particular attention to the chapters about the democratic institutions (Bozóki 2015) and civil society (Kövér 2015). Hungarian civil society was in the focus of research mainly in the early 90s as part of the democratization process of the country (Bernhard 1993, Kuti 1996, Misztal 1995, Offe 1991). Ever since, several relevant studies were born about the development of the sector (Szabó 2004, Kuti 1998, Bock 2009), and the societal embeddedness of NGOs (Arato and Nizak 2012), including a couple researchers focusing on the relationship between the contemporary regime and civil society in Hungary (Kövér 2015, Gerő and Kopper 2013). However, the literature does not address advocacy strategies of human rights NGOs in

2

the case of Hungary, the connection of the international NGO advocacy research and the case of contemporary Hungary's illiberal regime is also absent.

This thesis provides a detailed examination of the change in human rights NGOs' advocacy strategy in Hungary after 2010 in Viktor Orbán's illiberal democracy to understand how the anti-democratic shift of the government influences the strategy of NGOs. The general finding is that the Orbán's illiberal democracy has created a radically new environment for human rights NGOs, which on the one hand included the closure of certain advocacy channels and opened up new opportunities at the same time.

This research is based on qualitative research method. My primary source is semi-structured interviews conducted with the leaders of selected human rights NGOs to get detailed insights on strategy from those who make it. Furthermore, I analyze available documents, the organizations' websites and also their external communications. I identified four different main types of organizations operating in the field: 1) international organization, 2) big national organization, 3) thematic umbrella organization, and 4) small, issue-based organization, and selected typical cases from each population. The first category is represented by the Budapest-based office of Amnesty International which is the major international human rights organization operating in Hungary. In the second group, given that they are equally important actors of human rights protection, I interviewed the two largest human rights advocacy NGOs, the Hungarian Civil Liberties Union and The Hungarian Helsinki Committee. In the third group, I chose the LGBT Alliance that incorporates the LGBT organizations, and the fourth group is represented by the Chance for Children Foundation (CFCF) that ceased to operate in 2016 after more than a decade of litigating against Roma children's school segregation.

The thesis consists of three main chapters followed by a conclusion. The first chapter introduces the most important concepts - civil society, NGO, and advocacy - to be used

throughout the paper and provides the analytical framework for the evaluation of advocacy strategies of human right NGOs. The chapter also contains a discussion about recent changes in global advocacy strategy to provide an international context for the case of Hungarian civil society. The second chapter's aim is to give a broad historical context of the Hungarian NGOs and to explain the radical shift in the political environment in Hungary after 2010. The end of this chapter leads us to the main, third analytical section where I present the findings of the research, following the model indicated in Chapter I.

1. Defining the key terms and analytical framework of advocacy

1.1. Key terms: Civil society, nonprofit sector, and NGO

The key terms of the research question are needed to be clarified to be able to accurately analyze the advocacy strategies of human rights NGOs in contemporary Hungary. Human rights NGOs are particular organizations in the sense that they are relevant actors of the civil society and the nonprofit sector and also given their political nature, their actions, campaigns, and strategies can be considered being part of social movements as well. Therefore, after defining the mentioned key terms, I will reach out for the extensive social movement literature, as well as the more limited NGO advocacy research to characterize advocacy strategies of NGOs and to capture the recent global trends in strategy and in tool-selection of organizations. However, the literature is densely Western and mainly US-centered, the described concepts can serve as a solid theoretical basis for the analysis of Hungarian NGOs' advocacy in Chapter III.

Civil society is a broad and somewhat ambiguous term. Arato and Cohen conceptualize it as a sphere of social interactions between state and economy, constituted by the intimate sphere (family), the sphere of associations (voluntary associations), social movements, and forms of public communications (1992, 9). According to the EU, *"Civil society is the place where collective goals are set, and citizens have represented: civil society organizations play an important role as 'intermediaries' between the individual and the state. The democratic process could not take place without their mediatory role"* (EUR-Lex 1999). The similar feature of civil society is pointed out in the works of Jürgen Habermas when emphasizing its role in the deliberation process of citizens. Civil society is also able to transmit the problems of people from the private to the public sphere and can generate a democratic public sphere

(Habermas 1996, 366). In healthy democracies, civil sphere is influencing to and interacting with the political sphere while remaining autonomous or as Montesquieu puts it, civil society functions as a balance of power (Szabó 2004, 77). These features of civil society make it an essential part of a healthy democracy.

In the Hungarian literature, the **nonprofit sector** is often synonymously used to civil society but only consists of formal organizations. The term "nonprofit" is referring to the non-redistributable manner of the profit in the sector. (Cox and Gallai 2014). For the organizations, the Hungarian literature often uses the term "nonprofit" organization (NPO) while in the international literature the most commonly used term, and the one I am using in this thesis, is NGO.

NGOs or non-governmental organizations are formal and legal organizations which are an important part of civil society. The EU's definition is that *"NGOs bring people together in a common cause, such as environmental organizations, human rights organizations, consumer associations, charitable organizations, educational and training organizations, etc."* (EUR-Lex 1999). Regarding their function in society, the NGOs addressing social injustices - such as the ones that are subject of this thesis - are able to correct structural injustices of democracies as they can enable marginalized citizens to voice their experiences and opinions which are not heard and considered in the mainstream political discourse (Young 2010, 155). The legitimation of NGOs derives either from their membership or public support or their expert role in the policy making process or from the fact that they are advocating for the common good (Lang 2014). The first two aspects of NGOs will be important in the analysis because the different roles of NGOs result in significantly different strategies when it comes to advocacy.

Those who are functioning in the political arena, - such the human rights NGOs being the subject of this research - are important parts of social movements as well according to recent

social movement theory (Della Porta 2006). However, the social movement literature uses the term "professional movement organization" for the NGOs seeking to influence policy-making (Della Porta 2006, 145). *"Social movement is a historically specific political complex that combines three elements 1) campaigns of collective claims on target authorities, 2) an array of claim-making performances including special-purpose associations, public meetings, media statements, and demonstrations, and 3) public representation of the cause's worthiness, unity, numbers, and commitment"* (Tilly 2004, 8). Different types of organizations are engaged in social movements, such as participatory and grassroots movement organizations, and more formal, so-called professional movement organizations that are similar the kind of NGOs subject of this thesis. *"Professional social movements are characterized by (1) A leadership that devotes full time to the movement. (a) A large, proportion of resources originating outside the 'aggrieved group that the movement claims to represent. (2) A very small or nonexistent membership base or a paper membership (3) Attempts to impart the image of "speaking for - a potential constituency. (4) Attempts to influence policy toward that same constituency."* (McCarthy and Zald 1973, 20).

This description applies to all the human rights NGOs in Hungary that are in the scope of this research. Their mission is to advocate human rights, by using various types of tools and tactics for this work, such as providing legal services to marginalized people, strategic litigation, lobbying, public communications, petitions, demonstrations, etc. A detailed overview of the Hungarian civil society, NGO sphere and the introduction of the researched organizations can be found in Chapter II.

1.2. Advocacy Strategy Model

The usage of terms advocacy, lobbying, and activism raise some confusion both in the academic and the common application of the words. All terms are referring to the influencing activities of policies by civil society actors. However, we often think about different means when using the different expressions. In common language, for instance, lobbying is often associated with closed-door negotiations with policy-makers, advocacy is with official press releases issued by NGOs and activism with demonstration or sit-ins organized by grass root social movements (Roebeling and De Vires 2011).

In the academic literature, the policy influencing attempts and activities of NGOs are usually referred to as advocacy, which includes all kinds of activities from lobbying, media communication to public demonstrations and other awareness-raising activities. The term advocacy in this thesis is understood as systematic efforts to create social and policy change (Lang 2014, Prakash 2010). Advocacy activities of NGOs mainly affect the first two stages of the policy cycle, namely the agenda-setting and the policy formulation steps (Roebeling and De Vires 2011). The strategy is the main way, direction how the mission or the main long-term objectives of the organization is planned to be reached, in this case, the main direction of actions how the desired social and political changes are targeted. The strategy consists of many different tools, tactics, and decisions (Reid 2010).

In the NGO literature, the primary division between strategies concerns the role of the NGO: whether it takes a representative role, or chooses to build on the participation of citizens (Reid 2000, Lang 2014, Prakash 2010). The first model of advocacy can be viewed as a representation of interests, values, and preferences of constituents or beneficiaries, which derives from the meaning of the Latin word *advocate* - coming to the aid of someone (Reid 2000, 3). In these, the NGO appears as an expert in its own field and acts in the name of a group - such as lobbies,

negotiates, issues press releases. The other approach is the participation model when citizens are advocating for their own case; they are acting on their own behalf. This type of advocacy is typical for participatory movement organizations (Della Porta 2006), but any public demonstration, social protest, campaign or petition can be classified here (Reid 2000, 3). In research the participatory advocacy, when citizens are encouraged and empowered by the nonprofit organization to take actions on their behalf is called indirect advocacy and acting in the name of another group, such as lobbying is called direct advocacy (McCarthy and Castelli 1996).

Another classification of nonprofit advocacy can be the government-centered and society-centered advocacy. The former is directly targeting government bodies and decision makers, whereas the latter is using the public space, targeting wider society, shaping public debate and opinion, thus setting up the social context of policy making (Reid 2000) (see Table 2). Lang's classification mixes Reid's two dimensions and she indicates two main types of advocacy namely institutional and public advocacy where the former emphasizes the more formalized advocacy via institutions in which NGO representatives appear as insider experts and the latter aims to engage citizens, to generate public debate by means of interactive communication and mass media (Lang 2014, 23).

In my model, I follow Reid's classification, and – referring to the primary target of actions – I use the terms *government-centered* and *society-centered* advocacy, and *representative* and *participation-based* advocacy – indicating the role of the NGO in the advocacy process. Government-centered advocacy directly targets state institutions to reach policy change. On the contrary, society centered advocacy's primary target is not the government directly, but the wider society with the aim of informing, educating, raising awareness and shaping public opinion. Therefore, in the first case, the goal is to reach a rather actual policy demand - either

by lobbying, strategic litigation or public demonstrations -, while in the second case the goal is more long-term, educational, awareness-raising, and thus setting up the social context for desired policies in the future. (Reid 2001). Both government- and society- targeted advocacy can include tools and tactics in which the NGO takes a representative role (lobbying or strategic litigation and media communication respectively) and also where the NGO is the motivator of citizens' participation (public demonstrations targeting government policies and community-building activities). The model is visualized in Table 1.

Table 1

	Government – centered	Society – centered
Representative role	**1.a) Lobbying and** **1.b) Litigation** a) Influence policy changes through access to government bodies. b) Influence legislative changes through litigation against the state	**3. Communication** Initiate public debate Inform Raise awareness
Participation-based	**2. Mobilization** Influence policy changes by public pressure	**4. Community-building** Create attitude change in society, build community around the issue

Source: The author's own model based on Reid (2000)

To understand the different strategies and the tools or tactics they entail, I look at the particular quarters of the table for more details.

10

1.2.1. Lobbying and Litigation: Institution-centered, representative role

In the first quarter, the primary tools NGOs can use is known as lobbying. Political scientists consider anything a group does to try to influence government as "lobbying." (Berry 2001), however, I will use this term to those attempts when representatives of an NGO get direct access to state institutions to influence policy-making. The NGO is often invited to Committee meetings, hearings in a government body or the NGO representatives personally meet politicians, other decision-makers (Lang 2014, 21). This tool tends to be the most consensus-seeking regarding the attitude towards the government. In the case of open governments, this tends to be the most efficient advocacy tool regarding the potential influence on policy-making, however, as Barry (2011) points out, it still can take a long time, even years, given that the policy-making process is an incremental process moving by small steps. NGOs definitely need profound and convincing expertise for this type of advocacy.

Another and a lot more confrontational tool that targets the government with the aim of a legislation change is strategic litigation. However, it uses the justice sector to achieve legal and social change through test cases. The idea is to challenge laws on the court that violate constitutional rights or human rights of groups or individuals, which cases are a representation of a broader social problem (Rekosh 2003). It can also be used to achieve proper interpretation and enforcement of laws. It is an important tool for human rights NGOs, this is the primary strategy of the American Civil Liberties Union (ACLU), and all the interviewed Hungarian organizations use it regularly.

1.2.2. Mobilization: Institution-centered, participation-oriented

The mobilization block contains tools where the NGO encourages citizens to take action with respect to a legislation, for instance, to participate in mass demonstrations to influence policy-making.

This block falls the closest to the repertoire of activism or grassroots social movements, including the most confrontational tactics. Della Porta uses the word protest to describe the entire repertoire of social movements. Within this category, she distincts the logic of numbers - such as mass demonstrations, marches, petitions, campaigns or netstrikes. Two other logics of protest are the logic of damage - such as boycotts, and the logic of witness - where activists display their commitments to the issue by participating in actions with high personal risks, such as civil disobedience actions.

1.2.3. Communication: society-centered, representative role

This block concerns mainly public communication and discursive actions through mass media and thus have a major role in the strategy of NGOs. Social movements and NGOs depend on media to get their message across. "Control of the media and symbolic production, therefore, becomes both an essential premise for any attempt at political mobilization and an autonomous source of conflict." (Della porta and Diani 2006, 220). Therefore, Della Porta speaks about discursive opportunities through mass media additionally to the well-known concept of political opportunity (Tilly, 2004) that affects the chances of success. Although NGOs and social movements are marginalized in the news and many organizations have difficulties in attracting the attention of traditional news media (Lang 2014, 125), big NGOs and social movements have recently become more skilled in influencing the press (Della porta and Diani 2006, 221).

1.2.4. Community-building: society-centered, participation-oriented

Tools such as organizational development, community-building, and any activities that aim to extend the membership of the organization or expand the volunteer base belong to this block. These activities do not directly target a particular policy change, but rather aim to build a community that can be mobilized in cases when the instant political reaction is needed to certain policy changes. Also, every educational activity - human rights education of citizens fall into this category -, aims to shape citizens opinion and thus creates a potential base of allies for the cause that the NGO is advocating for.

1.2.5. Transnationalism and summary

It is important to note that these strategies are applied in a transnational environment also not just on the domestic level. Therefore, I included transnationalism as new dimensions into the model and summarized the goals, strategies and tools in one table (see on next page).

Table 2

	1. a) **Lobbying** b) **Litigation**	2. **Mobilization**	3. **Communication**	4. **Community-building**
Goal	Create social and policy change			
Tools	a) Committee meetings, Sharing knowledge with state officials b) Litigation against the state	Public demonstrations, marches Sit-ins Petitions	Press releases, interviews, Social media conferences, Public debates	Educational workshops, Community building activities, Awareness raising marches
Transnational tools	a) Consultation with IOs bodies International lobbying b) Litigation in international courts	International demonstrations Cross-border petitions	International media presence International conferences	Building an international ally community

Table 2: Goals, strategies and tools of NGOs. The author's own work based on Reid (2000) and Lang (2014)

The selection of tools and strategies displayed in this table is not complete. For example, the table does not mention the advocacy coalitions that are also important, especially in the social movement theory (Della Porta, Tilly 2004). Of course, the distinctive advocacy strategies do not mean that one organization chooses and applies purely the one or another. On the contrary, advocacy strategies implemented in the different political, public, social arenas can strengthen each other (Reid 2000, 6). Also, government-targeted and public advocacy ideally should be used parallel in order to be effective (Lang 2014). Lobbying, for instance, can gain more leverage if the targeted institutions perceive the NGO as having massive public support and potential to mobilize in a public campaign. And vice versa, mobilization such as demonstrations or campaigns can be more efficient if the communication and direct channels

14

to formal institutions are held open (Lang 2014, 24). However, it is important to note that NGOs usually have limited resources and they have to make hard strategic decisions on which advocacy channels to allocate them (Barry 2011).

1.3. Recent global NGO advocacy changes and its consequences

A significant shift in the advocacy strategies of social movements globally was the shift from broader civic engagement, public mobilization to a more institutionalized, professionalized, representative advocacy. With the appearance of professional NGOs within social movements, the tactics of these organizations started to shift from participation-based to more representation like (McCarthy and Zald 1973). Lang calls this process NGOization which results in less transparency, less participation and less public-alike function of the organization altogether (Lang 2014, 87). One of the underlying reason is the dependency from outside donors to whom NGOs are accountable and whose financial resources are subject to competition among NGOs. Therefore, NGOs can be bound by their benefactors. The working relation with the authorities also has ambivalent implications: on one hand the public recognition, involvement in the policy process may provide valuable resources for the organization, on the contrary, it might institute limits of public mobilization capacity of the organization and alienate it from its constituency (Kriesi 1996 in Della Porta 2006). Also, research suggests that the NGOs sharing similar values and opinions with the government tend to be more successful in institutional advocacy, incentivizing NGOs to follow a less confrontational strategy (Lang 2014). Institutional advocacy is more cost-efficient for NGOs: it requires less resource mobilization, and in return, they see more immediate results - often embodied in policy change - than in the case of public advocacy (Lang 2014, 7) which usually has a less direct effect, if any.

This shift is problematic because although both institutional and public advocacy is essential for effectiveness, public advocacy is the one that has a more significant contribution to fulfill the original role of civil society in a democracy - to behave as an intermediary between state and citizens (Lang 2014 and Cliff at al 2006). Also, the governments started to use NGOs as "proxy publics" referring to the NGOs' contribution as "opinion of the public" which is problematic in the case of organizations lacking membership or even inclusive communication with citizens (Lang 2014). This phenomenon also allows governments to cherry pick the NGOs to consult with which are often the most cooperative organizations. This process also raises questions concerning the legitimacy of NGOs, which according to Cliff at al. derives from addressing public interest which can only be met by the idea of civic participation (2006, 308).

1.4. Government – NGO relationship and its effect on advocacy

The regime type and the connection between the government and civil society actors have a significant impact on the advocacy opportunities and strategies of NGOs. One of the most important influencing factors in the state - NGO relationships is the regime type of the country (Birkenhoff 1998). Numerous authors (see Esman and Uphoff 1984, Bebbington & Farrington 1993) conclude that the less democratic a regime is, the worse the relationship with civil society is. As other author points out not only authoritarian countries can potentially restrain effective NGO advocacy (Birkenhoff 1998), but formally democratic governments may discourage it as well (Coston 1998, 363).

In the social movement theory, many authors address the question of institutional variables on the evolution of social movements. Della porta stresses that the institutional variables of a country very much influence which strategies effective, and the organizations tend to use the channels of access made accessible to them by the state (2006, 206). Based on Tocqueville's

16

works a widespread assumption is that more points of access to the political system mean greater openness of the state. Also, more decentralized policy-making processes, higher division of the legislative, executive and judiciary power, a more proportional electoral system, and a less homogeneous government (the more fragmented is the government coalition, the easier it is to find allies) leads to a state being more open to the pressure from below. (Della porta and Diani 2006, 202). The ideological homogeneity of the government is also important, regarding the polarization of conflict with opponents. As Lang concludes referring more specifically to NGOs, *"participation in the public sphere thus rests on governance conditions"* (Lang 2014, 7).

The more independent and stronger the judiciary power also creates more access available to social movements, as a strong judicial power can intervene in both legislative and executive functions (Della porta and Diani 2006, 203). Cultural variables, such traditions of loyalty to the leadership and personal divisions within parties can also be an important influencing factor. A country's democratic history is also a relevant variable, for instance past authoritarianism can reemerge, and young democracies tend to fear political protest (2006, 206). All the factors listed in this chapter will be relevant in the analysis of the relationship between Hungarian human rights NGOs and the government, and its consequences.

2. The development of Hungary's civil society and the Orbán regime

The human right NGOs that are subject of my thesis are only a small part of the Hungarian civil society. However, it is important to discuss the development of the sector. Therefore, this

chapter will describe the context of my analysis and explain the change in the political environment after 2010 with a particular focus on the government-civil society relationship.

2.1. Communist regime, 1989, and their legacy

The evolution of the Hungarian civil society was considerably different from those of Western countries, which has important implications for today's civil society and the society's attitude towards it. After World War II, during the communist times in Hungary, the civil society was almost completely oppressed, due to the centralized one-party system - which suppressed political pluralism - and state-controlled monopolized economic structure (Szabó 2004). The underground and grassroots civil networks were separated from the European and global trends of the globalization, modernization, and post-modernization of civil society (Szabó 2004).

In the 1970s and 1980s the crisis of the planned economy, the one-party power, and international conflicts brought the liberalization of the system. The Kádárist policy opened up entrepreneurship possibilities in the second economy, and different oppositional intellectual groups and circles were established before the regime change (Szabó 2004, 89). In 1987 the government reintroduced the legal form of association into the Civic Code, and in 1989 the legal framework for the freedom of association was set (Kuti 1996). This implies that the development of the civil society was less of a result of the transition than an initiative of changes. An important actor in supporting civil society and encouraging civic engagement in the region was George Soros, the US-based investor, and philanthropist with a Hungarian origin, the founder of The Soros Foundation (later Open Society Foundations). The Foundation started to operate in the 1980s in Hungary by providing international aid, training and networking among Eastern-European activists (Szabó 2004, 87). Soros financially supported the new democratic political parties, such as Fidesz, which was an important actor of the

18

democratic system change. Ironically, Soros is the biggest enemy of the Fidesz government currently because of his continued support of NGOs.

The transition in 1989 was peaceful, unlike in other communist countries it happened mainly through negotiations between the old and the new political elite - leaving the citizens out of the process. The relatively passive role of civic actors, together with the evolution of the market mechanism already during the communist era, resulted in the development of a "bourgeois" rather than a "citoyen" type of civil society in Hungary (Misztal 1995). *"(...) {T}he fear of civic activism, the lack of civil courage, the lack of a sense of pluralism and tolerance, and a lasting 'privatization', i.e., the fear of any collective action that can be manipulated by the system"* are the consequences the decades-long oppression of autonomous, civic activities, the memory of the bloody retaliation of the revolution in 1956, and the "exclusionary" transformation into a democracy (Szabó 2004, 86).

2.2. Supportive governments between 1990 – 2010

The regime change in 1989 brought a lot of hope and optimism concerning the future of Central-Eastern democracies. At the end of the 1980s, only 8,5 thousand social organizations were operating (associations and interest groups), and this number has grown to almost 60 thousand by the mid-2000s - including nine different types of organizations in the nonprofit sector (Bock 2009). This expansion and the democratic transition were followed by the process of NGOs' professionalization, and the emphasis shifted from protest to service activities, such as PR, FR, networking, education and organizational development. The aim of these organizations shifted from ideological - opposing the system - to issue-oriented. The international embeddedness of the Hungarian organizations was growing - by networks, eased communication and increased Western aid flowing to the country (Szabó 2014, 91).

The government's attitude towards civil society and NGOs was rather supporting and encouraging between 1990 and 2010 (Kuti 2008, TASZ 2015) because there was a political consensus about the importance of a healthy civil society. It was true for the first Orbán government from 1998 to 2002 and as well as the two cycles of leftist-liberal governments following that (Kuti 2008, 45). As Szabó (2004) points out, the underlying reason was the unanimous consent on the necessity of the EU accession, which required democratization including a fully functioning civil society. The increased role of NGOs in the global and European decision-making mechanisms - due to a new type of challenges such as environment protection or terrorism - affected Hungary as well and the state put more emphasis on consultation with civil society actors (Bock 2009). The most important element of the supportive political environment was the increase in state funding. Hungary was a pioneer in the region to offer 1% of the personal income tax to the NGOs in 2004 (Magyar Narancs 2007). The 1% of taxes is still one of the primary financial resources for nonprofits. The government also established a body called National Civil Fund to provide public funds to NGOs more transparently the previous Committee. The Fund distributed 7 billion forints in 2004, with which Hungary became the example of civil support in the Central and Eastern European region. The National Civil Fund was shut down in 2011 by the second Fidesz government and was later replaced by the National Cooperation Fund. Resource dependency has always been a major problem of Hungarian civil society regardless the above mentioned measures, which only assured a small part of civil resources.

2.3. Hostile governments: power centralization, and "foreign agents" after 2010

In 2010 the conservative Fidesz won two-thirds of the Parliament seats and therefore acquired an immense power which they used to radically transform Hungary's constitutional, political and social system (Krasztev 2015).

In 2014 at Bálványos Free Summer University Viktor Orbán, the leader of Fidesz and Prime Minister of Hungary gave a memorable speech. He declared Hungary quitting the path of liberal democracy and building a so-called "illiberal democracy" following successful international examples such as Turkey, China, and Russia (Orbán 2014), which means reduced checks and balances on the executive power, a firmly centralized political power, and reduced freedom of citizens (Zakaria 1997).

Indeed, deconstructing all limits of the latitude of the government seems to be the most important part Orbán's politics. According to Bozóki *"the elimination of independent institutions has transformed this so-called majoritarian democracy into a highly centralized, illiberal regime."* (2015, 4). Before the end of 2010, NGOs could legally challenge various policies and laws at the Government Control Office, the Prosecutor's Office, the Police, the State Audit Office (ÁSZ), the Constitutional Court, the Media Council (ORTT), the Supreme Court or the four Ombudspersons. These bodies were not only de jure, but de facto independent of the government, and they regularly (however, not necessarily enough) issued decisions contrary to the interests of the ruling party. However, since 2010, experience shows that most of these institutions are de facto governed by the government and decisions favoring their positions are guaranteed. The first ones to be taken over were the governmental bodies (Media Council, ÁSZ, KEHI), the Office of the Prosecutor, the Constitutional Court, the Supreme Court, and via the selection of the President of the National Judiciary Office, the courts are

predictably in the position of the government (Biro Nagy 2017). Regarding the ombudspersons, only one office is kept out of the four. In the case of the Constitutional Court with two exceptions, the constitutional judges elected after 2010 vote in favor of the government's position in 80% of the cases (TASZ, Helsinki Committee, EKINT 2015) and today the whole body consist of judges appointed by Fidesz. Ágnes Köves (2015) uses the term "reverse wave" of democracy, which is well represented in the democracy scores of Hungary by Freedom House (Figure 1). Hungary moved from consolidated democracy to semi-consolidated democracy in 2015 based on the total democracy score (black line on the graph).

Figure 1

Freedom House Country Scores for Hungary
(Lower numbers mean higher level of democratic progress.)
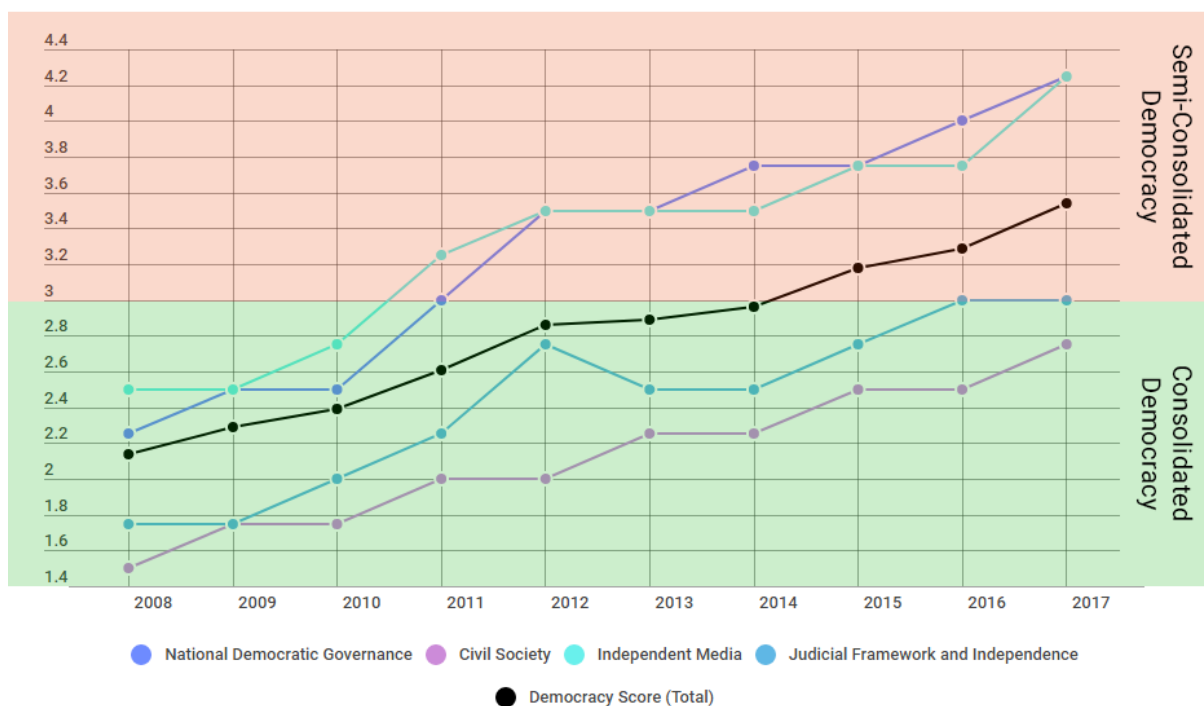
Source: Freedom House Hungary Country Profile, 2008-2017

The colonization of the media was another important part of Orbán's power centralization. The pro government media is dominating the market with an extremely biased public media network, the second-largest private TV and numerous online and print outlets (including eight regional newspapers), and they are spreading strikingly negative propaganda against NGOs and their main beneficiaries – refugees, Roma, LGBT or homeless people. Their communication is characterized by a strong nationalist rhetoric. Unlike the previous leftist-liberal governments (or even the first Fidesz government), who followed a pro-EU politics, the second Fidesz government took a strong oppositional position against Brussels stating that EU is restricting Hungary's sovereignty and started openly anti-EU campaigns (Krasztev 2015).

Fidesz has a two-sided strategy against the civil society. The first is that the party efficiently exploited the forms of civil organization for its own political purposes. One example goes back to 2002 when after a lost election Fidesz started to reorganize its own civil society by establishing the so-called civic circles on the local level, building a strong "civic" identity in opposition with the "communists" and "liberals." The legacy of the "civic circles" is the extensive network supporting Fidesz, helping them to win elections in 2010 (Kövér 2015). Since then, Fidesz-leaning public figures funded the Civil Alliance Forum (CÖF) whose only real activity is the organization of the pro-government and anti-EU "Peace Marches." Its president is also the head of the National Cooperation Fund (NEA), responsible for the allocation of state funds for civil society organizations (Kövér 2015, 201). The other side of the government's strategy is to demonize the functional part of civil society by declaring them "political" and connecting them to opposition parties. The prosecution of Norwegian Civil Fund recipients in 2014 and now the media war against Soros and the beneficiaries of his Foundation, and also a new legislation officially about the transparency of NGOs[1] (*lex civil*,

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[1] The law requires that NGOs receiving more than 7,2 million forints (25 000 USD) foreign funding to register separately, and to label themselves "foreign-funded" in every public appearance or risk being shut down. The law

passed in June 2017) stigmatize NGOs as "foreign agents." All these measures aim to delegitimize NGOs by pushing them into the political sphere and portraying everyone who is labelled "political" as evil, anti-Hungary, fake-civil and puppets of political parties or most recently billionaires (Gerő and Kopper 2013).

In Hungary, the civil society sector is fragmented, including very different organizations. In my analysis, I chose to interview the biggest and most influential Hungarian human rights NGOs, the Hungarian Civil Liberties Union (TASZ), which was founded in 1995 and currently has 30 members (tasz.hu) and the Hungarian Helsinki Committee (Helsinki), established in 1989 and operating with 25 members (Helsinki.hu). Both organizations' main field of activity is strategic litigation and institutional advocacy. Helsinki is focusing mainly on the judiciary and asylum-seekers rights, TASZ primarily on civil liberties. Both NGOs have rights education programs as well. Another subject of the research is the Hungarian Amnesty International, the only international organization advocating human rights on a broad spectrum of six employees, the LGBT Alliance which incorporates all the Hungarian LGBT NGOs into an advocacy umbrella organization. The fifth one is the small Chance for Children Foundation (CFCF) fighting against the school segregation of Roma children, which ceased to operate in 2016 due to financial and human resource problems. In my research, I interviewed the leaders of these five organizations who all had experiences in the organizations even before 2010 - except for Amnesty where my interviewee was the Advocacy Officer of the organization who, unlike the current director of the organization, has been working there for ten years

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was passed on June 13, 2017 regardless heavy the domestic and international criticism, including the Venice Commission, the Council of Europe's constitutional law expert advisory body (Hardy 2017).

3. Human rights NGOs' advocacy strategies under Orbán's regime

After reviewing the international literature concerning social movements and NGO advocacy, followed by an analysis of the evolution of Hungarian civil society and state - NGO relationships before and after the Orbán regime, we arrived at the main chapter of this thesis that analyzes the advocacy strategy shifts of human rights NGOs. As mentioned, this chapter builds on the model indicated in Chapter I and on the interviews conducted with the leaders of the five selected NGOs, including the two biggest human rights NGOs, the largest international NGO, and two small thematic organizations. It is important to note that all of the selected NGOs have other activities than advocacy - such as providing legal services and other services to their beneficiaries. During the analysis, I will focus on the advocacy part of their work.

During the analysis, I will follow the logic of my model of advocacy strategy discussed in chapter 1 and will examine the Hungarian human rights NGOs' strategy changes based on their willingness and ability 1.a) to lobby, 1.b) to litigate, 2) to mobilize, 3) to publicly communicate and 4) to build a community around their issue. This chapter ends with findings in the light of the international literature also discussed in Chapter I. The general conclusion of the interviews and the overall research is that Orbán's illiberal democracy locked up certain advocacy channels, but on the other hand opened up new opportunities.

3.1. Lobbying and Litigation

3.1.1. Lobbying: closing institutional channels

The institutional advocacy or lobbying in government bodies in order to influence legislation is historically one of the main and most important tools of human rights NGOs' advocacy toolkit (Reid 2000, Lang 2014), and it relies the most on the openness of the state. In Hungary,

after 2010 all the negatively influencing factors of governments' openness have exacerbated, and this resulted in an almost complete shut off of institutional access to policy-making for human rights NGOs. All the big NGO representatives - Pardavi, Kapronczay, and Demeter confirmed that before 2010 they had significantly more access to decision-making, through politicians, and through public agencies which channels had gradually been closing since Fidesz came to power. The system became rigid and impenetrable since the re-election of the government in 2014. As Stefánia Kapronczay, the Executive Director of TASZ says: *"Ever since I started to work for TASZ in 2005, I remember us being as critical of the previous governments as with the current one, yet they were a lot more receptive to our opinion. We were invited to parliamentary committee meetings on a weekly basis. Now we cannot participate even if we request it."* However, according to Márta Pardavi, Co-chair of Hungarian Helsinki Committee, it is possible to communicate with particular state bodies about individual cases "behind closed doors" but as we climb the ladder closer to the government, or the public is involved, it gets impossible. *"Like an ice blanket that expands vertically"*- explains Pardavi. According to her, it is because *"the government sees NGOs as enemies for a long time now, and people do not solve problems together with their enemies."*

The strict hierarchy of the state and a clientele dependent on it have created a severe burden for NGOs. As the Advocacy Officer of Amnesty points out, the public officials, people working in ministries are so scared of their bosses, that often they do not even dare to speak to NGO representatives, even if they would agree with the case. It means that even the channels of basic communication and information flow is shut down. The same is confirmed by Újlaky (Head of CFCF) and Pardavi as well: *"the professional cooperation has become really difficult even with the people we have been working with for 15 years."* According to her the effect of stigmatization of NGOs is so strong that even those state organizations that used to respect Helsinki as a professional partner and cooperated with them, are now reluctant even to get in

26

touch. A good example is the legal training they have been organizing for the public officials of the Police, the jurisdiction bodies or the Immigration and Asylum office. Since the last couple of years, they cannot officially organize these training to the Immigration Office or the jurisdiction bodies anymore, however, as experts, they are still present.

The homogeneity of the government and the lack of independent actors in the Parliament also contribute to a more closed legislative process. Although the Fidesz government formally consists of two parties, the Fidesz and the Christian Democrats, the latter is technically blended into the former. Between 2002 and 2008 there were more autonomous actors in the Parliament, both on the government's and the opposition side that NGOs could turn to, says Dombos. In the case of the adoption of same-sex partner's children, they succeeded to include it into the Civic Code, as LGBT Alliance efficiently influenced the decision-making process by having SZDSZ on their side and without them, MSZP had no majority (this legal opportunity was later annulled by Fidesz). Since 2010, given that the governing coalition acts as one party and owns almost the two-thirds of the seats (until 2015 more than two-third), this is not an option.

The one seemingly exception to the tendency of closing institutional channels is the establishment of the Human Rights Roundtable in 2012 with the aim of creating an official institutional channel between the Human Rights NGOs and the government, following a UN recommendation. All the interviewed NGOs have welcomed the initiative, yet, they all gave voice to their criticism. The first major problem was the selection mechanism, the application was voluntary, but the criteria for the decision were nontransparent - CFCF, for example, was not invited among the 49 participating organizations. In the interviews, the roundtable was described as a fake consultation platform where no real work, discussion or debate is taken place. Tamás Dombos somewhat disagrees when he describes the LGBT working group as an efficient space for discussion. However, he also admits that their suggestions do not tend to be

27

incorporated in the legislation. The Human Rights Roundtable can still be considered as a development according to him, because whereas Amnesty, TASZ or Helsinki were well-embedded in the state institutions in the pre-Orbán era, the LGBT advocacy organizations never had any institutionalized access to policy-making before other than the previously mentioned informal channels.

The five NGOs' strategy in their attitude towards the government is well-portrayed in their decisions concerning the participation in the Human Rights Roundtable. CFCF was not even accepted, and their relationship with all government institutions has always been confrontative and tense given that their primary activity is litigation against the state. However, according to the founder, they always tried to get in contact with government representatives. After them, the most confrontative ones are TASZ and Helsinki who left the Roundtable when the attack against the Norwegian Civic Fund and the recipient organizations started in 2014, and the government began to call NGOs "foreign agents". At that time, Amnesty has decided to stay – their general strategy is they must try to talk to the government as long as it is possible - but they are considering quitting because it completely emptied out. The most cooperative organization is the LMBT Alliance, who is also the only one receiving state money from the National Cooperation Fund.

3.1.2. Litigation and shift to international advocacy

All the interviewees agreed that the closing domestic institutional advocacy channels pushed them towards the international channels. As Pardavi framed it: *"if it does not work here at home on the short way, we have to try the longer one"*, which means that advocating through international institutions is a more complicated process, it often takes more time given its indirect manner. NGOs are pressuring international institutions to put pressure on the Hungarian government either through lobbying in the European Commission or by bringing

the human rights infringement cases to the European Court of Human Rights (ECHR). *"During the constitutional rearrangement of the system in 2011 and 2012, the EU advocacy became necessary. Given that channels were closed at home, we chose to advocate at the EU bodies. Earlier it wasn't typical to turn to either to the EU Commission, the EU Parliament or the Venice Commission, after 2011 it became regular"*- says Kapronczay.

Even the smallest organization among the interviewed ones, CFCF has named international advocacy as the only strategy that can potentially be effective in the current political situation in Hungary. All NGOs agreed that not only the Hungarian NGOs have opened towards EU institutions but vice versa, EU institutions became more interested in Hungarian NGOs' work, they rely on their reports and they invite them to personal meetings occasionally. For instance, after a decade of trying to contact European Commissioners in the case of unenforced court decisions regarding segregating schools in Hungary, CFCF finally had the chance to hand a petition signed by hundreds of Roma parents to Vera Jourova, European Commissioner for Justice personally in Brussels in 2016.

Litigation and providing legal protection to their beneficiaries is the primary field of work of Helsinki and TASZ, in the previous years, international courts became significantly more important in their work. For instance, Helsinki provided legal services to 2800 asylum seekers in 2016 only and challenged the state on many occasions in domestic and international courts. The space of litigation was also partially replaced from the national level to the international, due to the governments' restriction of the judiciary system's independence (Bíró Nagy 2017, Figure 1 on page 22), and as a result of seeking for other independent platforms, which are, in this case, outside of the country. A judiciary system with increasing state influence and the striking and systematic human rights infringements resulted in skyrocketing numbers of Hungarian cases in front of the European Court of Human Rights from 2013, making Hungary

29

the absolute first in ECHR applications compared to the population (see Figure 2). In most of the strategic litigation cases that Helsinki brought to Strasbourg, the Court judged against Hungary, such as the illegal detention of two Bangladeshi asylum-seekers or other asylum-seekers' expulsion to Serbia (Köves 2017). Recognizing the growing influence of ECHR, the government attempted to control the selection of the Hungarian judge into the Court, but Helsinki and TASZ in coalition with others achieved the opening of tender for the position (Hungarian Helsinki Committee 2016).

Figure 2

ECHR applications allocated to a judicial formation per 10000 inhabitants
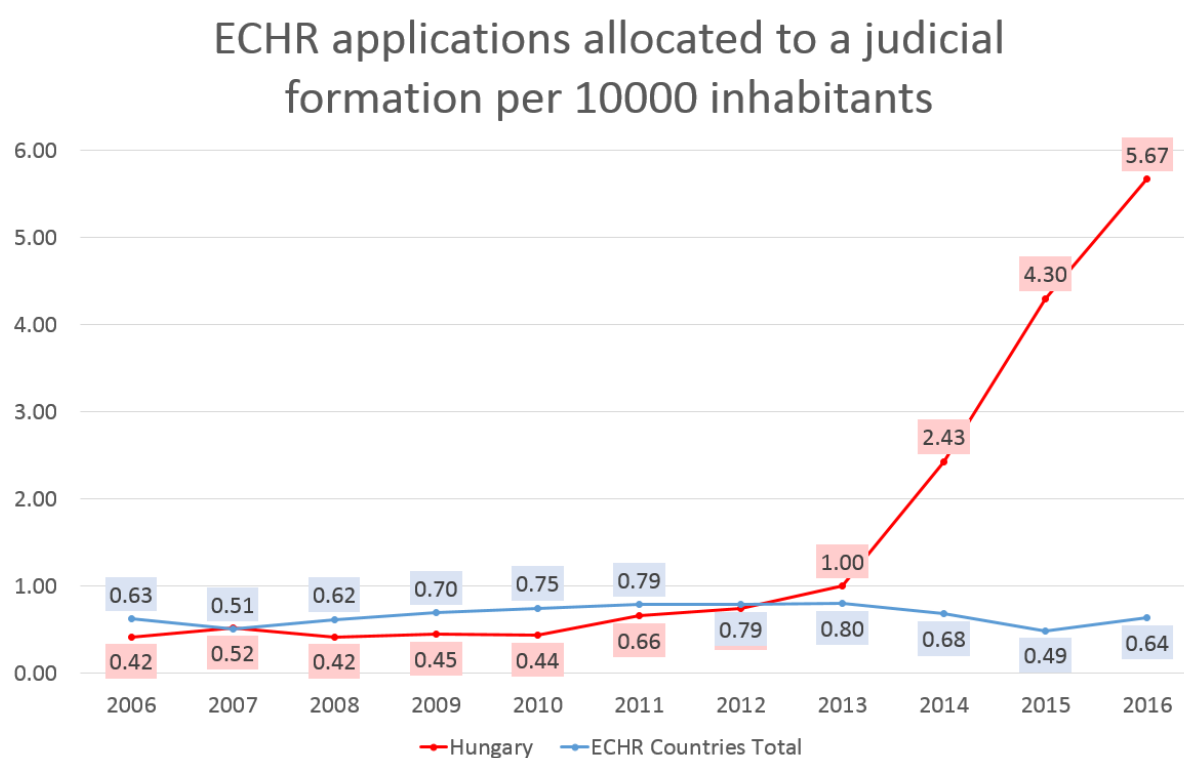
Source: European Court of Human Rights 2017

A very particular embodiment of the international-focused legal advocacy is the civil disobedience declared by TASZ and Helsinki in June 2017 concerning the lex civil. This means they will not obey the new legislation and not register themselves as a foreign-funded organization, because as they say, *"as an NGO whose mission is to protect rights, the best way*

to challenge a bad law is to disobey it" (Joób 2017). This is also the only way to contest the legislation in court and after exploiting all domestic legal channels, take it to the ECHR. They chose to lead a strategic litigation case where the clients are themselves. They adopted this radical form of resistance after exploiting all other legal tools to challenge this "oppressing" law - consultation, petition, demonstration.

3.2. New tools: Public demonstrations and coalitions

As a result of the escalating political situation, and closing institutional channels, a new element in the advocacy toolkit of one part of the examined NGOs is organizing public demonstrations. Although other NGOs held protests before 2010 as well – such as Greenpeace, City is for All –, street politics have never been the part of the human rights NGOs' toolkit. After 2010, the interviewed NGOs occasionally formally joined demonstrations organized by grassroots activist groups, in 2014 (at the time of the first attack against NGOs through NFC), and in May 2017 against the lex civil, they jointly organized their first mass demonstrations. Other participation-based actions, like petitions and e-mail campaigns to members of the Parliaments, were used by the NGOs, protesting the NGO law and as well as other outrageous legislation (such as the anti-CEU law). However, these tools are not new, and their effectiveness is questionable.

Kapronczay says that *"demonstrating is a rather radical form of participation. Due to the freeze of institutionalized channels, we have to organize demonstrations, as the only way to reach decision-makers. This is indeed radicalization. But they are obstructing our existence. Therefore our only option is to exploit all the steps we potentially have, to be able to work."* As she explains, a few years earlier there were debates inside the organization about participation in demonstrations or organizing one, but now the participation has unanimous support due to the escalation of the political situation. However, she emphasizes, that it is still

important to exploit all other advocacy tools before going to the street. In the case of lex civil, they first sent a letter to the Minister of Justice requesting a formal consultation about the draft law before Kapronczay first spoke in a demonstration. Dombos also agrees that while before 2010 they did not organize public demonstrations regarding the LGBT topic (except for the yearly Pride Festival), the LGBT Alliance engaged in several protests since 2012, concerning the constitutional ban on same-sex marriage and other scandalous political measures. Similarly to lobbying and litigation, the scope of demonstrating has gone partially international as well. Several sympathy demonstrations were organized as a response to the international call of the Civilization group, by the Amnesty offices in Brussels and Slovakia, and other activist groups in France and Poland (Civilization Facebook page)

The emergency situation for NGOs created by the government's attacks brought a new tool in advocacy: the cooperation between NGOs. NGOs started to form coalitions. The first one was a joint communication campaign called MACI as a response to the attack on NCTA. The second attempt, Civilization, created as a reaction to the *lex civil* in 2017 and includes hundred NGOs (dozens participating in the organization process) with various backgrounds. This effort seems to be more successful; they managed to mobilize ten thousand people. According to Kapronczay *"there was some sectorial cooperation before 2010 as well – between green or human rights NGOs - but this sectorial over-arching cooperation is unprecedented. It comes with a lot of debates and tensions between the participants because very different organizations are trying to find the common grounds."* During this process, they have to agree on what it means to be "civil" which makes it essential to debate about their role in society, about their goals and their relationship to citizens or politics. Kapronczay describes this as a necessary process that should have happened earlier, and according to her, in the long-run, it will strengthen the sector.

3.3 Communication: media as strategy

The NGOs had to put a lot more emphasis on their media strategy in the past few years to get their message heard in the increasingly intense anti-NGO propaganda from the governments' side and, because *"the government-led takeover of the media market, ongoing since 2011, reached previously unseen levels in 2016"* (Freedom House 2017). Freedom House calls independent media "the biggest losers" because the space for unbiased journalism has greatly diminished (see Table 3). As the managing director of TASZ said: *"The pro-government media usually do not call us to comment on a report concerning us, or when they do, they either lie or intentionally spitefully edit our comments to make us appear in a negative light."* The collective experience of all NGOs that unlike before 2010 they never appear on public media. Újlaky comments that CFCF used to appear in public media often in the pre-2010 era regardless their ongoing lawsuits against the MSZP-SZDSZ government because of school segregation of Roma children. It never happened under the Fidesz governments.
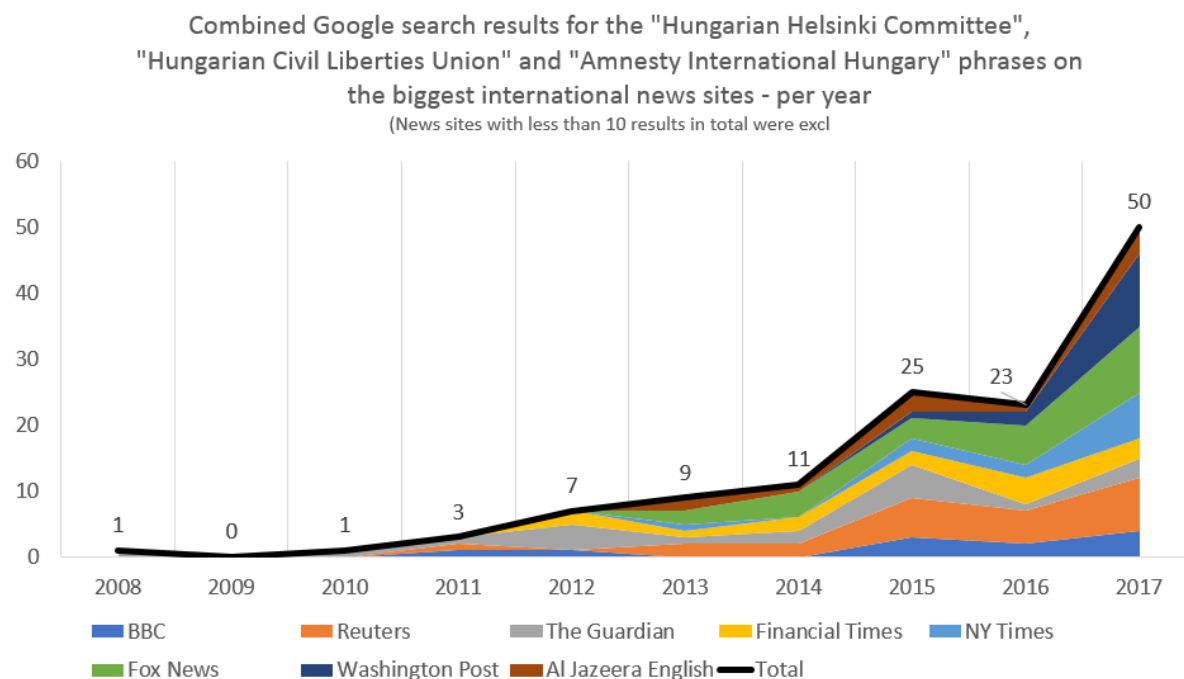
The shrinking independent media space results in increased competition for media attention among the civil society actors, and reaching politically diverse audiences became more difficult due to the intense polarization of the media space. The big NGOs TASZ, Helsinki and Amnesty have started to use media strategically in the last couple of years. Helsinki allocates a lot more energy and money to it than before. *"Ten years ago, media was not very significant in our work. We were focusing on the decision-makers, public officials, lawyers, judges, and policemen"*. For Helsinki, it has become essential to plan the target group and monitor their reach through media. They and TASZ put a lot of thought into how to reach those people, who are usually not interested in their topics, or who have a neutral or moderately negative attitude towards NGOs and human rights. In the increasingly polarizing media space it is tough, says Pardavi. *"We are trying to target diverse audiences with a different tone. Last year, for*

instance, we had a campaign about the reunification of refugee families, concentrated on personal stories, which appeared in women's magazines as well not only in political outlets. However, we got a refusal from other magazines, refraining publishing due to its shaky political manner."

Thanks to the effort and human resource the big organizations put into their media strategy especially after 2014 (the first media attack on NGOs) they often appear in the independent media. On the contrary, CFCF has an opposite experience; they lost the interest of media in the last seven years. One reason is the lack of proficiency of professional communication within the organization. The other is that with the execution of left-leaning Népszabadság in 2016 and with the appearance of young and new journalists at independent online portals such as index.hu and 444.hu, they lost their previously existing connections at media outlets. In the shrinking independent media space, NGOs started to turn towards social media as well, as an alternative communication channel of "counterpower" as Castells (2009) calls it. All the NGOs (except for CFCF which ceased to function in 2016) have active and viral Facebook pages, TASZ has the biggest reach out of the NGOs, their page has grown from 16 thousand likes in 2013 to 41 thousand in June 2017.

On the other hand, due to the Orbán's world famous anti-democratic politics, the international media's attention on Hungary exploded giving a new direction of the NGOs' media strategy. Helsinki Committee's new strategical aim is to become the primary professional source on judiciary-related cases of Hungary for international media, experts, and institutions. Therefore they publish all their reports and statements in English, similarly to TASZ. As a result, their international media appearance skyrocketed in the previous years (which is also due to the refugee crisis in 2015) (see Figure 3).

Figure 3

Combined Google search results for the "Hungarian Helsinki Committee", "Hungarian Civil Liberties Union" and "Amnesty International Hungary" phrases on the biggest international news sites - per year
(News sites with less than 10 results in total were excl

Source: Google Search

In the case of Amnesty, the only international organization in the research, this bigger international attention on Hungary, parallelly to a decreased domestic interest on international human rights cases resulted that their media appearances are more about Hungary-related cases than about international ones. The worldwide attention on Hungary within Amnesty International has also significantly increased since the refugee crisis. According to Demeter this is because not only the government infringes basic human rights more often than previous governments, but they do it in a lot more obvious way, showing off with unlawful cases like the eviction of thousands of Roma families in Miskolc in 2014 or the prosecution of asylum-seekers.

35

3.4. Community-building: turning towards the forgotten citizens

As we have seen in Chapter I, the concepts of civil society have an important intermediatory role between citizens and the state (EU Commission 1999), and the NGOs' role is to articulate citizens' interests and opinions towards the state (Lang 2014, Saidel 2002). However, the Hungarian human rights NGOs seem to be flawed in this regard. As Máté Szabó (2004, 94) argues, the Hungarian NGOs in general lack membership and local networks. Due to the particular development of the civil society during the years of Transition without the inclusion of citizens, the organizations in Hungary tend to be horizontally organized by the nonprofit elite, instead of being bottom-up (Szabó 2004, 94). Arato and Nizak also concluded that the human rights NGOs and their advocacy activities are not embedded in society, mainly because the NGOs do not include citizens into the planning and execution of advocacy activities and they only perceive citizens as a target group rather than a resource (Arato and Nizak 2011).

According to Kapronczay the disengagement of NGOs and citizens played a major role in the fact that *"it was this easy to destruct the democratic institutions"* by the Orbán government. *"It would have been the NGOs' task after the regime change to educate and empower citizens, to make them understand the Constitutional Court or the legislative process, to show the channels of citizens' participation, and encourage them to participate in the political sphere."* This did not happen, and its present consequences are embodied in a very low support of democracy, and the relatively high support of the anti-democratic regime of Orbán. This shows clearly why this type of advocacy could work - targeting the society in order to educate, inform and engage citizens is essential in a democracy.

According to her, now, that the institutional channels to lobby have been shut down, it is even more crucial to concentrate on citizens. Therefore, when Kapronczay took over the leadership of TASZ in 2013, she identified it as the main aim: to explain why their work, human rights and democratic institution matter, how they affect the lives of citizens, and to include them better in the work of TASZ. In 2015 they hired a volunteer coordinator, whose task is to recruit volunteers and to make sure, their work is valuable and useful for the organization. The number of volunteers has doubled in the last years, but according to Kapronczay, this was not only a quantitative but a qualitative change as well. They are now even included in the strategic planning process of the organization, and they regularly help with productive work - such as collecting signatures for a petition. They put much effort in engaging people living outside of Budapest, therefore in 2015, they established a network of lawyers providing pro bono legal services to journalists and civic groups outside the capital (tasz.hu). The program includes public discussions countrywide.

The other interviewees did not mention similarly conscious strategies in community building and citizens' engagement, however, the number of Amnesty's volunteers, activists, and members has grown significantly as well and now the association has 650 members. According to Demeter, the expansion is due to the increased public attention. He argues that there is an anti-government sentiment in the growing citizen support because people are angry at the government and thus they look for channels to act against it. As Demeter says, *"in this regard, the government's propaganda is counterproductive"* because it attracts more and more people into NGOs.

Both Amnesty and Helsinki have successful human rights education programs which are an important part of the process of engaging citizens. Amnesty trained 4500 people last year, and they intend to continue and expand this work. However, the prosecution of the Norwegian Civil

Fund – as the primary financial resource for Amnesty's Hungarian education programs - may inhibit this goal. This is why they turned to citizens as a source of independent funding and hired a professional fundraiser in 2015. Helsinki, TASZ, and Amnesty also reported that the donation culture has improved and middle and upper-middle class citizens understand better why their financial contribution is necessary. Therefore, as a more strategic decision of the NGOs regarding citizens' involvement can be considered the bigger focus on microdonations offered by citizens to sustain the financial independence of the NGOs.

Concerning citizens' inclusion in their work, the human rights NGOs have to face the problem of "participatory inequalities" (Saidel 2002), as people with better education and higher income tend to participate more in democratic processes and NGOs' work (Tilly 2009). In the case of human rights NGOs, they represent abstract issues which are hard to explain even to highly educated people, engaging citizens along these problems are even more challenging. Currently, they mainly reach the Budapest intellectual 'elite,' and as the managing director of TASZ framed it, it is time to change that.

3.5 Findings

We have seen that almost all factors influencing the effectiveness of advocacy strategies identified by Della Porta (the institutional variables, historical and cultural characteristics) were important in the research of Hungarian NGOs' advocacy under the Orbán regime (Della porta and Diani 2006). Due to the centralization of power, the clientele dependent on the state and the reinvention of social characteristics of the communist period by Orbán's government (Kövér 2015), has resulted in a complete closure of the national institutional channels to access policy-making, pushing NGOs towards international advocacy. Because of the takeover of the independent institutions by the government, including the judiciary, legal advocacy was also moved to the international level, resulting in a record number of cases in front of the ECHR. This situation has pushed all NGOs into an unprecedently confrontational position towards the government.

The more confrontational turn is embodied in using new tools as part of the advocacy toolkit, such as public demonstrations organized by human rights NGOs. It is the development of the last few years, that human rights NGOs - whose, primary advocacy tool has always been lobbying, litigation, reporting and consulting - went to the street and managed to mobilize thousands of citizens on their side. The NGOs also formed coalitions in the face of the governments' attack against the sector, which had no precedent before. However, it is important to note that both the demonstrations and the cooperation seem to be rather ad hoc and the long-term viability end efficiency of these tools are in question.

At the same time, the available media space for NGOs shrank due to the government's takeover on the majority of the media channels. This and the systematic media propaganda from the pro-government media has incentivized NGOs to improve their media strategy to be able to get their message to the citizens. On the other hand, the illiberal regime of Viktor Orbán and his

striking international law infringements attracted an increased international media attention. Therefore, a new space of public communication for NGOs became open that also backs their international advocacy efforts. Both international advocacy and professional communication desire particular expertise and different working methods than domestic litigation or lobbying. This means that finding new channels of advocacy while keeping regular activities, requires increased resources. The situation pushes organizations into a difficult situation when they ought to expand under an increasing external pressure.

The lack of social resistance to the destruction of democratic institutions shed light on the enormous disengagement of citizens with democracy and NGOs as well. The illiberal turn of politics and the loss of the institutional advocacy channels has made it essential for NGOs to build more on their participation and engagement to gain more extensive social support, and to shape public opinion in favor of democracy, the rule of law and human rights. Except for some significant volunteer-involvement efforts of certain NGOs and occasional demonstrations or petitions, the participation-based advocacy tools are still very rudimentary - just like it was said about more established Western NGOs as well (Lang 2014). However, in their public communications Hungarian human rights NGOs have become a lot more citizens-centered, focusing more on different target groups and on social media, which could be a good first step towards more engagement and inclusion of citizens.

To sum up, at those areas where the government colonized the channels of NGO advocacy – state bodies, public institutions, judiciary, and media – the efficiency of domestic NGO advocacy was diminished. On the other hand, part of it was replaced by international advocacy channels: international lobbying, litigation and the use of international media. The findings of the research approve that if the system cannot be challenged from the inside (lobbying), then it

has to be challenged from the outside: either by the power of masses in front of the Parliament, the power of the media, or the power of international law and its enforcement.

Conclusion

In this thesis, I was interested in answering the question of how the shift from a liberal to an illiberal democracy in Hungary since 2010 have influenced the advocacy strategies of human rights NGOs operating in the country. I reached out to the NGO advocacy and social movement theory literature to identify the two-dimensional model of my research based on mainly Elizabeth J. Reid's (2000) work. It includes two dimensions of NGO advocacy: the first defines the primary target of the NGOs' actions – the government with the aim of a policy change or the society with the purpose of shaping public opinion –, and the second dimension signifies the role of the NGOs in the process, which can be either a representative expert or a participation-generating role. The four blocks of the model contain five main strategies NGOs can choose. The first one has two elements: lobbying, and litigation, the second one is mobilization, these there directly targets legislations. The society-targeted strategies are media communication and community-building. Based on mainly Della porta's works, I listed factors influencing the effectiveness and thus the selection of particular advocacy tools, the most important being the openness of the state, which proved to be a major variable in the case of contemporary Hungary as well.

Based on my interview-led qualitative research, I found that the most significant change in NGO advocacy in Hungary since 2010 is the blocking of the institutional channels to policy-making and thus the obstruction of domestic lobbying. Due to the takeover of independent judiciary organizations by the government, domestic litigation also became less efficient. On the other hand, the international organizations and courts provided new channels for effective advocacy. However, the Hungarian NGOs are still coping with the new situation. The same applies to the media space: while the national channels weakened due to the massive government expansion of media outlets, the increased international media provides new

opportunities and as well as a supporting tool for international advocacy. Regarding the participation-based strategies, we see a slight improvement in the inclusion of citizens – such the public demonstration as a new element of the NGO toolkit, and volunteer recruitment. However, there is space for development in this field.

Reference List

A TASZ Jelenti. 2016. *"A „norvég Civil Támadások" a NER-Ben."* April 18. http://ataszjelenti.blog.hu/2016/04/08/a_norveg_civil_tamadasok_a_ner-ben

Arató Krisztina–Nizák Péter. 2012. *"Az érdekérvényesítéssel foglalkozó civil szervezetek társadalmi beágyazódottsága Magyarországon."* Civil Szemle, IX., (2.), 5–23.

Berry, J. 2001. Effective Advocacy for Nonprofits. In Reid, E. and Montilla, M. (Eds.) *Nonprofit Advocacy and The Policy Process Volume 2 Issue 1: Exploring Organizations and Advocacy.* (pp. 1-8). Washington, D.C.: The Urban Institute

Bíró Nagy, András. 2017. *"Illiberal Democracy in Hungary. The Social Background and Practical Steps of Building an Illiberal State in Hungary."* https://www.academia.edu/33111563/Illiberal_Democracy_in_Hungary._The_Social_Background_and_Practical_Steps_of_Building_an_Illiberal_State_in_Hungary

Bocz János. 2009. *"A nonprofit szektor strukturális átalakulása Magyarországon A magyar nonprofit szektor az 1990-es évek elejétől a 2000-es évek közepéig."* Ph.D. értekezés. Budapesti Corvinus Egyetem Szociológiai és Társadalompolitikai Intézet

Boris, Elizabeth T., and C. Eugene Steuerle. 2006. *"Nonprofits & Government: Collaboration & Conflict."* The Urban Insitute

Bozóki, András. 2015. *"Broken Democracy, Predatory State, and Nationalist Populism."* In The Hungarian Patient - Social Opposition to an Illiberal Democracy Krasztev P. and Van Til J. (Eds.). Central European University Press

Civilizáció Facebook page. Accessed June 14, 2017. https://www.facebook.com/civilizacio2017/

Castells, Manuel. 2009. *Communication Power.* 2 edition. Oxford ; New York: Oxford University Press

Centre for Media Pluralism and Freedom. 2017. *"Hungary."* Accessed June 14, http://cmpf.eui.eu/media-pluralism-monitor/mpm-2016-results/hungary/

Cohen, Jean L, and Andrew Arato. 1992. *"Civil Society and Political Theory."* Cambridge. Mass.: MIT Press

Cox, T., and S. Gallai. 2014. *"Civil Society and Policy Actors in Post-Communist Hungary: Linkages and Contexts."* Perspectives on European Politics and Society 15, no. 1 (pp 51–67).

della Porta, Donatella, and Mario Diani. 2006. *"Social Movements: An Introduction. 2. edition."* Malden, MA: Wiley-Blackwell.

EUR-Lex. 1999. *"Opinion of the Economic and Social Committee on "The role and contribution of civil society organisations in the building of Europe."* http://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX%3A51999IE0851

European Commission. 2012. *"Press Release - European Commission Launches Accelerated Infringement Proceedings against Hungary over the Independence of Its Central Bank and Data Protection Authorities as Well as over Measures Affecting the Judiciary."* http://europa.eu/rapid/press-release_IP-12-24_en.htm

Freedom House 2017 *"Hungary | Country Report | Nations in Transit | 2017."* https://freedomhouse.org/report/nations-transit/2017/hungary

Gerő, Márton, and Ákos Kopper. 2013. *"Fake and Dishonest: Pathologies of Differentiation of the Civil and the Political Sphere in Hungary."* Journal of Civil Society 9, no. pp 361–74. December 1. doi:10.1080/17448689.2013.844449.

Habermas, Jurgen. 1996. *"Civil Society and the Political Public Sphere. In Between Facts and Norms: Contributions to a Discourse Theory of Law and Democracy"*, edited by Craig Calhoun, 329-87. Cambridge. MIT Press

Hardy, Catherine. 2017. *"Hungary Cracks down on NGOs."* Euronews, June 13. http://www.euronews.com/2017/06/13/hungary-cracks-down-on-ngos

Háttér Társaság. 2012. *"Civil Szervezetek Közös Véleménye Az Emberi Jogi Munkacsoportról Szóló Kormányhatározat Tervezetéről"* February. http://www.hatter.hu/kiadvanyaink/civil-szervezetek-kozos-velemenye-az-emberi-jogi-munkacsoportrol-szolo-kormanyhatarozat

IRS.gov *"'Direct' and 'Grass Roots' Lobbying Defined."* Accessed June 9, 2017. https://www.irs.gov/charities-non-profits/direct-and-grass-roots-lobbying-defined

Joób, Sándor. 2017. *"A TASZ Polgári Engedetlenségbe Kezd a Civiltörvény Miatt,"* June 13. http://index.hu/belfold/2017/06/13/tasz_civil_torveny_tarsasag_a_szabadsagjogokert_polgari_engedetelenseg_bojkott/

Köves, Nóra. 2017. *"Serious Human Rights Violations in the Hungarian Asylum System."* Heinrich Böll Foundation. May 10. https://www.boell.de/en/2017/05/10/serious-human-rights-violations-hungarian-asylum-system

Kövér, Ágnes. 2015. *"Captured by State and Church: Concerns about Civil Society in Democratic Hungary."* Nonprofit Policy Forum 6, no. 2 pp. 187–212. doi:10.1515/npf-2014-0010

Krasztev, Peter, and Jon Van Til. 2015. *The Hungarian Patient: Social Opposition to an Illiberal Democracy.* Central European University Press

Kuti, Éva. 1996. *"The Nonprofit Sector in Hungary."* Manchester University Press.

Kuti, Éva. 2008. *"Civil Európa - Civil Magyarország."* Európa Ház. http://www.nonprofitkutatas.hu/letoltendo/cilieuh.pdf

Lang, Sabine. 2014. *"NGOs, Civil Society, and the Public Sphere."* New York: Cambridge University Press

Magyar Helsinki Bizottság. 2015. *"A Csapat."* October 12. http://www.helsinki.hu/kik-vagyunk/a-csapat/

Magyar Helsinki Bizottság. 2016. *"Visszavonták a Strasbourgi Bírói Listát, Mégis Lesz Pályázat."* September 13. http://www.helsinki.hu/visszavontak-a-strasbourgi-biroi-listat-megis-lesz-palyazat/

Magyar Helsinki Bizottság. 2017. *"Emberi Jogokat Sért a Magyar Tranzitzóna – Mondta Ki a Strasbourgi Bíróság."* March 14. http://www.helsinki.hu/emberi-jogokat-sert-a-magyar-tranzitzona-mondta-ki-a-strasbourgi-birosag/

Magyar Narancs. 2007. *"A Civil Szervezetek Állami Finanszírozása - Az Élet Harc."* November 22. http://magyarnarancs.hu/belpol/a_civil_szervezetek_allami_finanszirozasa_-_az_elet_harc-67936

McCarthy, John D. and Zald, Mayer N. 1973. *"The Trend of Social Movements in America: Professionalization and Resource Mobilization."* General learning Press. https://deepblue.lib.umich.edu/bitstream/handle/2027.42/50939/164.pdf?sequenc

McCarthy, John D., and Jim Castelli. 1996. *"Studying Advocacy in the Nonprofit Sector: Refocusing the Agenda."* Draft paper prepared for the Independent Sector Spring Forum

Misztal, Bronislaw. 1995. *"Starting from Scratch Is Not Always the Same: The Politics of Protest and the Postcommunist Transitions in Poland and Hungary."* In The Politics of Social Protest. Comparative Perspectives on States and Social Movements. University of Minnesota Press

Nelson, Paul J and Dorsey, Ellen 2008. *"New Rights Advocacy: Changing Strategies of Development and Human Rights NGOs Washington."* Georgetown University Press

Nelson, Paul. 2000. *"Heroism and Ambiguity: Ngo Advocacy in International Policy."* Development in Practice 10, no. 3–4 August . 478–90.

Orbán, Viktor. 2014. *"Prime Minister Viktor Orbán's Speech at the 25th Bálványos Summer Free University and Student Camp."* Government. July 26. http://www.kormany.hu/en/the-prime-minister/the-prime-minister-s-speeches/prime-minister-viktor-orban-s-speech-at-the-25th-balvanyos-summer-free-university-and-student-camp

Prakash, Aseem, and Mary Kay Gugerty. 2010. *Advocacy Organizations and Collective Action.* Cambridge University Press

Reid, Elizabeth J. 2000. *"Understanding the Word Advocacy: concept and Use."* In Reid, E. (Eds.) Nonprofit Advocacy and The Policy Process Volume 1: Structuring the Inquiry into Advocacy. (pp. 1-8). The Urban Institute

Rekosh. Ed. 2003. *Public Policy Advocacy: Strategic Litigation and International Advocacy Presentation.* Public Interest Law Initiative Columbia University Budapest Law Center. Stanhope ICT Policy Training Programme 20 August

Roebeling, Ger and Jan de Vries. 2011. *"Advocacy and Policy Influencing for Social Change Technical Asssistance for Civil Society Organisations."* TACSO Regional Office. http://www.tacso.org/doc/doc_manual_5.pdf

Saidel, J. 2002. *Nonprofit Organizations, Political Engagement, and Public Policy.* In Reid, E. and Montilla, M. (Eds.) Nonprofit Advocacy and The Policy Process Volume 2 Issue 2: Exploring Organizations and Advocacy. (pp. 1-18). Washington, D.C.: The Urban Institute Press

Szabó, Máté. 2004. *"Civic Engagement in East-Central Europe."* In Future of Civil Society, edited by Annette Zimmer and Eckhard Priller, 77–97. VS Verlag für Sozialwissenschaften. doi:10.1007/978-3-322-80980-3_6.

TASZ, Hungarian Helsinki Committee, EKINT. 2015. *Egypárti Alkotmánybírák a Kétharmad Szolgálatában.* https://tasz.hu/files/tasz/imce/2015/ab_kiadvany_70_oldalas_vegleges.pdf

tasz.hu. 2015. *"Országos Ügyvédhálózatot Alakítottunk Ki."* September 25. https://tasz.hu/magunkrol/orszagos-ugyvedhalozatot-alakitottunk-ki

tasz.hu. 2017. *"TASZ-Osok | TASZ."* Accessed June 16, https://tasz.hu/magunkrol/munkatarsak

Tilly, Charles. 2004. *"Social Movements, 1768-2004."* Paradigm Publishers.

Young, Iris Marion. 2010. *"Inclusion and Democracy. Repr. Oxford Political Theory."* Oxford Univ. Press.

Zakaria, Fareed. 1997. *"The rise of illiberal democracy".* Foreign Affairs. November-December 1997. https://www.foreignaffairs.com/articles/1997-11-01/rise-illiberal-democracy

Zukin, Cliff, Scott Keeter, Molly Andolina, Krista Jenkins, and Michael X. Delli Carpini. 2006. *"A New Engagement?: Political Participation, Civic Life, and the Changing American Citizen."* Oxford, New York: Oxford University Press,

Appendix I - Interviewees

Name	Organization	Position	Date of interviews
Áron Demeter	Amnesty International Hungary	Advocacy Officer	May 9. 2017
Márta Pardavi	Hungarian Helsinki Committee	Co-Chair	May 19. 2017
András Újlaky	Chance for Children Foundation	Advisory Board Member	May 19, 2017
Tamás Dombos	LGBT Alliance	Board Member	May 22, 2017
Stefánia Kapronczay	Hungarian Civil Liberties Union	Executive Director	June 1, 2017

Appendix II - Interview Questions

The interviews were semi-structured, the following questions were asked from each interviewee including some additional or modified ones, and follow-up questions.

1. What is the role of your organization in Hungary? What are your main activities, services?

2. What are the main channels of your advocacy strategy? How did it change over the years?

3. How would you describe your relationship with the government? Did it change over the past decade?

4. How would you describe your organization's relationship to parties, politicians and other public officials now and before 2010?

5. How would you describe your experiences with the Human Rights Roundtable?

6. To what extent does your organization use international advocacy channels? Did it change over the past years?

7. How does the government propaganda against the NGOs influence your work?

8. How would you describe your organizations' media appearance? What is your relationship with the media? Did it change over the past years?

9. How would you describe your relationship with citizens? Do you put emphasis on engaging them?

10. Did your organization participate or organized public demonstrations since 2010? And before? Did you have debates within your organization about the demonstrations?

11. In what way and to what extent did the radical change in the political environment after 2010 has influenced your strategy?

Appendix III - Author's Declaration

I, the undersigned Andrea Kóbor hereby declare that I am the sole author of this thesis. To the best of my knowledge this thesis contains no material previously published by any other person except where due acknowledgement has been made. This thesis contains no material which has been accepted as part of the requirements of any other academic degree or non-degree program, in English or in any other language.

This is a true copy of the thesis, including final revisions.

Date: June 18, 2017

Name: Andrea Kóbor

Signature: