

# Central and Eastern Europe: CHILDREN ENDANGERED BY THE CHILLING EFFECT OF ANTI-NGO LAWS

## A Briefing Package

Terre des Hommes is deeply concerned over anti-NGO laws spreading across Central and Eastern Europe. Legitimate civil society organisations are hindered in their work, deprived of funding and at risk of being dissolved. The threat is real and existential.

In Hungary, three draft laws are being debated in the context of the upcoming parliamentary elections on the 8<sup>th</sup> of April: the first on the social responsibility of organisations supporting what is termed “illegal migration”, a second focusing on immigration financing and the last one on immigration restraint order. All three bills are building on the 2017 NGO Law on foreign-funded organisations (Act LXXVI of 2017) which requires that NGOs receiving foreign funding register on a separate list and publicly label themselves as ‘foreign-funded’ or face sanctions.

If passed, this latest piece of legislation will endanger children and youth and affect the realisation of their rights. Funding for essential services would be cut and driven away, taxes or penalties would be imposed resulting in the closure of key services to people in need. Vulnerable children would be at risk of being detained on account of their migration status.

An obsessional focus on a “Soros plan” is overshadowing deeply entrenched societal issues such as guaranteeing fundamental rights for all children in the country including migrants and refugees, preventing child detention, promoting inclusion of Roma and other minorities – and a whole range of other critical issues that should be debated during electoral campaigns.

This chilling effect on civil society organisations is far from being circumscribed to a single country or to Central and Eastern Europe. The domino theory applies to Romania where a public defamation campaign is taking place against civil society organisations. Under the guise of “NGO transparency”, two MPs from the ruling party have submitted a draft law which would oblige NGOs to publish information on their revenue and expenses twice a year, with details on the persons bringing the revenue. Otherwise they risk being closed in 30 days. At the same time, the president of the ruling party announced his plan to pass a law to sanction any actual or perceived criticism of Romania.

In Moldova, new legislation is proposing to target any organisation which could influence government policies. This would destroy many organisations’ ability to promote child rights within Moldova, and could lead to the government de-prioritising child rights.

Intentions behind these laws and public policies vary greatly but they all have the same knock-on effect of undermining and inhibiting the vital work NGOs are doing. What was once referred to as “shrinking civil society space” has now evolved into an all-out attack on legitimate civil society organisations.

The word “shrinking” has been used for decades to describe sinister plans to paralyse and neutralise civil society organisations but fails to capture the gravity of the situation. What is unfolding in the heart of Europe resembles a paradigm shift. Perceived as a “starve and strangle” operation by those who are the targets of governments and extremist groups on a daily basis, it renders service-providers and watchdog organisations vulnerable and paralysed, less and less able to play their role.

**Their role is life-saving for children and youth but also democracy saving.**

Several EU Member States, institutions and international organisations have voiced concerns over attempts by governments to silence the most critical voices. This criticism has particularly focused on countries where the emergence of populist regimes has intensified, such as in the Visegrád four.<sup>1</sup>

Wasn't it enough that Poland and Hungary curtailed the independence of the judiciary? That all four Visegrád countries violated the principle of solidarity which underpins European ideals? That states took control of the media and that refugees and migrants had their rights violated on a daily basis? That nation-wide media campaigns took xenophobic turns?

It clearly wasn't. Apart from public statements and mild political or legal threats from the EU and its members, little action has materialised. As a consequence, the concept of illiberal democracy is on the rise, gaining momentum in an increasing number of countries and modifying the institutional and political machinery to serve the interests of those in power at the expense of the weakest: children and youth, social and ethnic minorities, including refugees and migrants.

The days to come are of paramount importance. The latest drafts of laws if adopted could deal a lethal blow to civil society. Their novelty is that they represent an existential threat to civil society organisations and target their staff individually. Should the proposals be adopted, they will cause irreparable damage. Some predict that by the end of the year, a number of Hungarian NGOs could be unable to carry on their work.

## Call for Action

Terre des Hommes has joined the civil society movement opposed to these laws and draft laws, *Civilizáció*, and has jointly lodged a complaint with the constitutional court with the many organisations affected by them.

Terre des Hommes urges the European Commission and EU Member States to defend European values and take immediate and concrete action against brazen assaults on civil society organisations.

Terre des Hommes subscribes to the call on European Union bodies launched by several organisations in late 2017, and more specifically:

Calls on the European Commission as part of its role of guardian of the treaties, to ensure a thorough review of all initiatives of the Hungarian government (and preventively scrutinize those that are forecasted), in law or in policy, and wherever possible **initiate infringement procedures** for those acts which entered into force while seeking interim measures with **suspensive effect** to prevent the likely damage that their enforcement would cause.

Calls on the European Parliament and the Commission to actively support the establishment of an emergency **financial instrument** that would allow for civil society organisations to continue their work independently of "national interests" influence;

Calls on the Council of Europe to **raise concern** and openly challenge the draft laws in Hungary, Romania and Moldova at every possible opportunity.

Calls on UNICEF, UNHCR and/or the EU Agency for Fundamental Rights to engage in **research** to examine to what extent the latest pieces of legislation endanger children and youth, including those on the move, and affect the realisation of their rights.

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<sup>1</sup> Visegrád Group or Visegrád Four is a cultural and political alliance of four Central European nations – the Czech Republic, Hungary, Poland and Slovakia