

**Mandates of the Special Rapporteur on the rights to freedom of peaceful assembly and of association
and the Special Rapporteur on the situation of human rights defenders**

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Excellency,

We have the honour to address you in our capacity as Special Rapporteur on the rights to freedom of peaceful assembly and of association and Special Rapporteur on the situation of human rights defenders pursuant to Human Rights Council resolutions 24/5 and 25/18.

In this connection, we would like to bring to the attention of your Excellency's Government information we have received concerning allegations of lack of proper legal basis of the **audits** conducted by the Government Control Office **of civil society organizations working on human rights issues connected to the European Economic Area (EEA) and Norwegian Financial Mechanism**.

The Norwegian Financial Mechanism is part of the agreement between the European Union and Norway, Iceland and Lichtenstein on funding projects in some European countries to reduce social and economic disparities in the region. The Mechanism is structured in a State Fund which administers 90% of the funding, and the NGO Fund which administers the remaining 10% of the funds through an NGO Consortium directly supervised by the EEA and Norway Grants office in Brussels.

According to the information received:

On 9 May 2014, Norway decided to suspend disbursements of the State Fund to Hungary under the EEA and Norway Grants scheme. According to the information received, the decision to suspend further disbursements was made after the Hungarian authorities unilaterally decided on 1 January 2014 to transfer the monitoring and evaluation of the grants scheme from the central Government administration and to an independent, State-owned company.

It is also alleged that during the week of 2 June 2014 the Government Control Office (KEHI) visited three of the organizations that administer the NGO Fund to conduct an audit of the NGO Fund disbursement program. While the lead organization in the consortium, Okotars Foundation, had been notified of the

KEHI agents' visit and audit ahead of time, it is reported that the agents visited the two other organizations unannounced.

The three organizations affected by the audits by the KEHI, the Autonomia Foundation, DemNet and Okotars Foundation, are well known in their work on democracy, human rights, and environmental issues, respectively. However, as the administration of the NGO Fund is monitored from Brussels, it is alleged that the Hungarian authorities do not have the authority to audit the work of the NGO Fund Operator. It is reported that Government officials threatened to suspend the tax numbers of the three organizations if they did not cooperate with the investigation. It is also alleged that a Hungarian Government spokesperson cited "political bias" in these organizations as the reasons for the audits.

According to the reports received, there is no legal basis for the Government to audit the organizational coalition that disburses the NGO programme funds given the Memorandum of Understanding signed by EEA and Norway Grants and Hungary. The agreement reportedly establishes that operations of the NGO Fund fall under the competencies of the Financial Mechanism Office (FMO), a part of the EEA and Norway Grants located at their main office in Brussels. The agreement also outlines that any audits of the NGO programme funds should be carried out by the FMO.

According to reports received, on 19 June 2014 the KEHI also requested information on activities of a number of non-governmental recipients of the NGO programme funds. The organizations affected include the Hungarian Civil Liberties Union, K-Monitor, Transparency International Hungary, Labris, Kretakor, Budapest Pride/// Rainbow Mission Foundation, the Foundation for Democratic Youth, and Nane Women's Rights Association, mostly most of them working on anti-corruption and human rights issues.

The number of beneficiary organizations being currently audited reportedly stands at a minimum of eight. It is reported that the activities of these organizations are not implemented through public funding; rather, the activities are funded through grants such those supplied through the EEA and Norway Grants NGO programme and other non-public sources. Therefore, it is alleged that there is no legal basis for a Government audit. It is reported that the office of the Ombudsperson has been seized of the matter.

Besides lacking proper legal basis, it is alleged that the audits conducted by the KEHI are being used to obstruct and stigmatize the work of human rights NGOs.

Serious concern is expressed at allegations received indicating the lack of proper legal basis of the audits conducted by the Hungarian authorities to civil society organizations connected to the European Economic Area (EEA) and Norwegian Financial Mechanism. Moreover, concern is expressed at allegations received indicating that such audits are being used to obstruct and stigmatise the work of the mentioned organizations,

which would contribute to shrinking the space in which civil society and human rights organizations currently operate in Hungary.

In connection to the above alleged facts and concerns, please refer to the **Reference to international law Annex** attached to this letter which cites international human rights instruments and standards relevant to these allegations.

It is our responsibility, under the mandates provided to us by the Human Rights Council, to seek to clarify all cases brought to our attention, we would be grateful for your observations on the following matters:

1. Please provide any additional information and any comment you may have on the above-mentioned allegations. What is the legal basis for the audits of the mentioned organizations?
2. Has a complaint been lodged by or on behalf of the organizations affected? Are there any legal remedies available for the organizations affected by the audits?
3. Please provide the details, and where available the results, of any investigation, and judicial or other inquiries carried out in relation to this case. If no inquiries have taken place, or if they have been inconclusive, please explain why.
4. Please kindly indicate what measures have been taken to ensure that human rights defenders are able to carry out their legitimate work in a safe and enabling environment without fear of threats or acts of intimidation and harassment of any sort.

We would appreciate a response within 60 days.

While awaiting a reply, we urge that all necessary interim measures be taken to halt the alleged violations and prevent their re-occurrence and in the event that the investigations support or suggest the allegations to be correct, to ensure the accountability of any person responsible of the alleged violations.

Your Excellency's Government's response will be made available in a report to be presented to the Human Rights Council for its consideration.

Please accept, Excellency, the assurances of our highest consideration.

Maina Kiai
Special Rapporteur on the rights to freedom of peaceful assembly and of association

Michel Forst
Special Rapporteur on the situation of human rights defenders

Annex
Reference to international human rights law

In connection with above alleged facts and concerns, we would like to draw the attention of your Excellency's Government to the relevant international norms and standards that are applicable to the issues brought forth by the situation described above.

We would like to refer to the article 22 of the International Covenant on Civil and Political Rights (ICCPR), which Hungary ratified on 17 January 1974, and guarantees the right to freedom of association with others.

Regarding the allegations indicating that the situation of the above-mentioned organizations would be connected to their human rights work, we would like to refer your Excellency's Government to the fundamental principles set forth in the Declaration on the Right and Responsibility of Individuals, Groups and Organs of Society to Promote and Protect Universally Recognized Human Rights and Fundamental Freedoms, and in particular articles 1 and 2. Furthermore, we find it pertinent to bring to the attention of your Excellency's Government to article 12, paras 2 and 3, of the Declaration which urges States to ensure the protection of everyone against any violence, threats, retaliation, de facto or de jure adverse discrimination, pressure or any other arbitrary action as a consequence of the legitimate exercise of the rights referred to in the Declaration.

Moreover, we would like to refer to article 13, points (b) and (c), of the mentioned Declaration which stipulate that everyone has the right, individually and in association with others, to solicit, receive and utilize resources for the purpose of peacefully promoting and protecting human rights and fundamental freedoms.

In this connection, Human Rights Council Resolution 22/6 calls upon States to ensure that reporting requirements placed on individuals, groups and organs of society do not inhibit functional autonomy, and that they do not discriminatorily impose restrictions on potential sources of funding aimed at supporting the work of human rights defenders other than those ordinarily laid down for any other activity unrelated to human rights to ensure transparency and accountability. No law or administrative provision should criminalize or delegitimize activities in defence of human rights on account of the origin of funding thereto.