
Hungary: Venice Commission on the Act on the Protection of National Sovereignty, “risks for democracy”

While the imposition of restrictions on foreign funding of political parties and election campaigns are in line with international best practices and standards, the provisions of the Hungarian Act on the Protection of National Sovereignty go beyond the electoral context and “cover political activity in a broader sense and campaigns for social change”, without any justification from the Hungarian authorities. This is what the Venice Commission of the Council of Europe said in an opinion on the Hungarian Act cited above. The new offence of “Illegal influence of the will of voters”, provided for in the Act, “is compatible with international standards”, but amendments will have to be introduced to “provide for certain exceptions of the new restrictions and for more precise definitions”. However, the newly established “Sovereignty Protection Office”, which should act as a protector of “constitutional identity”, does not have a justifiable legal basis and is not deemed necessary by the Commission. Indeed, in a democratic state, it is the courts and law enforcement authorities that should provide guarantees against interferences in the exercise of fundamental rights. Furthermore, the Office is classified as a “State administration organ”, and cannot be considered independent since it is appointed by political leaders. The Commission believes that the extremely broad and vaguely defined competences of the Office represent a high risk that its activities “will have a chilling effect on the free and democratic debate in Hungary”.

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