Rebuilding Hungary's Civic Space

A Strong Democracy Needs a Thriving Civil Society

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12.06.2026 doi: 10.59704/9b312969079f50bd

Hungary's April 2026 elections that ended 16 years of Viktor Orbán's autocratic rule have rightly generated urgent debate about constitutional repair. Beyond rebuilding the rule of law and democratic institutions, a successful transition will also need an engaged citizenry who value and trust these institutions and are eager to participate in public life. The transition therefore presents a critical opportunity to rebuild the legal, policy, and financial frameworks needed for an independent civil society to flourish. An enabling environment for civil society is not merely a desirable feature of a healthy democracy; it is a structural precondition for achieving and sustaining the accountability, pluralism, and institutional resilience that the new democratic transition should deliver for Hungarians. Without this, even well-designed constitutional reforms risk becoming elite processes, insulated from the citizens whose lives and futures they are meant to improve. This post argues that achieving this requires a coherent package of legislative, institutional, and financial measures, and that Hungarian civil society organisations have already mapped out what that package must contain as a minimum.

Restrictive Laws and Their Chilling Effect

The government's campaign against independent civil society groups critical of its illiberal policies spanned over twelve years. From 2014 onwards, coordinated smear campaigns in government-aligned media were meant to undermine organisations' credibility and call into question the public value they create. Increasing the pressure, a succession of legal instruments, each building on the last, were adopted to stigmatise, starve, and strangle independent organisations.

The legislative assault began in 2017 with the first foreign agent law in the European Union that mirrored its Russian predecessor. Act LXXVI of 2017 on the Transparency of Organisations Supported from Abroad (Lex NGO 2017) stigmatised certain civil society organisations as "foreign-funded organisations" via a discriminatory mechanism designed to burden, stigmatise, and deter civil society activity. In 2020, the Court of Justice of the EU found the Hungarian legislation unlawful, affirming that EU law protects the right to freedom of association as it "constitutes one of the essential bases of a democratic and pluralist society". The government's response to the judgment was revealing: rather than genuinely comply, it waited over ten months before nominally repealing the Lex NGO 2017 and simultaneously adopting its replacement without any public consultation. The new law (Act XLIX of 2021), albeit less menacing, still alarmed hundreds of civil society organisations, who feared discretionary State Audit Office inspections and conclusions about their operations published in public reports that could not be challenged before a court.

On World Refugee Day in June 2018, Parliament passed the "Stop Soros" law, criminalising individuals and organisation who assist asylum-seekers, including legal aid providers, using vague language, creating a tool in the hands of the government to intimidate members of civil society. In November 2021, in a ruling on the legal action brought by the European Commission, the CJEU struck that law down too, and the government dragged its feet until December 2022 when it eventually changed the Criminal Code provision in question so that the chilling effect on helping asylum-seekers remained in place. However, the European Commission never challenged in court the special "immigration tax" on donors funding migration-related activities, even if it repeatedly recommended repealing it in its annual Rule of Law Reports.

The LGBTIQ community was subjected to the same intimidation through a succession of constitutional amendments and laws that progressively restricted their fundamental rights, including the right to freedom of expression and assembly. These restrictions were not incidental to the broader dismantling of civic space as they were part of the same logic, using law to define and exclude communities deemed threatening to the political order. However, the banning of Pride marches in spring 2025, that threatened organisers with prison and participants with high fines, backfired. About 300,000 people marched peacefully in Budapest, albeit under the auspices of the mayor of Budapest and not in a formal assembly recognised by the police.

The Sovereignty Protection Law, adopted in December 2023, marked a further escalation in the hostile environment for free civil society organisations which were exposing government wrongdoings and encouraging public debate. The law created a new state agency, the Sovereignty Protection Office, with broad investigative powers over organisations deemed to jeopardise Hungary's sovereignty by representing foreign influence, without meaningful procedural safeguards against the Office's investigations and slanderous reports. The law also amended the Criminal Code using intentionally vague terms to sanction with prison terms the use of foreign funding for political campaigning. Hungarian NGOs turned to the Constitutional Court with no avail, and also applied to the European Court of Human Rights. Based on the infringement action brought be the European Commission, the pending CJEU judgment on the Sovereignty Protection Law – following the Advocate General's Opinion in February 2026 – is expected to pronounce that the law is not compatible with EU law and can provide a direct legal basis for its repeal.

Following up on PM Orban's threat to "clean out the bed bugs", a May 2025 bill on the Transparency of Public Life went further still: it would have allowed the government to blacklist a broad range of for-profit and non-profit entities, freezing their access to their income and their ability to operate – what civil society organisations named "Operation Starve and Strangle". Eventually the bill did not proceed to a parliamentary debate.

Despite years of constant intimidation, smear campaigns, and legal and administrative threats, Hungarian human rights organisations maintained their determination to operate and built a strong coalition to withstand pressure, offer support and promote civic space. But the cumulative effect of this restrictive architecture was precisely what it was designed to achieve: a chilling effect on civil society activity, a drain on organisational resources diverted to defending themselves, and the gradual normalisation of a public sphere in which independent voices were sidelined and operated under constant stress.

Acknowledging the painful toll on society, Prime Minister Péter Magyar, in his inaugural parliamentary address on 9 May 2026, gave a remarkable apology to civil society actors, journalists, teachers, and health workers who had been stigmatised and harassed for speaking out. That acknowledgement matters and has given a sense of much-needed relief that attacks on civil society are finally over. But acknowledgement without structural remedy, the restoration of foundational civic space rights and an enabling environment, is insufficient.

The Needed Shift From Resistance to Reform Capacity

If the past decade demanded that civil society operate primarily in defensive mode – protecting vulnerable groups, accountability, and its own space under sustained pressure – the coming period demands something qualitatively different.

The task ahead is no longer to resist erosion but to participate in the rebuilding of democracy and rule of law actively and independently. As the drive to correct past distortions can inherently produce new risks and imbalances or undermine due process, both informal and formal civil society groups have a distinctive role to play here as a structured, independent force that holds reform processes to democratic standards even while supporting their objectives.

This dual function – sustaining public pressure for democratic and constitutional reform while maintaining independence from government – requires organi-

sational capacity, adequate funding, and a safe legal environment that makes this possible. It also requires a clear shared agenda. The most concrete articulation of what that agenda must contain has emerged from within Hungarian civil society itself.

An Agenda for Strengthening Hungary's Civic Space

The Civilizáció Coalition – a platform of over fifty independent Hungarian NGOs that emerged as a response to the Lex NGO 2017 – has put forward Civil Minimum 2026, a minimum set of legal and policy recommendations to strengthen an enabling environment for civil society.

First, to strengthen the legal framework for civic space, the coalition calls for repealing restrictive laws (e.g., the Sovereignty Protection Law and the Lex NGO 2021), reviewing administrative burdens on civil society, and developing an incentivising legal framework for civic organising as well as for philanthropic foundations and corporate giving. These are the minimum conditions for civil society to operate without the threat of state-directed interference, in a stable and predictable environment.

The second set of recommendations call for enhancing the transparency and integrity of public funding to civil society and democracy promotion by reforming national-level public funding structures to ensure they are open, criteria-based, and insulated from political capture. Meaningful civil society involvement in the design, monitoring and evaluation of EU funds should continue and build on the partnership principle enshrined in EU cohesion policy as well as through the EU Charter of Fundamental Rights monitoring framework.

Thirdly, after long years of systemic deficiencies, substantive public consultation processes should be reinstated both with government structures and in parliament. Experimenting with direct citizen participation methods could help sustain the high levels of civic engagement that have emerged during the campaign (including the TISZA party's network of volunteers) and continue since the elections. Hungary should also strive to re-engage with the Open Government Partnership, a multi-stakeholder organisation, and strengthen freedom-of-information frameworks.

Crucially, the upcoming constitutionally relevant legislative processes and the design of any future constitution-making process will be testing cases for participatory governance where effective input from citizens, civil society, and academia will be key to build democratic legitimacy.

The European Union's Civic Space Tools and Limits

While they cannot replace national action, the EU's legal and policy instruments provide an important supporting framework for civic space. Since the EU funding conditionality super milestones – the criteria whose fulfilment is linked to the release of frozen EU funds – were designed primarily around judicial independence and anti-corruption measures, and not the full spectrum of civic space conditions, nurturing most if not all key features of a robust environment for civil society, free media, or culture will remain a task for the new Hungarian government.

Nevertheless, a solid European framework is evolving to protect civic space and should be actively mobilised. The CJEU's judgment on Hungary's Lex NGO 2017, as well as the relevant ECtHR case law on freedom of association, Venice Commission opinions, the European Commission's Strategy for Civil Society (November 2025), and the Council conclusions on the role of civic space to protect and promote fundamental rights (March 2023) and the EU Fundamental Rights Agency's monitoring about civic space pressures, together constitute a clear normative framework against which domestic reforms can and should be assessed. The EU partnership principle, which underpins civil society's formal role in monitoring EU funds implementation, provides a concrete mechanism for restoring structured civil society participation that has immediate legal and financial implications. European Union institutions, including Member States, should follow these domestic reform processes closely, providing normative leverage and technical support, to encourage initiatives that should be carried out at the national level.

The Real Test

Péter Magyar's government's stated commitment to dismantling institutional distortions and rebuilding a pluralistic constitutional order is both welcome and necessary. But commitments require legal operationalisation, and legal operationalisation requires political will sustained beyond the initial post-election momentum. Institutional legacies, policy neglect, and political polarisation will not disappear overnight. Additionally, there is a particular risk, visible in comparative transitions, including in Poland, that the energy for structural reform dissipates once the most visible or urgent measures have been taken.

Thus, it will be civil society's task in this context to ensure that the full set of civic space restoration measures remains on the agenda throughout the re-democratisation process, and that the required legal and policy tools are treated as matters of structural necessity rather than sectoral interest. The Civilizáció Coalition's Civil Minimum provides a useful practical starting point. Whether the new Hungarian government engages with it substantively will be an early and telling indicator of the depth of its democratic commitments.

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SUGGESTED CITATION

Pardavi, Márta: Rebuilding Hungary's Civic Space: A Strong Democracy Needs a Thriving Civil Society, Verfassungsblog, 12.06.2026, doi: 10.59704/9b312969079f50bd.

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Langzeitarchiviert bei IntRechtDok unter: doi.org/10.17176/20260612-190705-0.