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Challenging the State: The institutional role and limits of NGO participation before the ECtHR

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Abstract

The civil society and non-governmental organizations (NGOs) have become indispensable factors in political, economic, and legal decision-making, as well as in the advocacy of international interests, or litigation. The aim of this study is to comprehensively examine how NGOs are represented and what role they play in the enforcement of human rights within the European Court of Human Rights (ECtHR)

While in the post-World War II period civil society organizations primarily provided direct legal representation to victims of state violations in domestic and international forums, today they also actively participate in monitoring the human rights performance of Council of Europe (CoE) member states.

Given that non-governmental organizations are typically grassroots organizations (with the exception of certain regions, such as the post-Soviet countries, South America, or parts of Asia and Africa, where state funding is significant for historical reasons), the research examines whether the activities of these organizations truly serve the public good or primarily the interests of their main donors in an era when the transparent funding of the civil sector has become a central issue globally.

Within this framework, the study seeks answers to the following key questions: Do civil society organizations promote the general enforcement of human rights, or do they primarily focus on the protection of specific areas of law? What is the actual advocacy capacity or litigation activity of civil society organizations in the work of the ECtHR—is their participation merely formal, or do they have a substantive influence on decision-making? Furthermore, to what extent can the positions they represent be considered objective and of professional quality?

To answer these questions and gain a deeper understanding of these processes, this study employs a complex research methodology. In addition to analyzing relevant international literature and the normative legal framework, the research places great emphasis on empirical methods: qualitative document and literature analysis, submissions filed by civil society organizations, and an examination of these organizations' participation practices based on case studies. Accordingly, after outlining international trends, the study narrows its focus to examine the role of the Hungarian civil society sector in proceedings before the ECtHR.

Link words: NGOs, civil society, ECtHR and NGOs, litigation, fundamental rights protection, Hungary and human rights, rule of law,

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1. Introduction

The main topic of this study will be how civil society organizations (associations and foundations) are present in Hungary and how they operate in our everyday lives. Below, I will focus primarily on organizations that are involved in human rights protection and are affiliated with the ECtHR² whose main goal is to protect human rights.

It is important to emphasize at the beginning of this study that the activities of civil society organizations—whatever they may be, as long as they are not illegal—are indeed supported and States must do everything in their power to ensure that their citizens enjoy the widest possible right to free association. On the other hand, the activities of NGOs should remain within the legal framework. I am thinking here of the fact that in Hungary it is not possible to establish an organization for the sole purpose of gaining power, or for other activities that hinder the exercise of democratic power and the enforcement of human rights, e.g. mafia organisations or others.³ According to Mark Riboldi, Civil Society Organisations are a democratic mediator between the interests of citizens and the state.⁴ Today, the way in which civil society organizations are present in society, whether in terms of social consultation⁵ or the protection of rights, has become a fundamental element of our concept of the rule of law.⁶

The fundamental rights protection activities of civil society organizations date back hundreds of years. This has manifested itself in the form of activism or the enforcement of rights through actual legal proceedings. For a long time, the protection of human rights remained within the borders of a given state, but after World War II, several international organizations emerged with the goal of protecting fundamental rights. Civil society organizations have also adapted to the new situation, and NGOs are now playing an increasingly important role in the work of international organizations and they had a significant impact on the emergence of international treaties on human rights.⁷ In the following, I will show in general how human rights NGOs are involved in the work of the Council of Europe (CoE), especially in the ECtHR and I will examine their work and activities on a special focus on Hungary.

2. A Brief Historical Overview of NGOs (Late 18th Century – Present)

² The term "connection" here refers to a direct relationship, i.e., the submission of reports, the intention to provide support in decision-making, legal representation, or participation in (official) proceedings.

³ Fernando, Jude L., and Alan W. Heston: Introduction: NGOs between States, Markets, and Civil Society. *The Annals of the American Academy of Political and Social Science*, 554 (1997) 10.

<http://www.jstor.org/stable/1049563>.

⁴ Mark Riboldi, "A Typology of Civil Society Organisation Activities: A Multi-Grounded Theory Approach to What CSOs Do," *Australian Journal of Political Science* 59, no. 2 (2024): 199,

<https://doi.org/10.1080/10361146.2024.2362211>.

⁵ Venice Commission, "NGOs' Role in Democratic Law-Making: In Its Opinions, the Venice Commission Systematically Recommends Consultation with Civil Society as an Essential Phase of Democratic Law-Making," accessed September 20, 2025, <https://www.coe.int/en/web/civil-society/democracy-through-law-venice-commission>.

⁶ European Commission, "The European Commission's Rule of Law Assessment and Evaluation," accessed September 20, 2025, <https://www.eesc.europa.eu/sites/default/files/files/hungary-report-hu-n.pdf>.

⁷ S. D. Mungle, "The Role of Non-Governmental Organizations (NGOs) in the Protection of Human Rights," *Asia Pacific Journal of Management & Entrepreneurship Research* 1, no. 1 (2012): 148,

<https://www.proquest.com/scholarly-journals/role-non-governmental-organizations-ngos/docview/1426262090/se-2>.

The emergence of modern non-governmental organizations (NGOs) is fundamentally linked to the late 18th-century socioeconomic transformations. The dual impact of the Industrial Revolution—catalyzing urbanization and the rise of the bourgeoisie—alongside political upheavals in France and the United States provided the primary impetus for organized civic action.⁸

2.1 The Minimal State and the Rise of Voluntary Associations

During the 19th century, the prevailing economic orthodoxy of the minimal state restricted government intervention in social affairs.⁹ Consequently, essential welfare, cultural, and educational services were largely fulfilled by private citizens, religious institutions, and voluntary associations. This institutional vacuum allowed civil society to address structural state and market failures, establishing NGOs as critical actors in global governance.¹⁰ A foundational milestone of this era was Henri Dunant's establishment of the International Committee of the Red Cross in 1863.¹¹

2.2 Globalization and Ideological Crises in the 20th Century

The late 19th century witnessed a proliferation of international NGOs (INGOs) driven by early globalization and focusing on peace movements and marginalized groups.¹² Although World War I disrupted this growth, the interwar period experienced a bifurcated development: while humanitarian organizations like Save the Children expanded, totalitarian regimes in Italy, Germany, and the USSR actively instrumentalized civic groups for political control.¹³

The Cold War further polarized the civil sphere along ideological lines, particularly within youth and women's movements.¹⁴ Concurrently, decolonization and the social movements of the 1960s and 1970s shifted transnational priorities toward human rights, environmentalism, and anti-nuclear activism.¹⁵ By the late 20th century, transnational human rights networks actively contributed to the collapse of the Soviet Union, ushering in a new era of globalization that integrated post-Soviet civil societies into the international community.¹⁶

Historically, while NGO initiatives targeting child welfare or humanitarian aid enjoy universal recognition, advocacy in highly polarizing domains has frequently triggered systemic conflict. From the abolitionist cause to the Civil Rights Movement, civic advocacy has intersected with profound social upheaval. In contemporary discourse, this polarization persists regarding issues such as same-sex marriage, abortion, and migration. However, unlike historical precedents, these ideological disputes are now predominantly mediated through international human rights organizations and multilateral judicial frameworks, ensuring an institutionalized and non-violent resolution of normative debates.

⁸ Thomas Davies: The Historical Development of NGOs. In: Hannah Murphy-Gregory, Aynsley Kellow (ed.) *Handbook of Research on NGOs* Cheltenham: Edward Elgar Publishing, 2018, 17.

⁹ Adam Smith, *An Inquiry into the Nature and Causes of the Wealth of Nations* London: W. Strahan and T. Cadell, 1776, 349.

¹⁰ Hildy Teegen, Jonathan P. Doh, and Sushil Vachani: The Importance of Nongovernmental Organizations (NGOs) in Global Governance and Value Creation: An International Business Research Agenda. *Journal of International Business Studies* 35, no. 6 (2004): 467.

¹¹ "Editorial: Democracy, Civil Society and NGOs, *Review of African Political Economy*, no. 55 (1992): 4.

¹² Davies i.m.19-20.

¹³ *ibid.* 21-22.

¹⁴ *ibid.* 23.

¹⁵ *ibid.* 23-25.

¹⁶ *ibid.* 26.

3. The concept and scope of activities of the civil sphere

Defining the civil sphere is a very difficult task because there are many different ideas about the definition.¹⁷ NGOs are generically defined in opposition to the state and for-profit organisations.¹⁸ The three actors have different interests. The market is interested in maximizing economic profit, while the state is interested in economic profit as well as the overall benefit to society, i.e., the public good. Civil society organizations, on the other hand, are interested in symbolic benefits, social recognition because they are doing good and which allows them to exert influence on normative issues that they are passionate about.¹⁹ This “third sector” is the place where citizens can organize to pursue purposes that are important to them, individually and collectively.²⁰

To illustrate the formation of associations, I have presented the economic approach, but I also consider it important to present another interpretation, which is used by the non-profit organization Civicus.²¹ According to Civicus researcher V. Finn Heinrich, "civil society is a space outside the family, the state, and the market where people come together to promote common interests."²² In this study, I will use this concept to refer to civil society and organization, considering that it is easier to apply from a legal perspective.

In addition to defining the concept, it is also important to define the scope of activities. According to Mark Riboldi, three main areas of activity can be identified in the case of civil society, namely '(1) advocate systemically, deliver service and build capacity; (2) 'engage community, manage organisation and work collaboratively; and (3) 'Enabling' activities – conduct research, coordinate network, hold space and provide funding.²³ For the purpose of the study the focus will be on the first category, especially on the advocacy activities, which expresses/represents/monitors interests, and litigation.

4. The connection between the NGOs and “politics”/political activities

Given the multifarious interpretations of the term "politics," this study necessitates a precise conceptualization of how the term will be applied. Political theory traditionally distinguishes between three primary dimensions of the political sphere. The first dimension, politics, pertains to the dynamic processes of acquiring and maintaining power, encompassing partisan competition, electoral campaigns, and parliamentary discourse.²⁴ The second dimension, polity, denotes the institutional and normative framework governing political action. This structural dimension includes elements codified in constitutional law, such as electoral systems, forms of

¹⁷European Commission: *Civil society Landscape in the European Union* p. 10. <https://www.cerv.at/dam/jcr:3a2020a9-8fc5-4052-b49d-053c96e8ee4d/Studie%20Civil%20Society%20Landscape%20in%20the%20EU.pdf> (Accessed 20.09.2025.)

¹⁸ Jude L. Fernando, Alan W. Heston The Role of NGOs: Charity and Empowerment *The Annals of the American Academy of Political and Social Science*, Vol. 554, 1997 p11.

¹⁹ Landorff, Laura, and Anders Uhlin: Why Do Business Leaders, Senior Politicians and Civil Servants Move to Leading Positions in EU Civil Society? Exploring Capital Gains through Boundary Crossing. *European Politics and Society* 2024 80. doi:10.1080/23745118.2024.2355936.

²⁰ Teegen, Hildy, Jonathan P. Doh, and Sushil Vachani: The Importance of Nongovernmental Organizations (NGOs) in Global Governance and Value Creation: An International Business Research Agenda. *Journal of International Business Studies* 35, no. 6 (2004) 464. <http://www.jstor.org/stable/3875234>.

²¹Civicus organisation: *What are the NGOs?* <https://www.civicus.org/index.php/who-we-are/about-civicus> (Accessed 20.09.2025.)

²² Lyons, Mark: Measuring and Comparing Civil Societies. *Cosmopolitan Civil Societies Journal*, Vol.1, No.1, (2009) 76. https://www.researchgate.net/publication/265273455_Measuring_and_Comparing_Civil_Societies

²³Riboldi, i.m. 197.

²⁴ <https://www.aalep.eu/key-definitions-polity-policy-politics-corporate-communications-public-affairs-lobbying-government>

government, and the broader legal architecture.²⁵ Finally, policy refers to the substantive outputs of governance, specifically the exercise of authority directed toward addressing societal challenges and public needs.²⁶

For the purposes of the present research, political activity is conceptualized primarily through the lens of policy. Within this framework, political action is understood to encompass not only state-led initiatives aimed at resolving specific societal issues but also the concerted efforts of non-governmental organizations (NGOs) that pressure the state to address critical imperatives, such as environmental protection and human rights advocacy. Such non-state interventions manifest through diverse mechanisms, including public demonstrations, strategic litigation, and the mobilization of international organizational frameworks for rights enforcement. The conceptual definition of political activity carries profound legal significance, as the democratic framework demands that both citizens and civil society organizations be afforded the widest possible latitude within this sphere. Consequently, any state-imposed limitations on political engagement must remain strictly exceptional and adhered to the highest standards of strict necessity. The crux of this argument rests on historical contingency; historically, civil society organizations operated within a largely unfettered civic space, allowing them to engage in robust advocacy without restrictive state interference. This historically permissive environment enabled these entities to make foundational contributions to the normative advancement of international human rights law.

5. NGOs and civil society in present Hungary

While the activities of civil society organizations are traditionally viewed as largely uncontested efforts aimed at fostering social cohesion, certain segments of the NGO sector operate in highly polarizing domains. This divisiveness frequently originates from deep-rooted ideological fault lines, as illustrated by the contrasting advocacy of pro-life and pro-choice movements. Furthermore, specific NGOs have been thrust into the political spotlight as a direct consequence of state-driven political narratives. Human rights organizations—particularly those advocating for same-sex marriage, equal adoption rights for same-sex couples, or addressing issues framed by the government as "gender ideology"—have increasingly become targets of official rhetoric. Consequently, these organizations face systematic stigmatization, often being labelled by the government as "Soros NGOs" in order to delegitimize their operations within the public discourse.²⁷

Despite the divisiveness surrounding these activities—often a direct consequence of state-driven politicization—their democratic utility remains significant. The advocacy efforts of these organizations function as a crucial manifestation of freedom of expression, while their underlying objectives can, ideally, lay the groundwork for broader social cooperation. Furthermore, while public discourse disproportionately fixates on civil society organizations engaged in ostensibly polarizing issues, these entities constitute a relatively marginal fraction of the broader associational landscape.

²⁵ *ibid.*

²⁶ *ibid.* but more details can be read here: Palonen, Kari. "Four Times of Politics: Policy, Polity, Politicking, and Politicization." *Alternatives: Global, Local, Political* 28, no. 2 (2003): 171–86.

<http://www.jstor.org/stable/40645073>.

²⁷Guardian: *Hungary passes anti-immigrant 'Stop Soros' laws*
<https://www.theguardian.com/world/2018/jun/20/hungary-passes-anti-immigrant-stop-soros-laws> (Accessed: 20.12.2025.)
European Parliament think-tank: Hungary's Pride ban
[https://www.europarl.europa.eu/thinktank/en/document/EPRS_BRI\(2025\)775839](https://www.europarl.europa.eu/thinktank/en/document/EPRS_BRI(2025)775839) (accessed: 10.12.2025.)

According to the 2022 Civil Society Handbook, -supported by the Prime minister’s office- there are 53,007 civil society organizations operating in Hungary. These include 18,667 foundations and 34,340 associations. Among the foundations, 33% are related to education, 17% to social welfare, 16% to culture, and 9% to health care. Among associations, sports clubs (25%), leisure and hobby clubs (24%), and cultural organizations (18%) are the most prevalent.²⁸ Regarding the category ‘other’ those NGOs who dealing with human rights protection, or political activities or running for elections at local level are belonging there.

Distribution of hungarian associations based on their activities

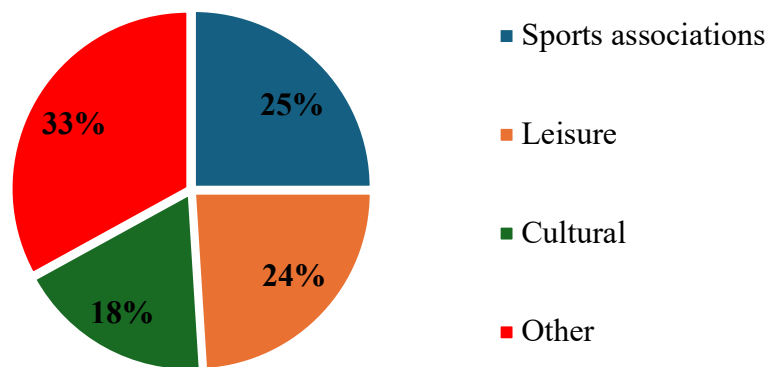


Image: Activities of civil society organizations, own compilation

5.1 NGOs and the protection of fundamental rights in Hungary

The fundamental rights – often referred as human rights – are inherent to all human beings. That is the reason why the states should defend and preserve human rights for all citizens, regardless of their orientation. After WWII the International human rights law lays down obligations of governments to act in certain ways or to refrain from certain acts, in order to promote and protect human rights and fundamental freedoms of individuals or groups.²⁹ The enforcement can take many forms. In the case of first-generation rights, this means the state refraining from action, while in the case of second- and third-generation fundamental rights, it means active state intervention, and in the latter case, it may even mean joint action by states.³⁰

In Hungary, state bodies are obliged to enforce fundamental rights under the Fundamental Law, international treaties, and legislation, but what can individuals or communities do if these rights are violated? They can turn to the courts or the Commissioner for Fundamental Rights, but without adequate assistance, the desired result cannot be achieved, given that the individual or

²⁸ Miniszterelnökség, *Civil kézikönyv 2022: Útmutató a civil szervezetek mindennapi működéséhez* (Miskolc: Esély és Részvétel Közhasznú Egyesület, 2022), accessed September 20, 2025, <http://recic.hu/csongrad/media/2070/civil-k%C3%A9zik%C3%B6nyv-2022.pdf>.

²⁹Fundamental Rights Agency: *What are fundamental rights?* <https://fra.europa.eu/en/content/what-are-fundamental-rights> (Accessed: 20.09.2025.)

³⁰Council of Europe: *The evolution of human rights.* <https://www.coe.int/en/web/compass/the-evolution-of-human-rights> (Accessed: 20.09.2025.)

group of individuals concerned is facing the "powerful" state apparatus. This is where civil society organizations that defend rights come in, as they can help those affected.

Máté Szabó in his book on social movements, writes about the decisive role that civil society organizations play in organizing demonstrations and thus trying to protect the rights of weaker groups. He writes that movements act on a specific issue.³¹ This may be the protection of fundamental rights for certain social groups, the protection of vulnerable or disadvantaged groups such as children, the elderly, or people with disabilities, but it may also be environmental protection or freedom of information, i.e., the transparency of government activities. There are a few examples from history where civil society organizations have been successful in protecting fundamental rights in Hungary, via social pressure such as Bős-Nagymaros (Gabcikovo-Nagymaros) Dam protest in 1988. This environmental rights movement became a symbol of democratic transition and helped to end the socialist era. The FAIR movement and the resistance to tuition fees in 2004 which was successful and protected the equitable access to higher education. In the cases, civil society organizations exerted pressure on the legislative power during their campaigns and via social pressure thus achieved the protection of fundamental rights.

However, there are several examples when NGOs could enforce human rights in Hungary via litigation. Notable example the Hungarian Helsinki Committee in 2006 in the case of excessive police violence³² or the protection of refugees in 2015.³³ As can be seen, civil society organizations are involved in the protection of fundamental rights and have achieved numerous results that are useful in the field of human rights enforcement.

In instances where domestic institutional frameworks prove inadequate in safeguarding and enforcing human rights, NGOs frequently mobilize international mechanisms. Accordingly, the subsequent sections of this study will examine the procedural frameworks through which the CoE ensures human rights compliance, with a particular focus on the integral role that civil society organizations play within this multilateral system.

As demonstrated, civil society organizations play an instrumental role in safeguarding fundamental liberties, achieving significant milestones in the field of human rights enforcement. Within the Hungarian legal order, these entities are structurally empowered to provide direct legal representation and initiate public interest litigation to redress systemic rights violations.³⁴ To facilitate domestic institutional dialogue, the Hungarian government established the Human Rights Working Group (Emberi Jogi Kerekasztal) in 2012, an institutionalized platform currently comprising more than 70 non-governmental organizations.³⁵ This body is tasked with evaluating domestic human rights developments and fostering a consultative discourse between civil society advocates and state authorities to enhance the domestic enforcement of fundamental rights.

³¹ Szabó Máté: *Társadalmi mozgalmak és politikai tiltakozás*. Budapest, Villányi úti konferenciaközpont, 1998 17.

³² Hungarian Helsinki Committee: *About us*. <https://helsinki.hu/rolunk/eredmenyek/> (Accessed: 20.09.2025.)

³³ Hungarian Helsinki Committee: *About us*. <https://helsinki.hu/rolunk/eredmenyek/> (Accessed: 20.09.2025.)

³⁴ Somody Bernadette – Vissy Beatrix: „Az alapjogok védelme”. In: Jakab András – Könczöl Miklós – Menyhárd Attila – Sulyok Gábor (szerk.): *Internetes Jogtudományi Enciklopédia* (Alkotmányjog rovat, rovatszerkesztő: Bodnár Eszter, Jakab András) <http://ijoten.hu/szocikk/az-alapjogok-vedelme> (2019). [7]

³⁵ “Emberi Jogi Kerekasztal,” accessed September 20, 2025, <https://emberijogok.kormany.hu/emberi-jogi-kerekasztal>

However, in instances where national mechanisms fail to adequately protect these guarantees, supranational adjudication serves as a vital secondary avenue. International litigation enables individuals and marginalized groups—who frequently lack effective remedy within their domestic legal architecture—to vindicate their rights at both the national and European levels.³⁶ Building upon this framework, the subsequent sections will analyze the integration and influence of civil society organizations within the CoE mechanism, with a particular focus on the ECtHR. Through a critical review of landmark jurisprudence and contemporary academic literature, this analysis will emphasize the strategic role of Hungarian civil litigation within the European human rights architecture.

6. The Council of Europe

In this section, I will briefly present the main structures of the CoE and mention the bodies in which civil society organisations participate or have a big influence on. In another section I will show the relationship between the NGOs and the ECtHR.

The Council of Europe (CoE), founded in 1949, is Europe’s oldest intergovernmental organization, comprising 46 member states as of 2026. Its primary purpose is to promote democracy, human rights, and the rule of law across the European continent.³⁷

The CoE’s core institutions include the Committee of Ministers, the Parliamentary Assembly (PACE), the Secretary General, the Congress of Local and Regional Authorities, and the European Court of Human Rights (ECtHR). The Committee of Ministers, composed of the foreign ministers of member states or their permanent representatives, acts as the decision-making body and supervises the execution of ECtHR judgments. The Parliamentary Assembly deliberates on democratic standards and elects key CoE officials, including the judges of the ECtHR.³⁸

The European Court of Human Rights, established in 1959 under the European Convention on Human Rights (ECHR), is the CoE’s judicial arm.³⁹ It ensures that member states uphold their obligations under the Convention. Individuals, groups, or NGOs may bring complaints (applications) against states after exhausting domestic remedies. ECtHR judgments are legally binding, and their implementation is monitored by the Committee of Ministers under Article 46(2) of the ECHR. The Court has become a cornerstone of European human rights protection and a model for transnational judicial cooperation.

The Conference of Non-Governmental Organisations operates within the Council of Europe and works to strengthen democracy and the enforcement of human rights at the local level. If they encounter any irregularities, they can report them to the Council’s bodies.⁴⁰ "The Conference brings together approximately 400 international non-governmental organisations

³⁶ Rachel A. Cichowski – “Civil Society and the European Court of Human Rights” APSA 2010 Annual Meeting Paper Vol. 1 issue 1. 2010 pp 1-22. https://papers.ssrn.com/sol3/papers.cfm?abstract_id=1643604 p. 2

³⁷ Council of Europe, “About the Council of Europe: Structure and Activities,” 2023, accessed September 20, 2025, <https://www.coe.int/en/web/about-us/structure>.

³⁸ Council of Europe, “About the Council of Europe: Structure and Activities,” 2023, accessed September 20, 2025, <https://www.coe.int/en/web/about-us/structure>.

³⁹ Council of Europe, “The European Court of Human Rights,” November 9, 2025, accessed September 20, 2025, <https://www.coe.int/en/web/tbilisi/europeancourtsofhumanrights>.

⁴⁰ Council of Europe, “About the Council of Europe: Structure and Activities,” 2023, accessed September 20, 2025, <https://www.coe.int/hu/web/about-us/structure>.

(NGOs). In its work, the Council makes extensive use of the expertise and connections of NGOs with European citizens."⁴¹

In 2005, the body became the fourth pillar of the Council,⁴² alongside the Commission, the Assembly and the Congress of Local and Regional Authorities.⁴³ The Conference has 300 civil society organisations as members and operates in eight committees.⁴⁴ Members are assigned to committees based on their main activities. Among the civil society organisations, we find those fighting against discrimination or corruption, as well as those advocating for women's equality or the protection of children.⁴⁵

By granting the NGOs the right to participate, the idea is to reinforce the notion that civil society is represented by these associations and that they are best placed to reflect society in the country concerned.⁴⁶ Civil society organisations cooperate with the Council's bodies and can draw their attention to any irregularities they have detected. Member states are also monitored by civil society here, but with the difference that the report does not focus on the enforcement of human rights in general, but on the relationship between civil society and the government in question.⁴⁷

Another very interesting development for civil society is that, since 2017, they have been able to report directly to the Committee of Ministers if the state concerned fails to implement a judgment of the ECtHR.⁴⁸ As can be seen, civil society organisations already have considerable power in this area, but it is important to note that the Commission continues to be responsible for monitoring the implementation of judgments, with civil society merely assisting in its work. According to involving these organisations in the supervision process has improved its quality and effectiveness, if one accepts the premise that international human rights treaties work best as in the 'experimentalist governance' mode.⁴⁹

6.1 NGOs and the ECtHR

As I have shown, the work of the Council of Europe is greatly assisted by civil society organisations operating in the member states. So far, I have described how international civil society organisations assist the work of the Parliamentary Assembly and the Committee of Ministers, but the activities of NGOs are also reflected in the ECtHR, and Gaetan Cliquennois has written a very comprehensive work on this subject.

⁴¹Council of Europe, "About the Council of Europe: Structure and Activities," 2023, accessed September 20, 2025, <https://www.coe.int/hu/web/about-us/structure>.

⁴²Council of Europe, "40th Anniversary of the Council of Europe INGO Conference," accessed September 20, 2025, <https://rm.coe.int/CoERMPublicCommonSearchServices/DisplayDCTMContent?documentId=09000016806ebd2>.

⁴³Council of Europe, "Committees of INGOs of the Council of Europe," February 8, 2018, accessed September 20, 2025, <https://www.coe.int/en/web/ingo/committees>.

⁴⁴Council of Europe, "INGO Directory," accessed September 20, 2025, <https://coe-ngo.org/#/ingo-by/aoc>.

⁴⁵"INGO Directory," accessed September 20, 2025, <https://coe-ngo.org/#/ingo-by/aoc>.

⁴⁶Council of Europe, "Information for New Members of the Council of Europe INGO Conference," accessed September 20, 2025, <https://rm.coe.int/coe-cingo-new-representatives/16809eca30>

⁴⁷Council of Europe, "The Conference of INGOs and Country Visits," accessed September 20, 2025, <https://www.coe.int/en/web/ingo/country-visits>.

⁴⁸Council of Europe, "The Committee of Ministers and NGOs," accessed September 20, 2025, <https://rm.coe.int/16806eebf0>.

⁴⁹Aysel Küçüküsu, "Enforcing Rights Beyond Litigation: Mapping NGO Strategies in Monitoring ECtHR Judgement Implementation," *Human Rights Law Review* 22, no. 2 (2022): 1–24.

Cliquennois believes that the protection of human rights has been organised for civil society organisations and that NGOs are able to exert an increasing influence on the ECtHR.⁵⁰ In his book *European Human Rights Justice and Privatisation*, the author writes that around the 2000s, due to the austerity measures of national governments, private funding replaced public funding in the life of associations.⁵¹ He further explains that those who make the largest donations to an association can have a significant influence on the life of that association.⁵²

The study shows how civil society organisations are involved in the work of the ECtHR and how they achieve their goals and have a significant impact on the protection of human rights.⁵³ The author mentions the work of Nicole Bürli⁵⁴, who says there are three ways for civilians to influence courts.

First, she mentions the *amicus curiae* institution, which is important because it helps the court make decisions, but the judge is still responsible for the decision and the judge decide which amicus will be used in the decision making. The assistance provided by civilians as independent third parties, as described by, can be seen in the case of *Al-Skeini and Others v. the United Kingdom*⁵⁵, where the court, referring to the professional knowledge of NGOs, stated that they had relevant knowledge in the assessment of the case.⁵⁶ It is important to note that both parties accepted the involvement of civil society organisations, thus preserving the parties' autonomous decision on who could participate in their case. According to Laura Van den Eynde, amicus curiae briefs by NGOs remind different parties that they are acting as a watchdog, sending a signal to States that they remain vigilant.⁵⁷

In the second case, civil society organisations may appear before the ECtHR as parties to the proceedings. This may be a direct involvement on the one hand, where the organisation itself sues the state, as in the case of *TASZ v. Hungary*.⁵⁸ However, it is also possible, as in the third case, for a civil society organisation to appear as a legal representative and support the injured party, as seen in the case of *Centre for Legal Resources on behalf of Valentin Campenau v. Romania*.⁵⁹

7. NGO's involvement in the ECtHR's work through Hungarian case studies

In Hungary, civil society organisations also appear as direct parties to litigation. These include the case of *TASZ v. Hungary*, in which the lawsuit was initiated due to the refusal of a request for data of public interest and the association ultimately won. Another such case was *Hungarian Helsinki Committee v. Hungary*⁶⁰, in which a human rights organisation sued the state because

⁵⁰Gaëtan Cliquennois, *European Human Rights Justice and Privatisation* (Cambridge: Cambridge University Press, 2022), 2.

⁵¹Cliquennois, *European Human Rights* 1.

⁵²Cliquennois, *European Human Rights* 11.

⁵³Gaëtan Cliquennois and Brice Champetier, "The Economic, Judicial and Political Influence Exerted by Private Foundations on Cases Taken by NGOs to the European Court of Human Rights: Inklings of a New Cold War?" *European Law Journal* 22, no. 1 (2016): 92–126.

⁵⁴Cliquennois, *European Human Rights Justice and Privatisation*, 13.

⁵⁵*Al-Skeini and Others v. The United Kingdom*, no. 55721/07, judgment of July 7, 2011, para. 6.

⁵⁶Cliquennois, *European Human Rights* 30.

⁵⁷Laura Van den Eynde, "An Empirical Look at the Amicus Curiae Practice of Human Rights NGOs before the European Court of Human Rights," *Netherlands Quarterly of Human Rights* (2013): 275.

⁵⁸*Society for Civil Rights v. Hungary*, no. 37374/05, judgment of April 14, 2009, para. 3.

⁵⁹*Valentin Campenau v. Romania*, no. 47848/08, judgment of July 17, 2014, para. 1.

⁶⁰*Hungarian Helsinki Committee v. Hungary*, no. 18030/11, judgment of November 8, 2016, para. 3.

the courts did not provide it with the necessary data, thereby violating its freedom of expression. On the ECHR website, cases brought against the Hungarian state in which a civil society organisation specifically sued the state are few and far between.

However, in many cases, a lawyer who has active links with a civil society organisation⁶¹ has undertaken to provide legal representation in the case. Examples of such cases include *Shahzad v. Hungary*⁶², *Case of Ikotity and Others v. Hungary*⁶³, and *L.F. v. Hungary*⁶⁴. In these cases, legal representation was provided by lawyers who are openly affiliated with human rights NGOs.⁶⁵

From January 2021 to 12 May 2026, a total of 35 judgments have been handed down in cases brought against Hungary.⁶⁶ Of these 35 cases, 26 involved legal representation by lawyers who either work for Human Rights NGOs or collaborate closely with them and disclose this on their own websites. In the case of *Szolcsán v. Hungary*⁶⁷, for example, legal representation was provided by the NGO European Roma Rights Centre. Civil society organisations also appeared in such a way that they were able to make observations with the permission of the judge. This was the case with the Rosa Parks Foundation in the *Szolcsán* case and with *Ordo Iuris* in the case of *R.K. v. Hungary*⁶⁸.

It can also be observed that the same names appear on the legal representation side, which is possible due to the similarity of the cases, as the Hungarian state has been convicted of numerous violations of refugees' rights over the past years, so the activities of the lawyer in question become known for the purpose of gaining experience, and for this reason, more people may turn to them with similar cases. Another reason why the same names often appear in lawsuits is that they are associated with advocacy organisations and therefore carry out legal protection activities on their behalf, such as the protection of refugees or national minorities, etc. In the case of Hungary, it is evident that civil society organizations have played an active role when the state has failed to effectively protect human rights. It is also very encouraging to see that there is an established practice for protecting certain human rights, and that many experienced professionals are available to support this effort.

In Hungary, civil society organisations have appeared on numerous occasions in cases over the past years, either directly or indirectly. This has advantages from a legal protection perspective, as the association either provided legal representation or made professional observations at the request of the court. There have also been cases where the civil society organisation itself was a party to the proceedings and acted to protect the rights to be enforced. As I wrote earlier, Cluett described three ways in which civil society organisations can influence the courts. (*amicus curiae*, direct litigant, or legal representation) If we look only at Hungary in ECtHR cases, this is true to the extent that civil society organisations submit *amicus curiae* briefs and use them during the proceedings. Although the procedural participation of NGOs, leveraging insights from previous litigation, can structurally influence the ECtHR's landmark judgments,

⁶¹ In these cases, either the lawyer works for the organisation but acted independently, or the lawyer openly stated on their website that they actively cooperate with certain civil society organisations (author).

⁶² *Shahzad v. Hungary*, no. 12625/17, judgment of July 8, 2021, para. 2.

⁶³ *Ikotity and Others v. Hungary*, no. 50012/17, judgment of October 5, 2023, para. 2..

⁶⁴ *L.F. v. Hungary*, no. 621/14, judgment of May 19, 2022, para. 2.

⁶⁵ Hungarian Helsinki Committee, Transparency International, TASZ

⁶⁶ [https://hudoc.echr.coe.int/#{languageisocode}:\[ENG\],respondent:\[HUN\],%22documentcollectionid%22:\[GRANDCHAMBER,%22CHAMBER%22\]}](https://hudoc.echr.coe.int/#{languageisocode}:[ENG],respondent:[HUN],%22documentcollectionid%22:[GRANDCHAMBER,%22CHAMBER%22]})

⁶⁷ *Szolcsán v. Hungary*, no. 24408/16, judgment of March 30, 2023, para. 2.

⁶⁸ *R.K. v. Hungary*, no. 54006/20, judgment of June 20, 2023, para. 1.

this dynamic is far removed from direct control. The role of these organizations is properly understood as enriching judicial deliberation. Consequently, this influence is never automatic; it is strictly contingent upon the Court's own receptivity. The ECtHR autonomously determines the extent to which it deems the legal arguments and factual data submitted by civil society to be relevant. This selective filtering mechanism guarantees that civil society engagement does not compromise judicial independence, leaving the ultimate adjudicative authority exclusively in the hands of the Court.

Cliquennois notes that civil society organisations have also "provided" several judges themselves. Cliquennois has compiled a list of which judges were nominated by which countries and which civil society organisations they belonged to.⁶⁹ The associations listed include the Hungarian Helsinki Committee, the Open Society Foundation, the European Roma Rights Centre and the Open Society Justice Initiative. In my opinion, the fact that a judge worked for a particular human rights organisation does not imply any commitment, given that judges are nominated by the state leadership and elected by the General Assembly. Given that judges are required to protect the rights enshrined in the Convention, the fact that a judge previously worked for a human rights organisation such as may even be an advantage. What could be problematic is that these NGOs are the ones that most frequently appear in the work of the ECtHR, either as litigants, *amicus curiae* or legal representatives. In this case, there is a risk of bias due to familiarity.⁷⁰ I could compare the situation to someone who becomes a politician after previously working as a lobbyist. They take on a different role when they are elected, but their previous connections remain. Genki Kimura thinks that this relationship rather interdependent and the NGOs are at the mercy of ECtHR,⁷¹ so it is unlikely that the judges are actually biased.

In 2017, the Open Society Justice Initiative recommended that civil society should also play a greater role in the appointment of ECHR judges.⁷² In this context, it is crucial to delineate the precise parameters of this 'greater role.' If the proposed involvement is confined to providing expert consultations, member states would benefit significantly from nominating individuals with extensive, verifiable experience. Conversely, if this role implies exclusivity—whereby civil society organizations possess a decisive veto over judicial candidacies—it risks undermining democratic legitimacy. Such a mechanism could subject state nominations to the undue influence of unaccountable, non-elected entities. While recommendations emphasizing broader participation and consultation can enhance the selection of highly qualified judges, a critical balance must be maintained to ensure that the primary, sovereign role of member states is not fundamentally diminished. Fortunately, the OSJI's proposal encourages the first option which do not harm the democratic legitimacy.

8. Conclusion

This study has illustrated the multifaceted ways in which civil society organizations engage with the work of the ECtHR. The findings suggest that scholarly claims alleging a capture or 'control' of the Court by NGOs are overextended. Nonetheless, from an analytical perspective, these organizations undeniably possess the capacity to shape the Court's broader environment.

⁶⁹ Cliquennois, *European Human Rights* 159.

⁷⁰ Cliquennois, *European Human Rights*, 161-162.

⁷¹ Genki Kimura, "Changing Society in International Courts: The Complicated Roles of NGOs before the European Court of Human Rights" (Master's thesis, University of Oxford, 2023), abstract.

⁷² Open Society Justice Initiative, *Strengthening from Within* (New York: Open Society Foundations, 2017), 17, accessed September 20, 2025, <https://www.refworld.org/docid/5a2a68444.html>. p. 17

This influence is particularly visible when organizations focus on specialized dimensions of the human rights framework—such as the rights of migrants, LGBTQ+ individuals, or specific minorities. This thematic specialization remains entirely consistent with the broader advancement of international human rights law. Furthermore, global social movements such as #MeToo or Black Lives Matter often act as catalysts, shifting public and institutional focus toward specific rights and mobilizing increased funding for targeted advocacy.

The core imperative, however, remains the preservation of judicial independence and the objective administration of justice. In an era where certain human rights issues—such as those championed by pro-life, pro-choice, or Christian advocacy groups—have become highly polarized along ideological lines, the Court faces a distinct challenge. To maintain its institutional legitimacy, the ECtHR must approach these competing narratives with strict neutrality. The task of the Court is to grant equal consideration to all stakeholders, ensuring that its jurisprudence is not perceived as affording preferential treatment to any singular ideological agenda. As previously noted, the relationship between the ECtHR and NGOs is fundamentally asymmetrical, characterized by a clear institutional hierarchy in which the Court retains supreme authority. Consequently, civil society organizations lack the jurisdictional mandate to usurp or assume the unique adjudicative functions reserved exclusively for the Court, and as it can be seen the Courts work is rather independent from the NGOs.

In addressing the central research questions posed at the outset of this study, it can be concluded that while individual NGOs often focus on specific, isolated categories of rights according to their respective ideological or institutional mandates, this specialization does not inherently undermine the universality of human rights. On the contrary, the targeted advocacy of specialized groups ensures that critical sectors—such as environmental protection, LGBTQI+ rights, migration, or the competing perspectives of pro-life and pro-choice movements—receive dedicated expertise. The potential fragmentation inherent in this issue-specific advocacy does not present a systemic flaw, provided that the overarching pluralistic legal ecosystem contains a diverse array of organizations capable of collectively covering the entire spectrum of human rights. The primary obligation thus shifts to international organizations, which must ensure a balanced, neutral, and comprehensive evaluation of submissions from varying ideological and policy orientations.

In terms of financial sustainability, civil society organizations can cultivate public trust primarily through professional efficacy and transparent fiscal management. While a comprehensive evaluation of NGO activities falls outside the scope of this study, it is critical to reiterate that the ECtHR independently evaluates the jurisprudential merit of each NGO's submission. This institutional vetting serves as a robust safeguard, ensuring that participation is restricted to entities possessing genuine, verifiable expertise.

Concurrently, maintaining public financial disclosures remains an essential benchmark for NGO accountability. However, a crucial caveat must be noted: when regulating these financial frameworks, member states are bound by the obligation not to render NGO operations untenable. The imposition of disproportionate administrative burdens must not be deployed as a mechanism of indirect restriction, thereby undermining the operational survival of civil society

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