THE UNIVERSITY OF NOTTINGHAM

European Master's Degree in Human Rights and Democratisation 2015-2016

HUMAN RIGHTS DEFENDERS ON THE FACE OF SHRINKING CIVIL SOCIETY SPACE

THE CASE OF RUSSIA AND HUNGARY

Author: Mandrit Kamolli Supervisor: Stuart Wallace

Abstract

Civil society has been acknowledged to be of increasing significance within the political science and the social research, emphasising its role in advancing democracy. However, in the recent years, civil society is facing an unpreceded space shrinking. Governments have worked on restricting public space, spying, found controlling and identifying the NGOs that do not comply with restricting laws as 'foreign agent'. The present master's thesis intends to study and explore the aspects of shrinking space of civil society and its effects on human rights defenders with a comprehensive focus on Russia and Hungary as the case study. I have decided to analyse these two countries with the purpose of demonstrating that restricting civil society is not only a phenomenon in countries with problematic human rights records as Russia but also a practice of fully democratic and the European Union countries as Hungary.

Keywords: Civil Society Space, Human Rights Defenders, freedom of speech, association and assembly, Russia, Hungary,

Table of Contents

Introdu	ction	5
Method	ology	7
1. Th	eoretical Framework	8
1.1.	Civil Society and Their Role	8
1.2.	Civil Society Organisations facing restriction of their space of operation	13
1.3.	Human Rights Defenders as Front Line Actor of Civil Society Organisation	ons 18
1.3	1. The Significance of HRDs	20
1.4.	Conclusion	24
2. Th	e Rights Involved in the Shrinking Space of Civil Society	26
2.1.	The Right to Freedom Expression, Association and Assembly	26
2.2.	The Relevance of Article 10 and 11 for CSOs and HRDs	30
2.3.	The Limitations of Article 10 and 11 and the Doctrine of Margin of	
Appı	eciation	35
2.3	.1. The Doctrine of Margin of Appreciation	38
2.4.	Conclusion	41
3. Ru	ssia and Hungary: A Short Historical, Legal, Political Background and the	Issue
of Civi	Society Restriction	42
3.1.	An Overview of Russia's Historical, Legal, Political Background related to	to the
Issue	of Civil Society Restriction	42
3.2.	An Overview of Hungary's Historical, Legal, Political Background relate	d to
the I	sue of Civil Society Restriction	46
3.3.	Russian-Hungarian Interplay in the Civil Society Restriction	51
3.4.	Conclusion	53
4. Th	e CSOs Space Restriction and the Clampdown of HRDs	54
4.1.	CSOs and HRDs Situation in Russia, the Roots of Repression	54
4.1	1. Freedom of Association and the Law on "Foreign Agent"	55
4.	2. CSOs and HRDs Pushed Into the Ambit of the Laws	59
4.2.	CSOs and HRDs Situation in Hungary the Start of Assault	61
4.2	1. Freedom of Association and the Government's "Attack" on NGC)s . 62
4.2	2. Media and Freedom of Speech	66
4.3.	Conclusion	67
5. Lo	ng-Term Perspective of this Action, the EU Membership and the Regional	
Stabilit	7	69
5.1.	Long-Term Perspective	69
5.2.	European Union Role	71
5.3.	Regional Stability	74
Conclu	ion	77