

Wednesday 17 May 2017

P8_TA(2017)0216

Situation in Hungary

European Parliament resolution of 17 May 2017 on the situation in Hungary (2017/2656(RSP))

(2018/C 307/09)

The European Parliament,

- having regard to the Treaty on European Union (TEU), in particular Articles 2, 6 and 7 thereof,
- having regard to the Charter of Fundamental Rights of the European Union, in particular Articles 4, 12, 13, 14, 16, 18 and 21 thereof,
- having regard to the European Convention on Human Rights and the case-law of the European Court of Human Rights, in particular cases *Szabó and Vissy v. Hungary*, *Karácsony and Others v. Hungary*, *Magyar Keresztény Mennonita Egyház and Others v. Hungary*, *Baka v. Hungary*, and *Ilias and Ahmed v. Hungary*,
- having regard to the Universal Declaration of Human Rights and to the numerous United Nations human rights treaties which are binding on all the Member States,
- having regard to the Commission communication of 11 March 2014 entitled ‘A new EU Framework to strengthen the Rule of Law’ (COM(2014)0158),
- having regard to its resolutions of 16 December ⁽¹⁾ and 10 June 2015 ⁽²⁾ on the situation in Hungary, of 3 July 2013 on the situation of fundamental rights: standards and practices in Hungary ⁽³⁾, of 16 February 2012 on the recent political developments in Hungary ⁽⁴⁾ and of 10 March 2011 on media law in Hungary ⁽⁵⁾,
- having regard to the hearing on the situation in Hungary held on 27 February 2017 by its Committee on Civil Liberties, Justice and Home Affairs,
- having regard to the plenary debate on the situation in Hungary of 26 April 2017,
- having regard to the Rome Declaration of the leaders of 27 Member States and of the European Council, the European Parliament and the European Commission of 25 March 2017,
- having regard to Act CLXVIII of 2007 on the promulgation of the Lisbon Treaty amending the Treaty on European Union and the Treaty establishing the European Community adopted by the Hungarian National Assembly on 17 December 2007,
- having regard to Resolution 2162 (2017) of 27 April 2017 of the Parliamentary Assembly of the Council of Europe entitled ‘Alarming developments in Hungary: draft NGO law restricting civil society and possible closure of the European Central University’,
- having regard to the statement by the Council of Europe’s Commissioner for Human Rights of 8 March 2017 on Hungary’s new law allowing automatic detention of asylum seekers, and his letter to the Speaker of the National Assembly of Hungary of 27 April 2017 with a call to reject the proposed draft law on foreign-funded NGOs,
- having regard to the Commission’s decision to open infringement proceedings against Hungary concerning the act amending the National Higher Education Act, as well as other pending and forthcoming infringement procedures against Hungary,

⁽¹⁾ Texts adopted, P8_TA(2015)0461.

⁽²⁾ OJ C 407, 4.11.2016, p. 46.

⁽³⁾ OJ C 75, 26.2.2016, p. 52.

⁽⁴⁾ OJ C 249 E, 30.8.2013, p. 27.

⁽⁵⁾ OJ C 199 E, 7.7.2012, p. 154.

Wednesday 17 May 2017

- having regard to the Commission response to the Hungarian National Consultation ‘Stop Brussels’,
 - having regard to the visit of Commissioner Avramopoulos to Hungary on 28 March 2017,
 - having regard to the letter of the Committee on Civil Liberties, Justice and Home Affairs to Vice-President Timmermans requesting the Commission’s opinion on the compliance of the act amending certain acts related to strengthening the procedure conducted in the guarded border area with the provisions of the Union asylum *acquis*, and as regards the Charter of Fundamental Rights when implementing the measures mentioned in this act,
 - having regard to Rule 123(2) of its Rules of Procedure,
- A. whereas the European Union is founded on the values of respect for human dignity, freedom, democracy, equality, the rule of law and respect for human rights, including the rights of people belonging to minorities, and whereas these values are universal and common to the Member States (Article 2 of the TEU);
- B. whereas the Charter of Fundamental Rights of the European Union is part of EU primary law that prohibits discrimination based on any grounds such as sex, race, colour, ethnic or social origin, genetic features, language, religion or belief, political or any other opinion, membership of a national minority, property, birth, disability, age or sexual orientation;
- C. whereas Hungary has been a Member State of the European Union since 2004, and whereas, according to opinion polls, a large majority of Hungarian citizens are in favour of the country’s EU membership;
- D. whereas the Charter provides that the arts and scientific research shall be free of constraint and that academic freedom shall be respected; whereas it also guarantees the freedom to found educational establishments with due respect for democratic principles;
- E. whereas the freedom of association should be protected, and whereas a vibrant civil society sector plays a vital role in promoting public participation in the democratic process and the accountability of governments towards their legal obligations, including the protection of fundamental rights, the environment and anti-corruption;
- F. whereas the right to asylum is guaranteed, with due respect for the rules of the Geneva Convention of 28 July 1951 and the Protocol thereto of 31 January 1967 relating to the status of refugees, and in accordance with the TEU and the Treaty on the Functioning of the European Union (TFEU);
- G. whereas 91,54 % of asylum applications in 2016 were rejected; whereas since 2015 new laws and procedures adopted in Hungary in the field of asylum have forced all asylum seekers to enter Hungary through a transit zone on Hungarian territory that allows access to a limited number of people per day, e.g. 10 at the moment; whereas NGOs have repeatedly reported that migrants at Hungary’s borders are being summarily forced back to Serbia, in some cases with cruel and violent treatment, without consideration of their claims for protection; whereas the Hungarian Government has failed to fulfil its obligations to relocate asylum seekers in accordance with EU law;
- H. whereas the Commissioner for Human Rights of the Council of Europe has declared that ‘due to sweeping changes introduced in Hungary in asylum law and practice over recent months, asylum seekers returned there run a considerable risk of being subject to human rights violations’ in relation to the written observations he submitted on 17 December 2016 to the European Court of Human Rights regarding two complaints against Austria concerning the transfer of applicants from Austria to Hungary under the Dublin III Regulation;
- I. whereas 11 refugees, referred to as the ‘Röske 11’, present on 16 September 2016, the day after Hungary closed its border with Serbia, have been charged with committing an act of terror and sentenced to prison, including Ahmed H., a Syrian resident in Cyprus sentenced to 10 years in prison in an unfair trial in November 2016 on the sole grounds of using a megaphone to ease tensions and of throwing three objects at the border police;

Wednesday 17 May 2017

- J. whereas since the adoption of its resolution of 16 December 2015, concerns have been raised about a number of issues, namely the use of public spending, attacks against civil society organisations and human rights defenders, the rights of asylum seekers, mass surveillance of citizens, freedom of association, freedom of expression, media pluralism and the closure of the newspaper *Népszabadság*, Roma rights, including the eviction of Roma in Miskolc and segregation of Roma children in education, LGBTI rights, women's rights, the judiciary system, including the possibility to hand down a sentence of life imprisonment without parole, the forced eviction of Hungarian NGOs Roma Parliament and Phralipe Independent Gypsy Organisation from their headquarters, and the risk of closure of the Lukács Archives;
- K. whereas the content and the language used in the national consultation 'Stop Brussels' — a national consultation on immigration and terrorism and the accompanying advertising campaigns by the government — are highly misleading and biased;
- L. whereas in the case of *Szabó and Vissy v. Hungary* the European Court of Human Rights ruled that Hungarian legislation on secret anti-terrorist surveillance introduced in 2011 had been a violation of the right to respect for private and family life, the home and correspondence; whereas in the case of *Ilias and Ahmed v. Hungary* the Court found a violation of the right to liberty and security, the right to have an effective remedy concerning the conditions in the Röszke transit zone and the right to be protected from inhuman or degrading treatment as regards the applicants' expulsion to Serbia; whereas in the case of *Baka v. Hungary* the Court ruled that Hungary had violated the right to a fair trial and the freedom of expression of András Baka, the former President of the Hungarian Supreme Court;
- M. whereas the most recent developments in Hungary, namely the act amending certain acts related to increasing the strictness of procedures carried out in the areas of border management and asylum, the act amending the National Higher Education Act, which poses a direct threat to the Central European University and which has triggered large public disapproval, and the proposed Act on the Transparency of Organisations Receiving Support from Abroad (Hungarian Parliament Bill T/14967) have given rise to concerns regarding their compatibility with EU law and the Charter of Fundamental Rights;
1. Recalls that the values enshrined in Article 2 TEU must be upheld by all EU Member States;
 2. Regrets that the developments in Hungary have led to a serious deterioration of the rule of law, democracy and fundamental rights over the past few years, inter alia, freedom of expression, academic freedom, the human rights of migrants, asylum seekers and refugees, freedom of assembly and association, restrictions and obstructions to the activities of civil society organisations, the right to equal treatment, the rights of people belonging to minorities, including Roma, Jews and LGBTI people, social rights, the functioning of the constitutional system, the independence of the judiciary and of other institutions and many worrying allegations of corruption and conflicts of interest, which, taken together, could represent an emerging systemic threat to the rule of law in this Member State; believes that Hungary is a test for the EU to prove its capacity and willingness to react to threats and breaches of its own founding values by a Member State; notes with concern that developments in some other Member States show worrying signs of similar undermining of the rule of law as in Hungary;
 3. Calls on the Hungarian Government to engage in a dialogue with the Commission on all issues mentioned in this resolution, in particular the human rights of migrants, asylum seekers and refugees, freedom of association, freedom of education and academic research, segregation of Roma in education, and protection of pregnant women in work; reiterates that both sides should engage in such a dialogue in an impartial, evidence-based and cooperative way; calls on the Commission to keep Parliament informed of its assessments;
 4. Expresses its concerns at the latest declarations and initiatives by the Hungarian Government, in particular as regards maintaining the 'Stop Brussels' consultation campaign and the investigative measures targeting foreign employees of the Central European University, as well as the statements by the leaders of the ruling party opposing any legislative change addressing the recommendations made by EU institutions and international organisations; regrets that such signals do not demonstrate a clear commitment by the Hungarian authorities to fully ensuring that its actions comply with EU primary and secondary law;

Wednesday 17 May 2017

5. Calls on the Commission to strictly monitor the use of EU funds by the Hungarian Government, in particular in the fields of asylum and migration, public communication, education, social inclusion, and economic development, so as to ensure that any co-financed project is fully compliant with both EU primary and secondary law;
6. Calls on the Hungarian Government in the meantime to repeal the act amending certain acts related to increasing the strictness of procedures carried out in the areas of border management and asylum and the act amending the National Higher Education Act, and to withdraw the proposed Act on the Transparency of Organisations Receiving Support from Abroad (Hungarian Parliament Bill T/14967);
7. Urges the Hungarian Government to immediately suspend all deadlines in the act amending the National Higher Education Act, to start immediate dialogue with the relevant US authorities in order to guarantee the future operations of the Central European University issuing US-accredited degrees, and to make a public commitment that the university can remain in Budapest as a free institution;
8. Regrets that the Commission did not respond to Parliament's call to activate its EU framework to strengthen the rule of law, as contained in its resolutions of 10 June 2015 and 16 December 2015 on the situation in Hungary, in order to prevent, through a dialogue with the Member State concerned, an emerging systemic threat to the rule of law from escalating further; takes the view that the current approach taken by the Commission focuses mainly on marginal, technical aspects of the legislation while ignoring the trends, patterns and combined effect of measures on the rule of law and fundamental rights; believes that infringement proceedings, in particular, have failed in most cases to lead to real changes and to address the situation more broadly;
9. Believes that the current situation in Hungary represents a clear risk of a serious breach of the values referred to in Article 2 of the TEU and warrants the launch of the Article 7(1) TEU procedure;
10. Instructs its Committee on Civil Liberties, Justice and Home Affairs therefore to initiate the proceedings and draw up a specific report with a view to holding a plenary vote on a reasoned proposal calling on the Council to act pursuant to Article 7(1) of the TEU, in accordance with Rule 83 of its Rules of Procedure;
11. Reiterates the need for a regular process of monitoring and dialogue involving all Member States in order to safeguard the EU's fundamental values of democracy, fundamental rights and the rule of law, involving the Council, the Commission and Parliament, as put forward in its resolution of 25 October 2016 on the establishment of an EU mechanism on democracy, the rule of law and fundamental rights ⁽¹⁾ (DRF Pact) and also to avoid double standards;
12. Instructs its President to forward this resolution to the Commission and the Council, to the President, Government and Parliament of Hungary, and to the governments and parliaments of the Member States and the Council of Europe.

⁽¹⁾ Texts adopted, P8_TA(2016)0409.