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Hungary: Q&A on Sargentini Report on the rule of law

On Wednesday 12 September, the European Parliament will vote on the report on Hungary by the Dutch Green MEP Judith Sargentini. If a two-thirds majority supports Sargentini's conclusions, then for the first time in history the European Parliament will conclude that in an EU country there is a clear risk of a serious breach of democracy, fundamental rights and rule of law.

Sargentini calls on her colleagues Members of Parliament to show their true colors and to stop standing by and watch how a healthy democratic European country is being undermined by its own government.

It is time to send the Hungarian government a clear signal, says Sargentini. *"The European Union has a duty to protect the rights of all its citizens. Citizens of the European Union and of Hungary cannot longer rely on fair and honest treatment by the Hungarian government."*

1. Why is Sargentini's report special?

The central question in Sargentini's research is if the Hungarian government in fact broke down the rule of law in order to justify a trigger of Article 7. This procedure is an emergency brake for countries that hollow out European values. The European Parliament can take the initiative if it concludes that there is a clear risk for a serious breach of European values.

These European values are mentioned in Article 2 of the European Treaty:

"The 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 persons belonging to minorities. These values are common to the Member States in a society in which pluralism, non-discrimination, tolerance, justice, solidarity and equality between women and men prevail."

An Article 7 procedure could have the ultimate consequence that Hungary would lose its right to vote in the Council. This is the first time the European Parliament will speak out on the establishment of such a procedure.

2. Can you name examples of risks of a breach of European values in Hungary?

Disappearing independent media: This summer, the last independent TV-station in Hungary, HírTV, was taken-over (bought) by a friend of Prime Minister Viktor Orbán. The station changed overnight to a mouthpiece of the Hungarian government.

Government policy breaching academic freedom: For more than a year the Central European University (CEU), a renowned university in Budapest, is in legal limbo on its status. The university fulfills all requirements of the Hungarian law of 2017, but a last step, an agreement between Hungary and the United States, which can only be initiated by the Hungarian government, has not been effectuated. Students and teachers do not know for how long they can study or teach at the university.

Misuse of EU funds: EU funds for improving the lives of Hungarian citizens are being used for private purposes (and disappear into the pockets of corrupt friends and family members of Orbán and his party associates). European taxpayers contributed to a nostalgic train line between the two villages where Orbán grew up. On a six kilometer track that was supposed to have 2,500 passengers a day only hundreds travel.

Nepotism in the judiciary: restricting the independence of the judiciary. The Hungarian government forced judges to go on early retirement and put its own people in their places. Although the European Court slapped the wrist of Hungary for lowering the retirement age (and as a result, Hungary again lifted the retirement age), the retired judges were not let back to their positions.

3. What is the conclusion of Sargentini's report?

Sargentini spent the last year doing extensive research on the situation in Hungary. She spoke in Budapest and Brussels with representatives of the Hungarian government, with human rights groups and international organisations including the Council of Europe, the European Union Agency for Fundamental Rights and the United Nations.

A broad range of research studies by independent organisations show that the rule of law in Hungary deteriorated because of policies of the Hungarian government. Sargentini: *"The facts don't lie. I cannot conclude anything else than that there is a risk of a serious and systemic breach of the European values that we all share."*

"For years we have seen that Viktor Orbán, the Hungarian Prime Minister, just shoves aside all norms and values of the European Union", says Sargentini. *"If a country clearly no longer underwrites our shared values, we have to intervene before the situation deteriorates to an authoritarian regime."*

How much support does Sargentini have?

All relevant parliamentary committees discussed and adopted Sargentini's report, including the committees for Civil Liberties, Budget and Constitutional Affairs. In those committees, Sargentini received support from Members across a broad political spectrum.

Also within the group of the European People's Party (EPP), the political group that includes Fidesz, the Hungarian ruling party, there is growing support for Sargentini's report. Members are no longer choosing to take a blind eye to the increasingly repressive policies of the Hungarian government.

5. How is the voting procedure?

On Tuesday 11 September, at 15.00, in Strasbourg, the European Parliament will debate the report in plenary. A vote on the report will be held on Wednesday 12 September between 12h and 14h. The report will be adopted, if a minimum of two thirds of the voting Members will vote in favour, with a minimum requirement of 376 voting Members in total. If Members do vote, but abstain, their vote will count as a no-vote.

6. Why is this vote so important for Europe?

If the Sargentini report will be adopted, it will be the first time that the European Parliament takes the ultimate step in calling for an EU country to be held to account because democracy is failing. This will not only have consequences for Hungary, but will also give a strong signal to other EU countries where EU values are under pressure, such as Poland or Romania.

Sargentini: *“This makes it so important that all Members of this Parliament must speak out. The choice is clear: Do they side with the status quo of large groups defending each other? Or do they dare to make a bold choice and protect our common European values: democracy, protection by the rule of law and freedom of expression?”*

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