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Situation in Hungary

Greens/EFA motion for resolution

Tabled by ***Ulrike Lunacek, Judith Sargentini, Monika Vana, Bodil Ceballos, Igor Soltes, Benedek Jávor, Ernest Urtasun*** *on behalf of the Greens/EFA group*

The European Parliament, – having regard to the preamble to the Treaty on European Union, in particular the second and the fourth to seventh indents thereof, – having regard in particular to Articles 2, 3(3), second indent, 6 and 7 TEU, and to the articles of the TEU and the TFEU relating to respect for, and the promotion and protection of, fundamental rights in the EU, – having regard to the Charter of Fundamental Rights of the European Union of 7 December 2000, which was proclaimed on 12 December 2007 and entered into force with the Treaty of Lisbon on 1 December 2009, – having regard to the Convention for the Protection of Human Rights and Fundamental Freedoms (ECHR), Protocols Nos 6 and 13 thereto concerning the abolition of the death penalty, the case-law of the European Court of Human Rights, and the conventions, recommendations, resolutions and reports of the Parliamentary Assembly, the Committee of Ministers, the Commissioner for Human Rights and the Venice Commission of the Council of Europe, – having regard to the International Covenant on Civil and Political Rights and the Second Optional Protocol aiming at the abolition of the death penalty, – having regard to its resolution of 3 July 2013 on the situation of fundamental rights: standards and practices in Hungary (pursuant to the European Parliament resolution of 16 February 2012)[1], – having regard to its resolution of 27 February 2014 on the situation of fundamental rights in the European Union (2012)[2], – having regard to the Commission communication of 19 March 2014 entitled 'A new EU Framework to strengthen the Rule of Law' (COM(2014)0158), – having regard to the report of 16 December 2014 by the Council of Europe Commissioner for Human Rights following his visit to Hungary from 1 to 4 July 2014, – having regard to the plenary debate on democracy, the rule of law and fundamental rights in Hungary held in the European Parliament on 21 October 2014, – having regard to the conclusions of the Council of the European Union and the Member States meeting within the Council of 16 December 2014 on ensuring respect for the rule of law, – having regard to the hearing on the situation of human rights in Hungary held on 22 January 2015 by the Committee on Civil Liberties, Justice and Home Affairs, – having regard to the Council and Commission statements presented at the plenary debate held in the European Parliament on 11 February 2015 on an EU framework for democracy, the rule of law and fundamental rights, - having regard to the exchange of views further to the Conference of Presidents' decision of 30 April on the possible effects, including on its rights and status as a member of the European Union, if a Member State decided to reintroduce the death penalty, held on 7 May 2015 by the Committee on Civil Liberties, Justice and Home Affairs, – having regard to the Council and Commission statements presented at the plenary debate held in the European Parliament on 19 May 2015 on the situation in Hungary, – having regard to Rule 123(2) of

its Rules of Procedure, A. whereas 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 people belonging to minorities, and whereas 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; B. whereas the Charter of Fundamental Rights of the European Union prohibits any discrimination based on any ground 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 the death penalty should be abolished and no one should be sentenced to death or executed; D. 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 Treaty on European Union and the Treaty on the Functioning of the European Union; E. whereas recent developments in Hungary, and in particular over the past twelve months, have led to a serious deterioration of the situation as regards the independence of civil society organisations, the fight against intolerance and discrimination, the human rights of immigrants, asylum seekers and refugees, freedom of assembly and association, media freedom and pluralism, the rights of people belonging to minorities, and the independence of the judiciary; F. whereas on 24 April 2015 the Hungarian Government launched a national consultation on immigration, publishing a questionnaire consisting of twelve questions to be addressed to every Hungarian citizen aged 18 or over; whereas most of the questions clearly appear to be of a suggestive and rhetorical nature, establishing a biased and direct link between migratory phenomena and security threats; whereas the replies to the questionnaire are to be complemented by personal data, thus revealing people's political opinions in violation of data protection rules; G. whereas Hungarian Prime Minister Viktor Orbán declared in a speech in Pécs on 28 April 2015 that the death penalty issue be put back on the agenda in Hungary, and made similar statements on 1 May 2015 in an interview on national public radio, adding that the decision to reintroduce the death penalty should be the sole competence of a Member State; H. whereas, apart from oral statements and declarations to the press and on social media, the Commission has not taken any formal steps or action in respect of the most recent developments in Hungary, or published any official communication in response to the misleading consultation launched by the Hungarian Government or to the statements on the death penalty made by Hungarian Prime Minister Viktor Orbán; I. whereas, in its statement presented at the plenary debate held in the European Parliament on 19 May 2015 on the situation in Hungary, the Presidency of the Council declared that the Council had not discussed the situation in Hungary and therefore had not adopted any formal position on the matter; J. whereas efforts to address the current situation in Hungary should not aim to single out a particular Member State or government but fulfil a collective obligation on all the EU institutions, and in particular the Commission as the guardian of the Treaties, to ensure the application of, and compliance with, the Treaties and the Charter across the Union and in every Member State; 1. Insists that the death penalty is incompatible with the values of respect for human dignity, freedom, democracy, equality, the rule of law and respect for human rights on which the Union is founded, and that any Member State reintroducing the death penalty would therefore be in violation of the Treaties and of the EU Charter of Fundamental Rights; recalls that a serious breach by a Member State of the values referred to in Article 2 TEU would trigger the procedure set out in Article 7 TEU; 2. Strongly condemns the repeated statements by Hungarian Prime Minister Viktor Orbán instigating a debate on the potential reintroduction of the death penalty in Hungary, thus institutionalising and fuelling a concept that is in blatant breach of the values on which the Union is founded; deplores the fact that a Member State's head of government is deliberately questioning respect for human dignity and human rights by opening such a discussion, which is motivated mainly by internal political goals; 3. Denounces in the strongest terms the public consultation on migration initiated by the Hungarian Government, relying on xenophobic misconceptions and the equating of migrants seeking asylum with security threats; condemns the bias and misuse of this public consultation, supported by government resources, for the purpose of spreading a rhetoric of hatred that is incompatible with the values on which the Union is founded; calls on the Hungarian Government to immediately end the current consultation process and disregard the results; 4. Deplores the absence of a reaction from the Council to the most recent developments in Hungary and denounces the lack of commitment by Member States to ensuring respect for the rule of law as specified in the Council conclusions of 16 December 2014;

asks the Council of the European Union and the European Council to hold a discussion and adopt conclusions on the situation in Hungary at their next meeting; 5. Urges the Commission to activate the first stage of the EU framework to strengthen the rule of law, and therefore to initiate immediately an in-depth monitoring process concerning the situation of democracy, the rule of law and fundamental rights in Hungary, assessing potential systematic or serious breaches of the values on which the Union is founded, according to Article 2 TEU; asks the Commission to present a report on this matter to Parliament and the Council before September 2015; 6. Calls on the Commission to present a legislative proposal for the establishment of an EU scoreboard on democracy, the rule of law and fundamental rights which relies on common and objective indicators and assesses on a yearly basis the situation of fundamental rights and compliance with the Union's values, as stipulated in Article 2 TEU, in every Member State, and which incorporates appropriate binding and corrective gradual mechanisms; invites the Commission, to this end, to propose changing the mandate of the EU Agency for Fundamental Rights to include monitoring of the situation of fundamental rights in each Member State both within and beyond the application of EU law, taking into account the conclusions of international organisations and courts; 7. Instructs its President to forward this resolution to the Commission, the Council, the President, Government and Parliament of Hungary, the governments and parliaments of the Member States and the candidate countries, the EU Agency for Fundamental Rights, the Council of Europe and the Organisation for Security and Cooperation in Europe.;

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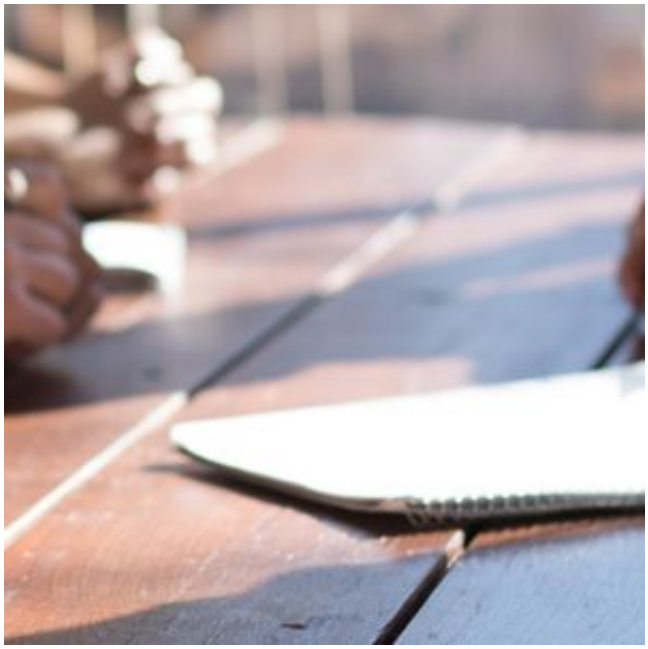
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