



The Greens | European Free Alliance
in the European Parliament

To:

Mr Jean-Claude Juncker,
President of the European Commission

Mr Frans Timmermans,
Vice-President of the European Commission

Subject: Recent developments in Hungary

Brussels, 22 September 2015

Dear Mr President Juncker,
Dear Mr Vice-President Timmermans,

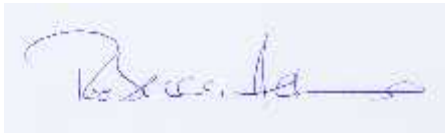
The Hungarian Parliament has recently adopted a certain number of legislative measures in the context of the current refugee crisis. These measures amend asylum and criminal law and their compliance with EU and international law is in question. Another red line was crossed yesterday with the adoption by a two-thirds majority of the Hungarian Parliament of a new set of measures which strengthen the powers of the police and army, giving them the right to use force against refugees and asylum seekers.

The Greens/EFA group is alarmed about the compatibility of these measures with EU and international law. We therefore urge the European Commission to investigate any possible breaches of fundamental rights by the Hungarian Government, especially of the Asylum Qualification Directive, with a particular focus on certain aspects of these legislative measures, such as:

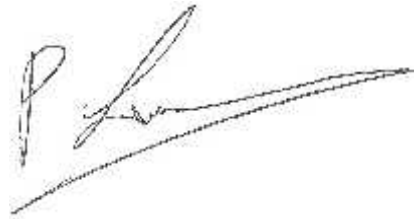
- Whether the use of force is proportionate and compliant with the prohibition of inhuman and degrading treatment and the right to asylum under international law;
- Whether the treatment of asylum seekers inside the country is compliant with the prohibition of inhuman and degrading treatment and the right to asylum under international law and EU law, in particular, with the Reception Conditions Directive;
- Whether criminalisation of irregular border crossing, which is also used as a means to deny asylum, is proportionate under Article 4(3) of the Schengen Borders Code and compliant with the right to asylum under international law and EU law, in particular, with the Asylum Qualification Directive;
- Whether the accelerated procedure and return of asylum seekers to Serbia is compliant with the right to asylum under international law and EU law, in particular, with the Asylum Procedures Directive;

- Whether the treatment of children on an equal footing with adults is compliant with the right to asylum and the rights of a child under international law;
- Whether the changes in criminal procedure concerning search of premises, court proceedings and possibilities to appeal in cases relating to irregular migration is compliant with the right to a fair trial, the right to privacy and general principles of criminal procedure under international law..

All the above-mentioned aspects concern Fundamental Rights - Article 18 of the Charter of Fundamental Rights does recognize the right to Asylum - which are at the core of the European Union's values as enshrined by Article 2 of the Treaty on European Union (TEU). We are concerned by the direction the Hungarian Government is taking, following years of grave and systematic conflict with and breach of EU values. We therefore urge the European Commission to take concrete action to compel the Hungarian government to respect the Charter of Fundamental Rights and European values. Should the Hungarian government not fulfil its obligations, we call on the European Commission to take every appropriate measure and fully involve the European Parliament.



Rebecca Harms



Philippe Lamberts

Co-Presidents
Greens/EFA Group in the European Parliament