



TEXTS ADOPTED

Provisional edition

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Situation in Hungary

European Parliament resolution of 10 June 2015 on the situation in Hungary (2015/2700(RSP))

The European Parliament,

- having regard to the preamble to the Treaty on European Union (TEU), 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 Treaty on the Functioning of the European Union (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 in Strasbourg and entered into force with the Treaty of Lisbon in December 2009,
- having regard to Articles 1, 2 and 19 of the Charter of Fundamental Rights of the European Union,
- having regard to Protocol No 13 to the Council of Europe Convention for the Protection of Human Rights and Fundamental Freedoms, concerning the abolition of the death penalty in all circumstances,
- having regard to the Convention for the Protection of Human Rights and Fundamental Freedoms (ECHR), 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 Human Rights Commissioner and the Venice Commission of the Council of Europe,
- 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)¹,

¹ Texts adopted, P7_TA(2013)0315.

- 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 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 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 2015 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) and (4) 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 persons 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 (Article 2 TEU);
- 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 abolition of the death penalty is a precondition for membership of the EU, with the EU holding a strong and principled position against the death penalty, the abolition of which is a key objective of its human rights policy;
- 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 TEU and the TFEU;
- E. whereas the Charter of Fundamental Rights of the European Union and the European Convention on Human Rights have been fully incorporated into the Hungarian constitution; whereas recent developments in Hungary have, however, led to concerns over the situation in the country;

¹ Texts adopted, P7_TA(2014)0173.

- F. whereas on 28 April 2015 following recent events in Hungary, the Hungarian Prime Minister, Viktor Orbán, made a statement concerning the need for public debate on the death penalty; whereas on 30 April 2015 the President of the European Parliament, Martin Schulz, issued a press release stating that Viktor Orbán had assured him that the Hungarian Government has no plans to take any steps to reintroduce the death penalty and will comply with and honour all European treaties and legislation; whereas Viktor Orbán reiterated similar statements on 1 May 2015, however, during an interview on national public radio, adding that the decision to reintroduce the death penalty should fall under the sole competence of the Member States, thus deviating from the provisions of the EU Treaties;
- G. whereas in May 2015 the Hungarian Government launched a public consultation on migration, having held a number of similar consultations in the past on other issues; whereas public consultation can be an important and valuable tool for governments to develop policies that can count on the support of the population; whereas the questions have received criticism regarding their leading and rhetorical nature, establishing a direct link between migratory phenomena and security threats;
- H. whereas during the exchange of views in the Committee on Civil Liberties, Justice and Home Affairs the majority of the political groups shared the view that the reintroduction of the death penalty and the questions asked in the public consultation were unacceptable;
- 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 of the European Union declared that the Council had not discussed the situation in Hungary and therefore not adopted any formal position on that 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 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; reaffirms in the most adamant manner that the abolition of the death penalty constitutes a milestone in the development of fundamental rights in Europe;
 2. Recalls that a serious breach by a Member State of the values referred to in Article 2 TEU would trigger the ‘Article 7’ procedure;
 3. Condemns the repeated statements made by Hungarian Prime Minister Viktor Orbán instigating a debate on a potential re-establishment of the death penalty in Hungary, thus institutionalising and fuelling a concept which is in breach of the values on which the Union is founded; notes, therefore, the statement made by Viktor Orbán not to reintroduce capital punishment in Hungary, and underlines the responsibility of a prime minister as head of government to promote EU values and to lead by example;
 4. Notes that Member States have the sovereign right to launch national consultations; recalls, however, that consultations should reflect the readiness of governments to exercise

responsible governance aimed at securing democratic political solutions and respect for fundamental European values;

5. Denounces the public consultation on migration and the related country-wide billboard campaign initiated by the Hungarian Government, and stresses that the content and language used in the particular consultation launched in Hungary, on immigration and terrorism, are highly misleading, biased and unbalanced, establishing a biased and direct link between migratory phenomena and security threats; points out that replies to the online questionnaire are to be complemented by personal data, thus revealing one's political opinions in violation of data protection rules; calls, therefore, for this consultation to be withdrawn;
6. Regrets the fact that the public consultation casts blame on the EU institutions and their policies without also acknowledging the responsibility of the Member States in these areas; recalls that the Member States are fully involved in the EU legislative process;
7. Invites all Member States to participate in a constructive manner in the current discussion on the European Agenda on Migration, which affects equally internal, external and development policies that have to be implemented in the EU;
8. Believes that all Member States have to comply fully with EU law in their legislative and administrative practice, and that all legislation, including the primary law of any Member State or candidate country, has to reflect and be in accordance with basic European values, namely democratic principles, the rule of law and fundamental rights;
9. 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 Conclusions of the Council of the European Union of 16 December 2014; urges the Council of the European Union and the European Council to hold a discussion and adopt conclusions on the situation in Hungary;
10. Notes that these recent developments have led to concerns regarding the principles of the rule of law, democracy and fundamental rights in Hungary over the past year, which, taken together, could represent an emerging systemic threat to the rule of law in this Member State;
11. 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 a potential systemic serious breach of the values on which the Union is founded as per Article 2 TEU, including the combined impact of a number of measures exacerbating the state of democracy, the rule of law and fundamental rights, and evaluating the emergence of a systemic threat to the rule of law in that Member State that could develop into a clear risk of a serious breach within the meaning of Article 7 TEU; asks the Commission to report back on this matter to Parliament and the Council before September 2015;
12. Calls on the Commission to present a proposal for the establishment of an EU mechanism on democracy, the rule of law and fundamental rights, as a tool for compliance with and enforcement of the Charter and Treaties as signed by all Member States, relying on common and objective indicators, and to carry out an impartial, yearly assessment on the situation of fundamental rights, democracy and the rule of law in all Member States,

indiscriminately and on an equal basis, involving an evaluation by the EU Agency for Fundamental Rights, together with appropriate binding and corrective mechanisms, in order to fill existing gaps and to allow for an automatic and gradual response to breaches of the rule of law and fundamental rights at Member State level; instructs its Committee on Civil Liberties, Justice and Home Affairs to contribute to the development and elaboration of this proposal in the form of a legislative own-initiative report to be adopted by the end of the year;

13. 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.