



Plenary sitting

3.6.2015

B8-0536/2015

MOTION FOR A RESOLUTION

to wind up the debate on the statements by the Council and the Commission
pursuant to Rule 123(2) of the Rules of Procedure
on the situation in Hungary
(2015/2700(RSP))

Birgit Sippel, Péter Niedermüller, Tanja Fajon, Jörg Leichtfried, Sylvie Guillaume, Sylvia-Yvonne Kaufmann, Kashetu Kyenge, Marju Lauristin, Soraya Post, Josef Weidenholzer, Hugues Bayet, Vilija Blinkevičiūtė, Miltiadis Kyrkos, Emilian Pavel, Kati Piri, Christine Revault D’Allonnes Bonnefoy, Elly Schlein, Eider Gardiazabal Rubial, Eric Andrieu, Andi Cristea, Viorica Dăncilă, Victor Negrescu, Peter Simon, Tibor Szanyi, Pedro Silva Pereira, Georgi Pirinski, Jakob von Weizsäcker, Renata Briano, Eugen Freund, Miroslav Poche, Doru-Claudian Frunzulică, Sergio Gutiérrez Prieto, Jens Nilsson, Alessia Maria Mosca, José Blanco López, Nikos Androulakis, Francisco Assis, Siôn Simon, Nicola Caputo, Csaba Molnár, Nicola Danti, Demetris Papadakis, Brando Benifei, Maria Grapini, Goffredo Maria Bettini, Gabriele Preuß, Anneliese Dodds, Carlos Zorrinho, Iris Hoffmann, Elena Gentile, Caterina Chinnici
on behalf of the S&D Group

**European Parliament resolution on the situation in Hungary
(2015/2700(RSP))**

The European Parliament,

- having regard to the preamble of the Treaty on European Union (TEU), in particular the second and the fourth to seventh indents thereof,
- having regard in particular to Article 2, Article 3(3), second indent, and Articles 6 and 7 TEU, and to the articles of the TEU and of the Treaty on the Functioning of the European Union (TFEU) relating to respect for, and 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 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)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 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 its 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

¹ Texts adopted, P7_TA(2013)0315.

² Texts adopted, P7_TA(2014)0173.

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 the statements by Vice-President of the European Commission Frans Timmermans during the plenary debate of 19 May 2015 on the situation in Hungary, in which he stated that reinstating the death penalty would be contrary to EU fundamental values and could trigger EU Treaty Article 7, which provides for the possibility of depriving a Member State of its voting rights in the Council,
 - 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 mutual trust among the Member States and the confidence of all EU citizens and national authorities in the legal systems of all other Member States, especially as regards the functioning of the rule of law, is particularly vital for the further development of the EU into an area of freedom, security and justice without internal frontiers; whereas the rule of law is a prerequisite for upholding all rights and obligations deriving from the Treaties and from international law;
- C. 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;
- D. whereas no one should be condemned to death or executed;
- E. 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 establishing the European Community;
- F. whereas recent developments in Hungary, and in particular over the past 12 months, have led to a serious deterioration in the situation as regards media freedom and pluralism, the fight against intolerance and discrimination, the human rights of immigrants, asylum seekers and refugees, freedom of assembly and association, the independence of civil society organisations, the rights of people belonging to minorities, and the independence of the judiciary;

- G. whereas the Hungarian Government announced on 24 April 2015 the launch of a national consultation on immigration, publishing a questionnaire of 12 questions to be addressed to every Hungarian citizen over the age of 18, and whereas most of the questions are of a clearly leading and rhetorical nature, establishing a biased and direct link between migratory phenomena and security threats;
- H. whereas Hungarian Prime Minister Viktor Orbán made similar suggestions back in 2002 and again declared in a speech made in Pécs on 28 April 2015 that the question of the death penalty should be put back on the agenda in Hungary, and whereas he reiterated similar statements on 1 May 2015 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; whereas the debate initiated on the death penalty is dangerous and damaging;
- I. whereas framing the ‘national consultation’ on migration in the context of terrorism is malicious and wrong and will feed prejudice, since migrants will be perceived as a threat instead of as an opportunity;
- J. 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;
- K. 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;
- L. 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; recalls that a serious breach by a Member State of the values referred to in Article 2 TEU would trigger the ‘Article 7’ procedure;
 2. Strongly 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 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 the principle of respect for human dignity and human rights by opening up such a discussion, mainly motivated by internal political purposes;
 3. Denounces in the strongest terms the public consultation on migration initiated by the

Hungarian Government, relying on xenophobic misconceptions, the equating of migrants seeking asylum with security threats, the stigmatisation of asylum seekers as welfare migrants and the deliberate misrepresentation of the EU's asylum and migration policies; condemns the bias and misuse of this public consultation, organised and financed by the government, 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 cancel the current consultation process immediately;

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 per Article 2 TEU in every Member State, together with appropriate binding and corrective gradual mechanisms;
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.