



Plenary sitting

B8-1361/2015

9.12.2015

MOTION FOR A RESOLUTION

further to Question for Oral Answer B8-1110/2015

pursuant to Rule 128(5) of the Rules of Procedure

on the situation in Hungary: follow-up to the European Parliament resolution of 10 June 2015 (2015/2935(RSP))

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on behalf of the GUE/NGL Group

B8-1361/2015

European Parliament resolution on the situation in Hungary: follow-up to the European Parliament resolution of 10 June 2015 (2015/2935(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 of the 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 its resolutions of 10 June 2015 on the situation in Hungary¹, of 3 July 2013 on the situation of fundamental rights: standards and practice in Hungary², of 16 February 2012 on the recent political developments in Hungary³ and of 10 March 2011 on media law in Hungary⁴,
 - having regard to the Universal Declaration of Human Rights and the European Convention on Human Rights,
 - 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 statement of 27 November 2015 by the Council of Europe Commissioner for Human Rights, following his visit to Hungary,
 - having regard to the statement made by the Commission at the plenary debate held in Parliament on 2 December 2015 on the situation in Hungary,
 - having regard to the question to the Commission on the situation in Hungary: follow-up to the European Parliament resolution of 10 June 2015 (O-0001402015 – B8-1110/2015),
 - having regard to Rules 128(5) and 123(2) of its Rules of Procedure,
- A. whereas 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

¹ Texts adopted, P8_TA(2015)0227.

² Texts adopted, P7_TA(2013)0315.

³ OJ C 249 E, 30.8.2013, p. 27.

⁴ OJ C 199 E, 7.7.2012, p. 154.

minorities, are universal values, and whereas these values are enshrined in Article 2 TEU as European values common to all Member States whose principles are pluralism, non-discrimination, tolerance, justice, solidarity and equality between women and men;

- B. whereas the EU Charter of Fundamental Rights 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 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;
- D. whereas Hungarian government actions have led over the years to a serious deterioration of the situation in terms of democracy, the rule of law and fundamental rights, notably regarding the power and composition of the Constitutional Court, the electoral laws and restrictions on campaigning by the opposition, the organisation and functioning of the judiciary and the public prosecutor's office, obstruction of the activities of civil society organisations, limitations on access to information and freedom of the media and on the human rights of immigrants, asylum seekers and refugees, and hostile acts and hate speech directed against groups such as Roma, Jews, LGBTI people, migrants, the homeless or other poor people;
- E. whereas the Commission has failed to respond to Parliament's request, as per its resolution of 10 June 2015 on the situation in Hungary, that it undertake an in-depth monitoring process concerning the situation of democracy, the rule of law and fundamental rights in Hungary;
- F. whereas in July and September 2015 the Hungarian Parliament adopted a number of legislative amendments, relating in particular to asylum, the penal code, criminal procedure, borders, police and national defence; whereas the Commission's preliminary assessment highlighted a number of concerns and questions relating to the substance and implementation of those amendments; whereas on 6 October 2015 the Commission sent an administrative letter to the Hungarian Government; whereas the Hungarian Government responded to that letter;
- G. whereas, in its statement presented at the plenary debate held in the European Parliament on 2 December 2015 on the situation in Hungary, the Commission declared that it was ready to use all the means at its disposal, including infringement proceedings, to ensure that Hungary - and any other Member State - complies with its obligations under EU law and respects the values of the Union as enshrined in Article 2 TEU,
- H. whereas the Commission considers that the conditions for activating the Rule of Law Framework as regards Hungary are not met at this stage;
 - 1. Reiterates the position it expressed in its resolution of 10 June 2015 on the situation in Hungary;
 - 2. Denounces the series of rushed measures taken in recent months that have rendered

access to international protection extremely difficult and have unjustifiably criminalised migrants and asylum seekers; condemns the increasing recourse to detention of asylum seekers and to xenophobic rhetoric linking migrants to social problems or security risks, thereby making the integration of the few migrants remaining in the country even more problematic;

3. Recalls that all Member State legislation has to reflect and be in accordance with the principles of democracy, the rule of law and fundamental rights;
4. Condemns all violations of fundamental rights by Member States and the absence of a reaction from the Council to these worrying developments, notably in Hungary; urges the Council and the European Council, as soon as possible, to hold a debate and adopt conclusions notably on the situation in Hungary;
5. Notes that these developments have given rise to concern over the principles of the rule of law, democracy and fundamental rights in Hungary in recent years, which, taking things together, could point to an emerging systemic threat to the rule of law in this Member State; believes that Hungary is combining violations of rights occurring in other Member states and is as such a test for the EU to prove its capacity and willingness to react to threats and breaches of its own founding values by a Member State; notes with concern that developments in some other Member States, such as Poland, France, Slovakia and the Czech Republic show worrying signs of similar undermining of the rule of law;
6. Condemns the fact that the approach currently taken by the Commission focuses mainly on marginal and technical aspects of the legislation while ignoring the trends and patterns; believes that infringement proceedings, in particular, have failed in most cases to lead to real changes or to address the situation more broadly; reiterates its call on the Commission to activate the first stage of the EU framework in order to strengthen the rule of law, and thus to initiate immediately an in-depth monitoring process with regard to the situation of democracy, the rule of law and fundamental rights notably in Hungary, assessing a potential systemic serious breach of the values on which the Union is founded pursuant to Article 2 TEU, including the combined impact of a number of measures worsening the situation 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 which could develop into a clear risk of a serious breach within the meaning of Article 7 TEU;
7. Condemns the inaction of the Commission regarding democracy, the rule of law and fundamental rights while at the same time launching procedures against Member States obliging them to impose austerity measures despite their dramatic social consequences and their impact on fundamental rights, human rights and economic, social and cultural rights;
8. Reiterates strongly its recommendations made to the Commission in its resolution of 3 July 2013 on the situation of fundamental rights: standards and practices in Hungary, notably with regard to the new human rights architecture created by the Charter of Fundamental Rights of the European Union as well as the upcoming accession of the EU to the ECHR, the urgent need to tackle the so-called 'Copenhagen dilemma', and the establishment of an EU mechanism on democracy, the rule of law and fundamental

rights;

9. Notes the registration of a European Citizens' Initiative inviting the Commission to propose triggering Article 7 TEU for alleged breaches of the EU's fundamental values by Hungary; instructs its Committee on Civil Liberties, Justice and Home Affairs to draft a specific report on Hungary in accordance with Rule 83 of its Rules of Procedure, with the aim of adopting a reasoned proposal calling on the Council to act pursuant to Article 7(1) TEU;
10. 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.