

Amnesty International

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Check against delivery

The situation of fundamental rights in Hungary

Good afternoon ladies and gentlemen, esteemed members of the EP, colleagues. It is a great honour to be here today. At the outset, I would like to confirm that Amnesty International looks with serious concern at the situation of fundamental rights in Hungary today.

Over the past years, the organization raised concerns regarding the weakening of standards and practices in several areas we believe are fundamental to the enjoyment of human rights and freedoms without discrimination and undue limitations.

Amnesty International has spoken out against laws and the newly adopted constitution, the Fundamental Law, as well as its subsequent amendments, some of which curtail the enjoyment of basic rights. We have cautioned against the invasive use of cardinal laws – laws requiring supermajority – without consultation and genuine debate.

Ladies and gentlemen, there are 3 messages I would like to convey to you today. The first is the message of gravity.

In unison with other national and international experts, we have rang the alarm bells on the media laws, a regressive definition of family and weakened legal protection of sexual minorities, or the possibility of issuing life imprisonment sentences without parole – these measures are affecting people's lives as we speak.

We also witnessed the dismantling of checks and balances, including through reforms to the constitutional court and the judiciary.

We were appalled by communication campaigns from government parties toying with the idea of reinstating the death penalty or introducing further restrictions on abortion, tacitly condoning gender-based violence, and vilifying human rights defenders, particularly women rights defenders. The government abused refugees and migrants to promote its xenophobic agenda, making it increasingly difficult to apply for asylum in Hungary safely, and making life miserable for those who manage to get in.

A first wave of intimidation and harassment of NGOs, ordered by the Prime Minister himself made it clear that the government is not keen on a constructive debate with civil society on ensuring Hungary delivers on its human rights obligations.

Over the past years government and governing party members have themselves uttered intolerant and discriminatory statements against women, Muslims, Roma and LGBTI people – or simply failed to protect them when they needed the same protection others can enjoy more reliably.

This parliament, and this committee has launched inquiries into some of these concerns and shown an interest to hold Hungary accountable and compliant with standards and values that are underpinning the EU. It organized hearings, and it adopted resolutions. It called on the European Commission to consider action against Hungary.

Amnesty International is grateful for these actions by the members of the European Parliament and calls on you to keep asking questions about Hungary, and to keep the pressure on the European Commission and member states to deliver on their obligations.

What is happening in Hungary today is a deliberate targeting of various groups in society, often those who are already severely marginalized and deprived. The level of constitutional protection has been lowered and supposedly independent institutions have been captured by the government. Legal certainty is being challenged by government orders instituting unwarranted crisis situations and vilifying dissenters.

As late as mid last week, the government, its spokesperson as well as the governing FIDESZ party lashed out against us and labelled Amnesty International as an organization of agents issuing “fake reports” and inciting migrants to break the law. We are expecting more intimidation.

Ladies and gentlemen, the second message I would like to convey to you today is that of urgency. While we are debating the situation here, refugees and migrants are being pushed back violently at the border of Hungary. As late as on Friday last week, I have received distressed reports and photographic evidence of people being abused at the border. This has been going on for too long.

The government claims it has compassion for those who flee their homes as victims of their own bad governments or generalized violence. Yet the government is reluctant to enable this in practice, to put it mildly, and claims the moral responsibility is to give refugees back their own countries – a vague promise requiring zero commitment and no immediate action. Where the Hungarian government has an opportunity to act in favour of the rights of refugees and migrants, it fails to do so.

The reality we see through our research on the ground is most appalling. We’ve been raising alarms around instances of violence and other abuses at the border and inside the country for many months; so did independent activists, medical organizations, Hungarian NGOs and the UN High Commissioner for Refugees.

The government systematically denies these allegations and have not conducted independent and impartial investigations into violence and other abuses.

On the other side of the fence, thousands of refugees, around half of them children, are stuck in a dysfunctional system in Serbia due to Hungary’s deliberate limits to access to its territory and its asylum process, and the push-backs. The cynical approach of the government leads to very real suffering across the border fence.

The latest proposal of the Ministry of Interior envisaging the de facto detention of all asylum-seekers, including unaccompanied minors 14-18 years of age, as well as the summary expulsion of people in an irregular situation openly seeks to go against relevant provisions and safeguards in international law and the EU directives.

Let’s make no mistake: the intention of the government is to ensure it is seen as the worst option for asylum-seekers and let other EU states know that its systemic deficiencies will make its participation in common mechanisms virtually impossible. Instead of living up to its obligations, Hungary continues to isolate itself and unsubscribe from all forms of European cooperation, including the Dublin system and the relocation mechanism.

At the same time, the government is consistently claiming that refugees and migrants are criminals and threats to Hungary’s security. State actors up to the highest level continually refer to unsubstantiated links between refugees and the spread of terrorism in Europe. The government has spent millions of euros of taxpayer money on billboards, national consultations and a referendum to push its xenophobic agenda. The money spent did not bring any benefits and did not result in greater rights protection for anyone.

Quite the opposite: the climate contributes to legitimizing the appalling treatment of refugees and migrants and results in a society increasingly hostile to foreigners. In the EU built on equality and diversity, this is a worrisome prospect.

Laws in many states, including Hungary, criminalize certain acts based on extremely broad and overly

vague definitions of terrorism. Amnesty International has published a report on this last month, titled Dangerously Disproportionate. As an organization, we are extremely concerned about this trend.

In Hungary, people who have nothing to do with terrorism are vulnerable to being charged with an act of terror. This is exactly what happened to “Ahmed H”, a Syrian man, who was singled out and convicted unfairly in November 2016 of an “act of terror” and related charges, and sentenced to ten years in prison.

The story of Ahmed unfolded as Hungary moved to shut out refugees and migrants from the country. He was part of a large group of refugees and migrants stranded at the border between Serbia and Hungary on 16 September 2015, the day after Hungary completely closed its southern border.

According to a court in Szeged, where Ahmed’s trial concluded on 30 November, Ahmed committed “acts of terror” by using a megaphone to request that the police communicate with the refugees and migrants at the border and by throwing three objects at them, which the prosecution argued had constituted an attempt to force state authorities to allow the irregular entry of refugees and migrants into Hungary.

In reality, Ahmed is a family man who flew to Turkey from Cyprus to help his elderly parents and other members of his family flee Syria and ultimately seek refuge in Western Europe. Ten other persons, including Ahmed’s elderly parents were charged and convicted for mass rioting while entering Hungary illegally through the border fence. One of them has been imprisoned for 3 years.

I have been following developments in Ahmed’s trial and have joined forces with his family and others in civil society to ensure that his conviction is over-turned and he can be released and re-join his family in Cyprus as soon as possible. Ahmed is not a terrorist, but a person who was in the wrong place at the wrong time, and fell prey to the government’s agenda of demonizing and targeting refugees and migrants by labelling them as threats to Hungary.

His right to a fair trial was compromised right from the start by government statements alleging that he had links to extremist organizations and had carried out an organized attack against the country. These allegations were never proved in court during the trial which almost exclusively relied on police testimony often expressing a bias towards Muslims and Arabs. For example, the testimony of a police officer who was not able to identify Ahmed, and said “I could not tell you who was there as he looked like a typical Arab with a big nose and a beard” was read out by the judge as evidence.

This is a blatant and shameful misuse of the terrorism provisions in Hungary’s Criminal Code. Using a megaphone and throwing stones cannot credibly be considered acts of terrorism. We are now waiting for Ahmed H.’s appeal date to be set by the appeals court and will continue to call for terrorism charges to be dropped in the case against him.

Members of the European Parliament should follow his trial closely and keep asking questions about his case. The European Parliament and the European Commission should investigate this case in light of Article 47 of the EU Charter of Fundamental Rights given the serious fair trial concerns.

The government is not only targeting refugees and migrants through the lens of national security, but Hungarian nationals as well. Last year, the European Court of Human Rights condemned Hungary for its overly broad surveillance powers and for violating the right to respect for private and family life. Despite the judgment, the law in question remains in force.

In fact, the government claims that security risks are on the rise overall, and more powers should be allocated to the executive to control such threats.

To that end, it put hard won rights to freedom of expression and assembly, privacy, and freedom of movement at risk by creating a new form of state of emergency in June last year. The package of counter-terrorism measures, including the “sixth amendment” to the Constitution and amendments to laws governing the police, national security services and defence forces undermine legal certainty.

Authority is consolidated almost solely in the executive to curb a number of rights; and the lack of judicial oversight poses a threat itself – that is, to the human right of all under Hungarian jurisdiction. The sixth amendment relies on an extremely vague concept – a “terror threat situation” – which is not even defined in Hungarian law.

The government can now proclaim a “terror threat situation” and have virtually unchecked powers for the first fifteen days. It can enact exceptional measures, suspend laws and fast-track new ones to adoption; deploy the army and permit the use of firearms to quell disturbances; restrict freedom of movement within Hungary; ban or restrict events and assemblies on public premises; and apply so called “special measures” in order to prevent terrorism as defined under national law.

We are yet to experience the first invocation of this “terror threat situation”, however when it happens, we will be facing a scenario in which the government chooses exceptional measures rather than officially declaring a formal state of emergency and strictly complying with the requirements foreseen under international law.

In a political landscape where various groups in Hungarian society are regularly portrayed as a threat to security, there is a real risk that the government will apply the measures arbitrarily to target those with whom it may disagree, such as political opponents or human rights defenders, or those whom the government considers undesirable, such as migrants and refugees.

In fact, a new wave of measures against civil society is on the agenda; we are yet to know the details. It is regrettable that the government is stepping up on intimidation instead for dialogue, and blames those organizations who raise their voice to expose an executive gone berserk.

Ladies and gentlemen, the third message I’d like to convey to you today is that of our common duty. At the EU level, we are worried about the lack of solidarity demonstrated by the government and the withdrawal from EU-wide mechanisms and cooperation. Hungary consistently undermines the finding of collective solutions and keeps taking unilateral measures.

What we ask from the European Parliament is to keep holding the European Commission to account. Hungary has to remain high on the agenda, as the situation requires firm action. Simply putting out fires is doing too little, too late, and is not safeguarding the values that are the foundations of the EU.

Amnesty International considers that the situation in Hungary warrants the triggering of Article 7 TEU as there is a clear risk of serious breaches of the common values. In the face of recent developments, European Commission inaction is a dangerous abdication of responsibility. In this context, the European Parliament has not just the possibility, but the duty to create a critical mass that can enforce EU laws and the TEU.

Finally, to conclude, I would like to acknowledge the work of activists, human rights defenders and journalists in Hungary, who still dare to stand up and speak out in a climate in which shrinking space, retaliation and pressure for self-censorship have become a sad reality. It is through the small individual actions of everyone who is committed to equality, dignity and fundamental rights that change is possible.

Thank you very much, ladies and gentlemen.