



Mr Viktor Orbán
Prime Minister
1357 Budapest, Pf. 6.
Republic of Hungary

Brussels, 1 April 2011
Our Ref.: B1060

Dear Prime Minister,

Amnesty International's recommendations to Hungarian presidency: Mid-term review

Before Hungary's EU presidency began, we recommended that the presidency should take various measures to reinforce protection for human rights. Now that the Hungarian presidency has reached its half-way point, we wanted to share our observations on progress to date, and highlight potential areas for improvement over the next three months.

Following the institutional reforms introduced by the Lisbon treaty, EU presidencies have become far more focused on internal affairs, and have less scope to work on external affairs. So a major challenge for presidencies is how to reconcile the current contradiction between the human rights demands the Union makes on non-EU countries with its general failure to hold its own member states to account for their behaviour in this field. The outgoing Belgian presidency put this question explicitly on the agenda, and the Hungarian presidency has had the opportunity to build on this foundation.

The Hungarian presidency defined four priorities, united by the overarching goal of putting "Europe at the service of its citizens". We welcomed such an ambitious objective. However, we are disappointed to note that over the past three months Hungary has repeatedly failed to put into practice its commitment to build a union "with a human touch". Hungary has itself been in the limelight in recent weeks for attacks on human rights in the country. These comprise constitutional reforms hostile to homosexuals, the harassment of Roma communities by extremists, and a new media law which threatens the freedom of expression. This has meant that Hungary has not proved to be the model of EU human rights observance that it ought to be to fulfill its own presidency goals.

There is still time to improve this presidency's record. Looking ahead to the next three months, we highlight four areas. Some reflect good efforts by the presidency, while others present key challenges which need urgently to be addressed.

Justice and Home Affairs

Council Conclusions on the role of the Council in ensuring the effective implementation of the EU Charter of Fundamental Rights

We welcome the presidency's work to strengthen the Council's responsibility for ensuring that EU decisions and measures comply with human rights. This work has found expression in the JHA Council's formal commitment to ensure effective implementation of the Charter of Fundamental Rights in the Council's work. The Council's Conclusions in February stress the importance of respecting and promoting the Charter at all stages of the legislative procedure, thereby putting human rights at the heart of all EU policy-making.

We appreciate the presidency's efforts to develop tangible ways for the Council to monitor its human rights compliance, which could boost its legitimacy on human rights and even act as an example to other Institutions. Although we have reservations over the limited scope of the European Commission's Communication on the Charter, we have been impressed by the Council's promptness in responding to the Commission's first initiative on the matter. The direct reference to the Commission's strategy on effective implementation of the Charter, and to the European Parliament's report on the EU's internal human rights architecture underline the Council's willingness to cooperate with other EU institutions on fundamental rights issues with the aim of creating an authentic EU human rights culture.

Asylum and Migration

We have been disappointed at the presidency's failure to take a meaningful lead on the asylum and migration-related human rights issues we raised in our recommendations (detention, Frontex accountability, cooperation and other readmission agreements). This is in stark contrast to the Council's responsibility and power to influence EU migration and asylum policy, particularly given the events unfolding in the Mediterranean region, and calls by other EU institutions for Council action. We urge you to use the next three months to mobilise member states and to use all available EU instruments to achieve genuine and effective EU teamwork which fully protects the rights and meets the protection needs of migrants and refugees arriving from North Africa.

Tackling Roma Discrimination

The Hungarian presidency has made integrating Roma people a top priority. We strongly welcome this focus. Recent events across Europe have clearly demonstrated the pressing need for the EU to advance

social integration and tackle discrimination against Roma people. The EU's should meet these challenges. But in the form envisaged, the EU Framework for National Roma Strategies seems largely to ignore this dimension. To date, the Hungarian presidency has failed to take the lead either in proposing measures which get to grips with the exclusion of Roma people, or in bringing together the players who must contribute to an enforceable strategy. Consultation with civil society, especially Roma organisations, has been limited, and it seems that the presidency has simply accepted several countries' lack of commitment, thus risking EU-wide support for a strategy. Most of all, the presidency's failure swiftly to condemn discriminatory acts inside its own country casts doubt over Hungary's own commitment to halting discrimination against Roma people. The proposals are all the more disappointing as their formulation took place without substantively consulting civil society, NGOs and Roma people.

The presidency must do more to take the lead and bring together member states with different interests and must, based on the Commission's forthcoming proposal, advance an EU-wide framework with clear objectives, strategies and instruments to tackle discrimination against Roma people and halt their socio-economic exclusion. We urge the Hungarian presidency not to confine its proposal to selected, easily implemented elements and to:

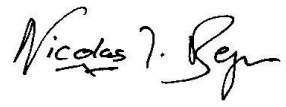
- Rally support from all member states for a flexible, effective, implementation-based framework, which applies to all member states, includes strong governance structures, and ensures Roma participation
- Increase consultation with civil society, focusing on organisations which understand the needs of the Roma people and the reality of discrimination
- Directly tackle endemic discrimination and hate crimes against Roma people, by proposing efficient systems to tackle the issue, and immediately condemning such acts wherever they occur

Individuals at Risk

Ultimately, human rights are about protecting people. We handed the Hungarian presidency a list of ten individuals who are suffering the consequences of having their human rights violated. We regret that little or no progress has been made on any of these cases. We again urge the EU to speak out on the behalf of these people, and make a real difference. As our recommendations indicated, progress here will above all mark the presidency's human rights success.

We shall continue to follow the progress of the presidency's remaining months in the field of human rights. We are of course available to discuss with you the above issues or any others outlined in our recommendations.

Yours sincerely,

A handwritten signature in black ink, reading "Nicolas J. Beger". The signature is written in a cursive style with a prominent loop at the end of the last name.

Dr. Nicolas J. Beger
Director