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Hungary: Alarming rollback of human rights under consideration by UN Human Rights Committee

On 19 and 20 March, the United Nations Human Rights Committee will review Hungary's compliance with the International Covenant on Civil and Political Rights.

Despite repeated political and legal challenges, including at the European Court of Human Rights, Hungary continues systematically to violate the rights of refugees and asylum-seekers. Severe restrictions have been placed on access to the country for refugees and asylum seekers -- and asylum-seekers, including children and unaccompanied minors, continue to be arbitrarily and unlawfully detained.

Amnesty International has documented the unlawful confinement of 500 asylum-seekers in the two transit-zones along the Serbian-Hungarian border. The conditions in these transit zones are woefully substandard, and people there lack adequate housing, legal and medical assistance. The European Court of Human Rights has concluded that such treatment amounts to a deprivation of liberty. And the Hungarian authorities continue to fail to provide adequate services that would protect against a real risk of inhuman and degrading treatment.

Amnesty International is also concerned about measures taken to prevent individuals from entering Hungarian territory, and the rapid and sometimes violent forcible returns of an estimated 20,000 irregular migrants from Hungary to Serbia without access to a fair and efficient asylum procedure.

Furthermore, in June 2017, the Hungarian Parliament adopted a law targeting NGOs that receive foreign funding. It would require organizations to register themselves as "foreign funded"; and they would be required to disclose the personal data of their donors to a government agency.

A widespread and hostile anti-NGO campaign spurred on by the government followed adoption of the law, whereby critical watchdog organizations, such as Amnesty International Hungary, Hungarian Civil Liberties Union, Hungarian Helsinki Committee, were depicted as the "enemies of the state serving foreign interests". By only covering certain types of civil society organizations, the law discriminated against them and imposed limitations on their right to association, including the right to seek, receive and utilize resources.

A new set of bills, known as LexNGO2018, was tabled in February 2018 for debate and vote by the Parliament. These laws would mandate even more onerous requirements for Hungarian NGOs and come amidst the wider effort to stigmatize specific individuals and associations. The laws

have been proposed as a bid to stop “illegal migration”, to “strengthen the protection of borders” and to “protect Hungary’s national security interests”. NGOs allegedly “supporting migration” would be required to get authorization to operate from the Minister of Interior, and would be subjected to investigation by the tax authority and national security agency. Organizations granted a license would be required to pay exorbitant fees as a “tax” on their foreign funding – and any organization that would fail to comply with the law could be fined up to 50% of such funding.

Sanctions associated with this set of laws would be draconian: the prosecutors’ office ultimately could request that the tax authority expunge an organization’s tax number – thus stripping it of its status -- and request that a court dissolve the non-complying organization. If adopted, the consequences could be dramatic as many independent human rights NGOs, including Amnesty International, could be shut down within a very short time, leaving a smaller, more fearful and impoverished civil society. This is a prospect that is unprecedented in the European Union, where vibrant civil societies across the region provide vital services and protect civil and human rights.

The government has also used broad and vague terrorism laws to target and stigmatize refugees and migrants. In June 2017, an appeals court in the southern town of Szeged annulled the conviction of Ahmed H, a Syrian man sentenced to 10 years’ imprisonment for allegedly committing an “act of terror” during his involvement in clashes between police and asylum-seekers at the Serbia-Hungary border in September 2015. The appeals court found that available evidence had not been properly assessed and ordered a re-trial. During the trial and retrial of Ahmed H, the Hungarian authorities repeatedly called Ahmed H a “terrorist”, including in a national consultation sent to all Hungarian voters in October 2017. Ahmed H’s case was adjudicated again on first instance and on 14 March 2018 he was found guilty of complicity in an “act of terror” and sentenced to seven years’ imprisonment, on the basis that he had thrown a few solid objects at the police and allegedly tried to force them to open the border fence. Amnesty International called the conviction a “travesty of justice” and a “blatant misuse of terrorism-related provisions”.

Amnesty International has recommended that the Hungarian government:

- immediately end the current practice of arbitrary and unlawful immigration detention; halt any police brutality against people at the boarder; and ensure adequate investigations into allegations of the excessive use of force
- immediately withdraw the proposed LexNGO2018
- immediately halt the harassment of specifically targeted independent and critical NGOs and respect the obligation to promote and protect freedom of association
- foster and provide a safe environment for civil society organizations to carry out their activities in line with their mission without any discrimination
- ensure that the conviction of Ahmed H on terrorism-related charges is quashed on appeal and he is released without delay.

BACKGROUND

Amnesty International’s submission to the UN Human Rights Committee is available [here](#).