Situation of fundamental rights: standards and practices in Hungary (pursuant to the European Parliament resolution of 16 February 2012)

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The Committee on Civil Liberties, Justice and Home Affairs adopted the report by Rui TAVARES (Greens/EFA, PT) on the situation of fundamental rights: standards and practices in Hungary (pursuant to the European Parliament resolution of 16 February 2012 on the recent political developments in Hungary). The report was prepared to assess whether and how the recommendations set out in that resolution have been implemented and to present the committee's findings.

The report reaffirms that **this resolution is not only about Hungary, but inseparably about the European Union as a whole**, and its democratic reconstruction and development after the fall of the 20th century totalitarianisms. It is about the **mutual help and mutual trust** that the Union, its citizens and its Member States need to have if these Treaties are to be not just words on paper, but the legal basis for a true, just and open Europe respecting fundamental rights. It also reaffirms that the **credibility and robustness of constitutional institutions play a pivotal role in underpinning economic, fiscal and social policies and social cohesion**.

Appeal to all Member States: the report calls on the Member States to comply without delay with their Treaty obligations to respect, guarantee, protect and promote the Union's common values, which is an indispensable condition for respecting democracy.

Appeal to the European Council: the committee notes with disappointment that the **European Council** is the **only EU political institution that has remained silent**, while the Commission, Parliament, the Council of Europe, the OSCE and even the US Administration have voiced concerns over the situation in Hungary. It reminds the European Council of its responsibilities within the framework of the area of freedom, liberty, security and justice.

Recommendation to the Commission: Members call on the Commission, as the guardian of the Treaties to ensure that Union law is correctly applied, under the supervision of the Court of Justice of the European Union.

Recommendations to the Hungarian authorities: the report urges the Hungarian authorities to implement as swiftly as possible all the measures the European Commission deems necessary in order to fully comply with EU law, fully comply with the decisions of the Hungarian Constitutional Court and implement as swiftly as possible Parliament's recommendations, in line with the recommendations of various international bodies for the **protection of the rule of law and fundamental rights**, with a view to fully complying with the rule of law and its key requirements on the constitutional setting, the system of **checks and balances and the independence of the judiciary**, as well as on **strong safeguards for fundamental rights**, including freedom of expression, the media and religion or belief, protection of minorities, action to combat discrimination, and the right to property.

Recommendations to the EU institutions on setting up a new mechanism to enforce Article 2 TEU effectively: lastly, Members reiterate the **urgent need to tackle the so-called 'Copenhagen dilemma'**, whereby the EU remains very strict with regard to compliance with the common values and standards on the part of candidate countries but lacks effective monitoring and sanctioning tools once they have joined the EU.