

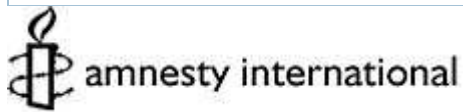
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- **Source:**
AI - Amnesty International
- **Title:**
Amnesty International Report 2016/17 - The State of the World's Human Rights - Hungary
- **Publication date:**
22 February 2017
- **ecoi.net summary:** Annual report 2016/17 (covering 2016) [ID 336502]
- **Countries:**
Hungary
- **Original link** <https://www.amnesty.org/en/countries/europe-and-central-asia/hungary/report-hungary/>

Recommended citation:

AI - Amnesty International: Amnesty International Report 2016/17 - The State of the World's Human Rights - Hungary, 22 February 2017 (available at [ecoi.net](http://www.ecoi.net))

http://www.ecoi.net/local_link/336502/466124_en.html (accessed 26 March 2017)



Amnesty International Report 2016/17 - The State of the World's Human Rights - Hungary

An amendment to the Constitution allowed the government to declare a state of emergency under broad and vaguely worded conditions, with little democratic oversight. Roma continued to face discrimination and to be victims of hate crimes. Hungary continued its systematic crackdown on the rights of refugees and migrants despite growing international criticism.

Counter-terror and security

The government continued to extend the use of anti-terror legislation. In January, the European Court of Human Rights found in *Szabó and Vissy v Hungary* that the Law on Police violated the applicants' right to respect for private and family life as it enabled the executive to intercept any communications without supporting evidence and for extended periods of time. The Court found that Hungary failed to ensure adequate judicial oversight and effective remedies against unlawful surveillance.

In June, Parliament adopted a "Sixth Amendment" to Hungary's Fundamental Law (Constitution) introducing a broadly worded definition of a state of emergency on the grounds of a "terror threat situation" that did not meet the tests required under international human rights law. The package would allow the government to introduce wide-ranging powers, including: restricting freedom of movement within the country; freezing assets of states, individuals, organizations and legal entities; banning or restricting events and public assemblies; and applying undefined special measures to prevent terrorism, without judicial or full parliamentary oversight. Those powers could be increased after 15 days if approved by Parliament. Such a state of emergency would also grant wide powers for the security forces to use firearms in circumstances which went well beyond what was permitted under international law and standards.

In late November, a Syrian national was sentenced to ten years' imprisonment for "acts of terror" for his involvement in clashes with Hungarian border guards at a Serbia-Hungary border crossing in September 2015. Both parties appealed the first-instance decision.

Freedom of association

In October, the supposedly independent Government Control Office (*Kormányzati Ellenőrzési Hivatal*, known as KEHI) was compelled by court order to disclose the paper trail of its 2014 ad hoc audit of several NGOs critical of government policies, revealing that it was ordered personally by the Prime Minister. The audit involved police raids, confiscation of computers and servers and lengthy investigations, but ended without finding any criminal wrongdoing. Government representatives continued to threaten several NGOs involved with further investigations, which contributed to a chilling effect on civil society.

Freedom of expression – journalists

Népszabadság – a newspaper critical of the government – abruptly suspended publication in October 2016 and all the journalists were discharged. The shutdown was carried out days before the company was sold to an entrepreneur close to the government.

Justice system

In June, the Grand Chamber of the European Court of Human Rights found in *Baka v Hungary* that terminating the mandate of the President of the Hungarian Supreme Court on account of his criticisms of legislative reforms was contrary to the European Convention on Human Rights. It found a violation of Article 6 paragraph 1 (right of access to a court) and of Article 10 (freedom of expression).

Discrimination – Roma

In January, a court in the capital Budapest instructed the municipality of Miskolc to develop an action plan for the mostly Roma residents who were evicted or facing eviction from the Numbered Streets neighbourhood of the city. However, the housing action plan envisaged only 30 housing units for the approximately 100 families affected, and did not allocate additional funding for housing or compensation.

In March, a court in Eger issued a first-instance verdict that Roma children in Heves County were unlawfully segregated in schools and classes providing education designed for children with special needs. In June, the European Commission initiated infringement proceedings against Hungary for discrimination of Roma in education.

Hate crimes

The investigation and prosecution of hate crimes continued to lack consistency. In January, the Curia (Supreme Court) finally issued its verdict in the case of the serial killing of Roma people in 2008 and 2009, targeted on the ground of their ethnicity. Six people were killed including a five-year-old boy, and several others were injured. Three defendants were sentenced to life imprisonment without parole (in contravention of European human rights law), and the fourth to 13 years in prison.

In April, an appeals court in Debrecen reversed a first instance verdict which had found that police discriminated against Roma in the town of Gyöngyöspata when they failed to protect local Roma residents from far-right groups in 2011. The Hungarian Civil Liberties Union appealed against the decision to the Curia.

Refugees and migrants

Hungary continued to severely restrict access to the country for refugees and asylum-seekers, criminalizing thousands of people for irregular entry across the border fences put up at its southern border. The government repeatedly extended a “state of emergency due to mass immigration” and, despite plummeting numbers of new arrivals to the country, deployed over 10,000 police and military personnel along the border. Nearly 3,000 people were taken to court and expelled for entering the country irregularly, without a proper examination of their protection needs, by the end of the year. A number of legal amendments enabled the immediate return of all non-citizens caught in an irregular situation at the border or up to 8km inside Hungarian territory, and over 16,000 people were denied entry or were returned forcibly, sometimes violently, to Serbia.

On 31 March, the government’s list of “safe countries of origin” and “safe third countries” was expanded to include Turkey. In May, the national assembly passed a set of amendments significantly cutting access to housing, health care and integration programmes for people with protection status.

Hungary suspended co-operation with other EU countries and refused to accept asylum-seekers from states participating in the Dublin system. It attempted to return at least 2,500 asylum-seekers already in Hungary to Greece, despite the presumption against returns to Greece in light of systemic shortcomings in the Greek asylum system confirmed by the European Court of Human Rights.

Conditions in the Hungarian asylum system prompted a number of other European countries to rule against returning people to Hungary, in some cases recommending the suspension of Dublin transfers altogether.

The detention of asylum-seekers in-country continued to be implemented without the necessary safeguards to ensure that it was lawful, necessary and proportional. In June, the European Court of Human Rights found in *O.M. v Hungary*, that the asylum detention of a gay asylum-seeker was in violation of his right to liberty and safety. The Court ruled that Hungary failed to make an individualized assessment justifying the applicant’s

detention and to take into account the applicant's vulnerability in the detention facility based on his sexual orientation.

The government spent over €20 million on communication campaigns labelling refugees and migrants as criminals and threats to national security. In October, it held a national referendum on its opposition to the relocation of asylum-seekers to Hungary within an EU-wide scheme. The referendum was invalid due to insufficient turnout. Together with Slovakia, the government challenged the legality of the European Council decision on relocation quotas at the Court of Justice of the European Union. The case was pending at the end of the year.

In November, the European Committee for the Prevention of Torture issued a report on immigration and asylum detention centres in the country. It found that a considerable number of foreign nationals, including unaccompanied minors, reported that they had been subjected to physical ill-treatment by police officers. The government denied the allegations.

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published on  European Committee of Inquiry into Human Rights