

Hungary: COVID-19 is no pretext to quarantine the rule of law

Press release

Geneva-Brussels, March 30, 2020 - The Hungarian Parliament is voting today on a draft law on the state of emergency in connection with the COVID-19 pandemic that would grant the Executive carte blanche to rule by decree for an indefinite period without meaningful legislative or judicial control. The World Organisation Against Torture (OMCT) calls for the rejection of a bill that lacks essential safeguards for fundamental human rights and undermines the most essential tenets of democracy. It further urges European Governments to do everything in their power to keep the rule of law in Hungary.

Today's second reading of the controversial Bill on Protection against COVID-19 follows a first vote on March 23 under an urgent procedure that failed to gather enough support. The bill seeks parliamentary authorisation to extend the 'state of danger' in place since March 11, 2020, to allow the Hungarian authorities to address the consequences of the COVID-19 pandemic in the country. Prime Minister Viktor Orban's Fidesz party enjoys a two-thirds majority in Parliament that would be enough to get the bill approved.

« If this bill were to be adopted, the rule of law and the respect for fundamental rights would effectively be quarantined in Hungary », said Gerald Staberock, OMCT Secretary General. "Let us all be clear: we do face a serious public health emergency that needs to be addressed effectively and without discrimination. This must not be allowed to be turned into an emergency for democracy in Europe. Because they care about both public health and democracy, European Governments need to find their voice and speak out before it is too late".

The proposed bill would pave the way for the government to abuse the health crisis and introduce an open-ended unchecked rule by the Executive in Hungary. The bill would enable the government to adopt decrees in any field without limitations - without a sunset clause or any other provision that would guarantee that Parliament can periodically exercise its role of effective oversight.

"There is nothing more dangerous to democracy and human rights than to sideline Parliament and to undermine the protective reach of the civilian judiciary", added Staberock. "This is why international law sets a clear framework that Hungary had accepted for crises such as this one, making any derogation strictly time-limited, subject to effective and regular parliamentary oversight, with judicial control - principles that are violated and quarantined here. The exclusion of regular parliamentary oversight and the absence of strict time limits is unprecedented in modern European history and unknown to democracies."

Because of all of the above, the OMCT calls on the Hungarian Parliament to reject the proposed bill and to introduce amendments that establish firm safeguards for fundamental human rights, effective oversight through the legislative and judicial branches and an overall rights-based approach to the fight against COVID-19 that puts the right to health, but also all other human rights, at the centre of

the governmental action. The response to the crisis must be an extension of the rule of law, not its abrogation.

The OMCT will continue to monitor the situation in Hungary and will take action to support the right to health and the respect for the rule of law, as well as for human rights and fundamental freedoms.

The OMCT works with over 200 member organisations which constitute its SOS-Torture Network, to end torture, fight impunity and protect human rights defenders worldwide. Together, we make up the largest global group actively standing up to torture. Helping local voices be heard, we support our vital partners in the field and provide direct assistance to victims. Our international secretariat is based in Geneva, with offices in Brussels and Tunis.

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