

7.9.2022

A9-0217/14

Amendment 14

Gwendoline Delbos-Corfield

on behalf of the Verts/ALE Group

Isabel Wiseler-Lima

on behalf of the PPE Group

Bettina Vollath

on behalf of the S&D Group

Ramona Strugariu

on behalf of the Renew Group

Malin Björk

on behalf of The Left Group

Report

A9-0217/2022

Gwendoline Delbos-Corfield

Existence of a clear risk of a serious breach by Hungary of the values on which the Union is founded

(2018/0902R(NLE))

Motion for a resolution

Recital BU a (new)

Motion for a resolution

Amendment

BUa. whereas on 13 July 2022, the Commission indicated in the country chapter on Hungary of the 2022 Rule of Law Report that pressure continues on civil society organisations; whereas on 27 July 2022, several civil society organisations indicated that the bill submitted by the Government which would amend the rules on public consultation ‘in the interest of reaching an agreement with the European Commission’ offers only pretend solutions; whereas the Commission also pointed out that strengthening public participation in law-making is an important goal, but would require, first and foremost, real governmental will, meaningful implementation of existing laws and much more effective guarantees than those included in the draft law;

Or. en

Amendment 15**Gwendoline Delbos-Corfield**

on behalf of the Verts/ALE Group

Isabel Wiseler-Lima

on behalf of the PPE Group

Bettina Vollath

on behalf of the S&D Group

Ramona Strugariu

on behalf of the Renew Group

Malin Björk

on behalf of The Left Group

Report**A9-0217/2022****Gwendoline Delbos-Corfield**

Existence of a clear risk of a serious breach by Hungary of the values on which the Union is founded

(2018/0902R(NLE))

Motion for a resolution**Recital CB***Motion for a resolution**Amendment*

CB. whereas on **20 July 2021**, the Commission indicated in the country chapter on Hungary of the **2021** Rule of Law Report that the Hungarian Commissioner for Fundamental Rights **had** gained more competences, but **their** independence **had been questioned by stakeholders**; whereas in the report and recommendations of the virtual session of its Sub-Committee on Accreditation held from 14 to 25 March 2022, the Global Alliance of National Human Rights Institutions recommended that the Commissioner for Fundamental Rights be downgraded to B status, as the subcommittee had not received the written evidence necessary to establish that the Commissioner was effectively carrying out their mandate in relation to vulnerable groups such as ethnic minorities, LGBTIQ people, human rights defenders, refugees and migrants, or in relation to important human rights issues such as media

CB. whereas on **13 July 2022**, the Commission indicated in the country chapter on Hungary of the **2022** Rule of Law Report that the Hungarian Commissioner for Fundamental Rights **has** gained more competences, but **his accreditation was downgraded following concerns regarding his** independence; whereas in the report and recommendations of the virtual session of its Sub-Committee on Accreditation held from 14 to 25 March 2022, the Global Alliance of National Human Rights Institutions recommended that the Commissioner for Fundamental Rights be downgraded to B status, as the subcommittee had not received the written evidence necessary to establish that the Commissioner was effectively carrying out their mandate in relation to vulnerable groups such as ethnic minorities, LGBTIQ people, human rights defenders, refugees and migrants, or in relation to important human rights issues

pluralism, civic space and judicial independence; whereas the sub-committee took the view that the Commissioner was acting in a way that seriously compromised compliance with the Paris Principles on the criteria of standards for national human rights institutions; whereas the subcommittee also noted issues with the selection and appointment process and with working relationships and cooperation with civil society organisations and human rights defenders;

such as media pluralism, civic space and judicial independence; whereas the sub-committee took the view that the Commissioner was acting in a way that seriously compromised compliance with the Paris Principles on the criteria of standards for national human rights institutions; whereas the subcommittee also noted issues with the selection and appointment process and with working relationships and cooperation with civil society organisations and human rights defenders;

Or. en

Amendment 16**Gwendoline Delbos-Corfield**

on behalf of the Verts/ALE Group

Isabel Wiseler-Lima

on behalf of the PPE Group

Bettina Vollath

on behalf of the S&D Group

Ramona Strugariu

on behalf of the Renew Group

Malin Björk

on behalf of The Left Group

Report**A9-0217/2022****Gwendoline Delbos-Corfield**

Existence of a clear risk of a serious breach by Hungary of the values on which the Union is founded

(2018/0902R(NLE))

Motion for a resolution**Recital CE***Motion for a resolution**Amendment*

CE. whereas on **2 December 2021**, the Commission decided to **send a reasoned opinion** to the **Hungarian authorities** with regard to its national rules that seek to prohibit or limit access to content portraying so-called ‘divergence from self-identity corresponding to sex at birth, sex change or homosexuality’ for individuals under 18 years of age; whereas the Commission concluded that these rules run counter to Directive 2010/13/EU on the coordination of certain provisions laid down by law, regulation or administrative action in Member States concerning the provision of audiovisual media services²⁰, Directive 2000/31/EC on certain legal aspects of information society services, in particular electronic commerce, in the internal market²¹, as well as human dignity, freedom of expression and information, the right to respect for one’s private life as well as the right to non-discrimination, as enshrined in Articles 1, 7, 11 and 21

CE. whereas on **15 July 2022**, the Commission decided to **refer Hungary** to the **CJEU** with regard to its national rules that seek to prohibit or limit access to content portraying so-called ‘divergence from self-identity corresponding to sex at birth, sex change or homosexuality’ for individuals under 18 years of age; whereas the Commission concluded that these rules, **in particular**, run counter to Directive 2010/13/EU on the coordination of certain provisions laid down by law, regulation or administrative action in Member States concerning the provision of audiovisual media services²⁰, Directive 2000/31/EC on certain legal aspects of information society services, in particular electronic commerce, in the internal market²¹, as well as human dignity, freedom of expression and information, the right to respect for one’s private life as well as the right to non-discrimination, as enshrined in Articles 1, 7, 11 and 21 respectively of the Charter of

respectively of the Charter of Fundamental Rights; whereas on 22 June 2021, 18 EU Member States associated themselves with a statement on the margins of the General Affairs Council opposing the adoption of the law;

²⁰ OJ L 95, 15.4.2010, p. 1.

²¹ OJ L 178, 17.7.2000, p. 1.

Fundamental Rights; *whereas the Commission also indicated that due to of the gravity of these violations, the contested provisions also violate the common values laid down in Article 2 TEU*; whereas on 22 June 2021, 18 EU Member States associated themselves with a statement on the margins of the General Affairs Council opposing the adoption of the law;

²⁰ OJ L 95, 15.4.2010, p. 1.

²¹ OJ L 178, 17.7.2000, p. 1.

Or. en

7.9.2022

A9-0217/17

Amendment 17

Gwendoline Delbos-Corfield

on behalf of the Verts/ALE Group

Isabel Wiseler-Lima

on behalf of the PPE Group

Bettina Vollath

on behalf of the S&D Group

Ramona Strugariu

on behalf of the Renew Group

Malin Björk

on behalf of The Left Group

Report

A9-0217/2022

Gwendoline Delbos-Corfield

Existence of a clear risk of a serious breach by Hungary of the values on which the Union is founded

(2018/0902R(NLE))

Motion for a resolution

Recital CJ

Motion for a resolution

Amendment

CJ. whereas in its judgment of 16 July 2020 in *Rana v Hungary*, the ECtHR found a violation of the right to respect for private life in the case of a transgender man from Iran who had obtained asylum in Hungary but could not legally change his gender and name in that country; whereas ***the*** enhanced supervision of the execution ***of that judgment is still pending***;

CJ. whereas in its judgment of 16 July 2020 in *Rana v Hungary*, the ECtHR found a violation of the right to respect for private life in the case of a transgender man from Iran who had obtained asylum in Hungary but could not legally change his gender and name in that country; whereas ***in its decision of 10 June 2022 concerning the pending*** enhanced supervision of the execution, ***the Committee of Ministers of the Council of Europe noted with concern that the Hungarian authorities have not taken any measures to create an appropriate solution for lawfully settled third country nationals applying for legal gender recognition; whereas, moreover, in May 2020 the Hungarian Parliament adopted legislation which made legal gender recognition impossible for Hungarian transgender persons***;

Or. en

Amendment 18**Gwendoline Delbos-Corfield**

on behalf of the Verts/ALE Group

Isabel Wiseler-Lima

on behalf of the PPE Group

Bettina Vollath

on behalf of the S&D Group

Ramona Strugariu

on behalf of the Renew Group

Malin Björk

on behalf of The Left Group

Report**A9-0217/2022****Gwendoline Delbos-Corfield**

Existence of a clear risk of a serious breach by Hungary of the values on which the Union is founded

(2018/0902R(NLE))

Motion for a resolution**Recital CN***Motion for a resolution**Amendment*

CN. whereas in a statement issued on 13 January 2022, the Commissioner for Human Rights of the Council of Europe affirmed that it was deeply regrettable that the Hungarian Government had decided to conduct a national referendum regarding children's access to information concerning sexual orientation and gender identity issues on the same day as the parliamentary elections, as it furthered the instrumentalisation of the human rights of LGBTIQ people; whereas on **4 April** 2022, in its ***statement of preliminary findings and conclusions following the parliamentary elections and referendum***, the OSCE international election observation mission highlighted that ***contrary to established*** international good practice, ***the legal framework*** for the referendum ***did not guarantee equal opportunities to campaign and voters were not informed in an objective and balanced manner on the choices presented to them,***

CN. whereas in a statement issued on 13 January 2022, the Commissioner for Human Rights of the Council of Europe affirmed that it was deeply regrettable that the Hungarian Government had decided to conduct a national referendum regarding children's access to information concerning sexual orientation and gender identity issues on the same day as the parliamentary elections, as it furthered the instrumentalisation of the human rights of LGBTIQ people; whereas on **29 July** 2022, in its ***final report***, the OSCE international election observation mission highlighted that ***the referendum legal framework is largely inadequate and does not provide for a level playing field for referendum campaigns, falling short of key recommendations under*** international good practice, and ***under a 2018 amendment, the government has full campaign rights when it is the initiator of a referendum, contrary to international***

nor on their binding effect, whereas the referendum against LGBTIQ people held in Hungary on 3 April 2022 was invalid as neither option ('yes' or 'no') obtained 50 % of the votes; whereas the referendum has been widely criticised as violating the principle of non-discrimination;

good practice, and the authorities are not obliged to provide the electorate with objective information on the referendum *issues or the positions of the proponents and opponents, challenging voters' ability to make an informed choice*; whereas the referendum against LGBTIQ people held in Hungary on 3 April 2022 was invalid as neither option ('yes' or 'no') obtained 50 % of the votes; whereas the referendum has been widely criticised as violating the principle of non-discrimination;

Or. en

7.9.2022

A9-0217/19

Amendment 19

Gwendoline Delbos-Corfield

on behalf of the Verts/ALE Group

Isabel Wiseler-Lima

on behalf of the PPE Group

Bettina Vollath

on behalf of the S&D Group

Ramona Strugariu

on behalf of the Renew Group

Malin Björk

on behalf of The Left Group

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A9-0217/2022

Gwendoline Delbos-Corfield

Existence of a clear risk of a serious breach by Hungary of the values on which the Union is founded

(2018/0902R(NLE))

Motion for a resolution

Recital CO

Motion for a resolution

Amendment

CO. whereas on **4 April** 2022, in its ***statement of preliminary findings and conclusions following the parliamentary elections and referendum***, the OSCE international election observation mission highlighted that ***women were underrepresented in the campaign and as candidates***; whereas the proportion of women in the Hungarian Parliament elected in 2022 is 14 %;

CO. whereas on **29 July** 2022, in its ***final report***, the OSCE international election observation mission highlighted that ***less than 20 % of all candidates were women, significantly limiting the opportunity for strengthening the low representation of women in national politics in Hungary***; whereas the proportion of women in the Hungarian Parliament elected in 2022 is 14 %;

Or. en

7.9.2022

A9-0217/20

Amendment 20

Gwendoline Delbos-Corfield

on behalf of the Verts/ALE Group

Isabel Wiseler-Lima

on behalf of the PPE Group

Bettina Vollath

on behalf of the S&D Group

Ramona Strugariu

on behalf of the Renew Group

Malin Björk

on behalf of The Left Group

Report

A9-0217/2022

Gwendoline Delbos-Corfield

Existence of a clear risk of a serious breach by Hungary of the values on which the Union is founded

(2018/0902R(NLE))

Motion for a resolution

Recital CU

Motion for a resolution

CU. whereas in its decision of **16 September 2021** concerning the pending enhanced supervision of the execution of the ECtHR judgments in *Horváth and Kiss v Hungary*, the Committee of Ministers of the Council of Europe recalled that the case in question concerned the discriminatory misplacement and overrepresentation of Roma children in special schools for children with mental disabilities, and that the state was under a positive obligation to avoid perpetuating discriminative practices; whereas the committee ***noted the use of an upgraded examination system and the steady increase in the number of children receiving integrated education, and encouraged the Hungarian authorities to further pursue these measures; whereas the committee*** reiterated ***its*** invitation to the authorities to provide examples demonstrating the effectiveness of the administrative and judicial remedies, to complete the

Amendment

CU. whereas in its decision of **10 June 2022** concerning the pending enhanced supervision of the execution of the ECtHR judgments in *Horváth and Kiss v Hungary*, the Committee of Ministers of the Council of Europe recalled that the case in question concerned the discriminatory misplacement and overrepresentation of Roma children in special schools for children with mental disabilities, and that the state was under a positive obligation to avoid perpetuating discriminative practices; whereas the committee ***firmly*** reiterated ***their*** invitation to the authorities to provide examples demonstrating the effectiveness of the administrative and judicial remedies ***against the findings of the expert committees and*** to complete the statistical data provided in this respect, ***urged the authorities to supplement the statistical information with ethnically disaggregated data indicating the number of appeals lodged in cases of Roma***

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statistical data provided in this respect, ***and*** to provide further information on ***the newly established procedure before*** the Commissioner for Fundamental Rights; ***whereas the committee noted that the possible participation of an equal opportunities expert during the examination of the learning abilities of multiply disadvantaged children constitutes an important safeguard in this process;***

children and firmly reiterated their invitation to the authorities to provide further information on ***any relevant procedures before*** the Commissioner for Fundamental Rights;

Or. en

7.9.2022

A9-0217/21

Amendment 21

Gwendoline Delbos-Corfield

on behalf of the Verts/ALE Group

Isabel Wiseler-Lima

on behalf of the PPE Group

Bettina Vollath

on behalf of the S&D Group

Ramona Strugariu

on behalf of the Renew Group

Malin Björk

on behalf of The Left Group

Report

A9-0217/2022

Gwendoline Delbos-Corfield

Existence of a clear risk of a serious breach by Hungary of the values on which the Union is founded

(2018/0902R(NLE))

Motion for a resolution

Recital CV a (new)

Motion for a resolution

Amendment

CVa. whereas on 29 July 2022, Parliament's political group leaders adopted a statement condemning the openly racist declarations by Prime Minister Viktor Orbán about not wanting to become 'peoples of mixed race', and underlined that these declarations are in breach of our values, which are also enshrined in the EU Treaties;

Or. en

Amendment 22**Gwendoline Delbos-Corfield**

on behalf of the Verts/ALE Group

Isabel Wiseler-Lima

on behalf of the PPE Group

Bettina Vollath

on behalf of the S&D Group

Ramona Strugariu

on behalf of the Renew Group

Malin Björk

on behalf of The Left Group

Report**A9-0217/2022****Gwendoline Delbos-Corfield**

Existence of a clear risk of a serious breach by Hungary of the values on which the Union is founded

(2018/0902R(NLE))

Motion for a resolution**Recital CZ***Motion for a resolution**Amendment*

CZ. whereas in its judgment of 17 December 2020 in Case C-808/18, *Commission v Hungary* (‘Accueil des demandeurs de protection internationale’), the CJEU ruled that Hungary had failed to fulfil its obligations under Directives 2008/115/EC, 2013/32/EU and 2013/33/EU by i) providing that applications for international protection from third country nationals or stateless persons may be made only in the transit zones of Röszke and Tompa, while drastically limiting the number of applicants authorised to enter those transit zones daily; ii) establishing a system of systematic detention of applicants for international protection in the transit zones of Röszke and Tompa; iii) allowing the removal of all third-country nationals staying illegally in its territory, without observing the procedures and safeguards laid down in the acquis; and iv) making the exercise by applicants for international

CZ. whereas in its judgment of 17 December 2020 in Case C-808/18, *Commission v Hungary* (‘Accueil des demandeurs de protection internationale’), the CJEU ruled that Hungary had failed to fulfil its obligations under Directives 2008/115/EC, 2013/32/EU and 2013/33/EU by i) providing that applications for international protection from third country nationals or stateless persons may be made only in the transit zones of Röszke and Tompa, while drastically limiting the number of applicants authorised to enter those transit zones daily; ii) establishing a system of systematic detention of applicants for international protection in the transit zones of Röszke and Tompa; iii) allowing the removal of all third-country nationals staying illegally in its territory, without observing the procedures and safeguards laid down in the acquis; and iv) making the exercise by applicants for international

protection of their right to remain in its territory subject to conditions contrary to EU law; whereas on 27 January 2021, the European Border and Coast Guard Agency (Frontex) announced that it was suspending its operations in Hungary following the CJEU ruling; whereas on 12 November 2021, the Commission decided to refer Hungary to the CJEU for failing to comply with the judgment and requesting that the CJEU order the payment of financial penalties;

protection of their right to remain in its territory subject to conditions contrary to EU law; whereas on 27 January 2021, the European Border and Coast Guard Agency (Frontex) announced that it was suspending its operations in Hungary following the CJEU ruling; whereas on 12 November 2021, the Commission decided to refer Hungary to the CJEU for failing to comply with the judgment and requesting that the CJEU order the payment of financial penalties (*Case C-123/22*);

Or. en

7.9.2022

A9-0217/23

Amendment 23

Gwendoline Delbos-Corfield

on behalf of the Verts/ALE Group

Isabel Wiseler-Lima

on behalf of the PPE Group

Bettina Vollath

on behalf of the S&D Group

Ramona Strugariu

on behalf of the Renew Group

Malin Björk

on behalf of The Left Group

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(2018/0902R(NLE))

Motion for a resolution

Recital DK a (new)

Motion for a resolution

Amendment

DKa. whereas in her submission of 12 August 2022 addressed to the Committee of Ministers of the Council of Europe, the Commissioner for Human Rights of the Council of Europe indicated that access to the asylum procedure and to a substantive and individual risk assessment has become virtually impossible in Hungary owing to the consecutive and overlapping measures taken by the Government since 2015; whereas potential asylum seekers are either refused legal entry to the territory or, with few exceptions, obliged to leave Hungary and undergo a pre-screening through the Embassy procedure before being able to submit a claim for international protection; whereas this gradual dismantling of the asylum system has been consistently accompanied and fuelled by a harsh anti-migrant discourse adopted by the Hungarian Government, further undermining the reception and

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*protection of refugees and asylum seekers
in the country;*

Or. en