

Stemming the Tide of Extremism: Recommendations for the United States, the European Commission and the Hungarian Government

The government of Hungary can advance human rights and democracy, and improve relations with the U.S. and Europe, by bringing its 2011 Constitution and Fundamental Laws into compliance with international obligations. This includes reinstating checks and balances on executive power.

Amid the refugee crisis and growing concerns by minorities about intolerance, the government should also step up efforts to combat hate crimes and discrimination so that all citizens may exercise their universal rights and have them protected. The government also faces the challenge of dealing with a democratically elected neo-fascist opposition party that promotes violations of human rights. Addressing these challenges will require simultaneous efforts to restore constitutional checks and balances and combat hatred and discrimination by rights-respecting means, in accordance with Hungary's obligations to the E.U., Council of Europe, and OSCE.

Recommendations to the United States

- ☑ Enhance efforts, on the part of the Hungary Working Group as a bipartisan forum, to increase the voices calling for action in the Executive Branch and on both sides of the aisle in Congress.
- ☑ Restart funding for embattled civil society groups in Hungary to confront democratic backsliding, antisemitism, racism, hate crime, and corruption.

Recommendations to the European Commission

- ☑ Continue to initiate infringement proceedings against Hungary for violations of E.U. law.
- ☑ Consider bundling a group of related infringement actions together under the banner of a violation of Article 2 of the Treaty of the European Union.
- ☑ Begin implementing the new framework for addressing systemic threats to the rule of law in E.U. member states by sending to Hungary a Rule of Law opinion, which should include the concerns about democratic governance and human rights already expressed by the Commission, the European Parliament, the Council of Europe, the OSCE, and the U.N.
- ☑ Through the Directorate General for Employment and Social Affairs, the Directorate General for Justice and other mechanisms, provide core support for Hungarian NGOs to monitor and advocate policy change on rule of law, human rights, responses to violent hate crime, and corruption.

Recommendations to the Government of Hungary

General Recommendations

- ☑ Revise the Fourth Amendment and other articles of the Fundamental Law to meet European and international standards, as expressed by the European Court of Justice, the European Court of Human Rights, the Venice Commission, and other international bodies.
- ☑ Cease harassment of NGOs and stop characterizing them as the agents of foreign powers. Apologize for the unjustified investigation into Norway Funds recipients.
- ☑ Reform the campaign financing laws to require political parties to declare their sources of funding.
- ☑ Reform the laws to ensure that financing disclosure requirements for both NGOs and political parties are more transparent, and enforce the regulations equally across all NGOs and all political parties.
- ☑ Make the Government Control Office (KEHI) an independent body charged with monitoring NGO spending of Hungarian state funds, not other sources of funding.
- ☑ Freeze plans for museums, monuments or other publicly-funded commemorations of World War II history until the concerns of the Hungarian Jewish and Roma communities have been fully taken into account with

respect to the historical accuracy of the exhibits in relation to Hungarians' role in the Holocaust.

- ☑ Revise textbooks and make visits by schoolchildren to the Holocaust Memorial Center and the Shoes on the Bank of the Danube a standard part of the curriculum.

Condemn Hate Speech

- ☑ In keeping with Prime Minister Orbán's policy of "zero-tolerance" against antisemitism, direct all government officials to improve the tenor and accuracy of their language to convey respect for all citizens when discussing ethnic or religious diversity.
- ☑ Rebuke antisemitic, racist, or homophobic statements, including by government or Fidesz officials.
- ☑ Explain publicly why remarks that distinguish between "Jews" or "Roma" on the one hand, and "Hungarians" on the other, are offensive because of the implication that citizens of Jewish or Roma origin are not Hungarian.

Investigate and Prosecute Hate Crimes

- ☑ Fully investigate and prosecute hate crimes; increase funding for personnel accordingly.
- ☑ Instruct police to give higher priority to investigating and prosecuting hate crimes targeting property. Make such acts an explicit offense. Explain to the public why "victimless crimes," such as defacing property with anti-Roma or anti-LGBT slurs

or desecrating Jewish cemeteries, have a disproportionately negative effect on Hungarian society as a whole.

- Implement special trainings on identification and application of bias-motivated crimes for law enforcement, including prosecutors and judges. Implement new procedures to ensure these best practices will be institutionalized. Fund these efforts appropriately.
- Invite the E.U., Council of Europe, and OSCE to share expertise on improving the prevention, investigation, and prosecution of hate crimes. Invite the OSCE to review hate-crime laws and conduct hate-crime training for police, prosecutors, and judges. Reach out to other E.U. members, such as Germany and the United Kingdom, which have experience combatting racist violence and retraining police.

Collect Better Statistics

- Cooperate with civil society in a public-private partnership on a data compilation system to track the actual number of hate crimes, prosecutions, convictions, and punishments and report them to the OSCE. Request assistance on data collection from the OSCE Office for Democratic Institutions and Human Rights (ODHIR).

Support Victims

- Improve access for hate-crime victims to justice, counseling, and other legal and social assistance, as part of the implementation of E.U. Directive 2012/29/E.U. on support and protection for victims of crime.