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Bread and Water: How the Hungarian Government Plans to Lock Up its NGO Critics

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On 29 May 2018, the Hungarian Government submitted a package of bills to the Hungarian Parliament as the third version of what it refers to as the 'Stop Soros' package. The bill no. [T/333](#) 'on the amendment of certain laws in relation to illegal immigration' proposes using criminal law sanctions and prison terms as weapons against human rights defenders, under the false pretext of tightening rules against irregular migration.

The bill threatens with actual imprisonment those individuals who stand up, with entirely lawful means, for respecting Hungary's human rights obligations. The new criminal provision on 'facilitating illegal immigration' will include activities such as assisting an asylum-seeker to submit an asylum claim, conduct human rights-focused border monitoring activities, issue or distribute information leaflets about the asylum procedure or organising a network (of specialised lawyers, for example). The Hungarian government, instead of heeding widespread international outcries, raises the stakes by replacing the previous bill's arbitrary licensing process and 25% tax on foreign funds with the threat of locking up human rights lawyers and NGO staff.

This new chapter in the Hungarian government's attempts to curb independent civil society and the rule of law threatens bringing back an era of fear, unheard of since the fall of communist dictatorship. Cosmetic changes to the bill will mean no solution to this – the bill must be dropped. Any member of parliament who votes Yes on such a proposal sends a clear message of preferring to jail those who help people in need rather than being willing to listen to their critical remarks.

The Hungarian Helsinki Committee's initial reactions are as follows.

1. The government threatens to use criminal law sanctions against individuals who courageously stand up for human rights, including the right to due process. It threatens jailing those who provide vital assistance to vulnerable human beings and give them legal representation before national authorities and courts and violates everything we define as the rule of law or European values.
2. Seeking asylum is a human right, not a crime. Based on EU and Hungarian law, people threatened by war, torture and persecution have the right to save their life and to seek protection. Individuals providing legal advice and information to asylum-seekers in need act on the clear basis of EU law and commit no crime. Punishing anyone with imprisonment who gives legal assistance to an asylum-seeker or publishes an information leaflet is a breach of EU and international law, and empties the right to due process.
3. It is Hungarian authorities who permit the entry of asylum-seekers into Hungarian territory by admitting them into the transit zones at the southern border. EU law clearly sets out that while the asylum procedure is going on, asylum-seekers have the right to stay in the country. Obviously, it is the Hungarian Immigration and Asylum Office that grants residence permits, not individuals or NGOs.
4. The Hungarian Helsinki Committee, its staff members and contracted attorneys provide free-of-charge legal assistance to persons who have already submitted an asylum application and who have been allowed to enter Hungary. By all means, this activity is in full compliance of the law.

The HHC will shortly publish an unofficial English translation of the bill.