

## CLEAR END DATE AND OVERSIGHT ESSENTIAL FOR EMERGENCY POWERS IN HUNGARY

26 March 2020

Undersigned organizations share the concern of [Hungarian civil society expert organisations](#)<sup>1</sup> about the indefinite extension of emergency powers to the Hungarian government in the proposed Bill on Protection against the Coronavirus. Any emergency that may be adopted should come with clear time limit on these emergency powers, with a review taking place in case prolongation is proposed. Fundamental protections included in the Constitution and international standards, especially the requirement that any exceptional measure be not only necessary and proportionate, but also non-discriminatory and time-bound should be upheld, even in case of emergency, and an effective and independent mechanism should be created to judge whether government measures are within the bounds of the Constitution. Therefore, a procedure should be defined for rapid review by the Constitutional Court to decide on petitions related to the special legal order and individual measures taken thereunder.

We call on Hungarian government and legislators to stick to these standards in any emergency legislation relating to the Coronavirus situation. We call on both the central institutions of the European Union and on the Union's member states to stipulate that emergency legislation relating to the Corona crisis will be limited in time and adhering to standards of necessity and proportionality that should be tested in an expedited legal process and that it is promptly notified to relevant international human rights protection mechanisms whenever they result in a limitation of other fundamental rights, as required under international law. The current exceptional circumstances require strong rule of law safeguards next to proportional and necessary emergency measures to ensure that human rights are at the centre of any response to the crisis, not unlimited government rule by decree that can last beyond the actual epidemic crisis and threaten our democracies well beyond the current situation.

Albanian Helsinki Committee

Amnesty International Netherlands

Armenian Helsinki Committee

Article 19 (UK)

Association of Ukrainian Human Rights Monitors on Law Enforcement

Austrian Helsinki Association

Belarusian Helsinki Committee

Brot für die Welt (Germany)

Bulgarian Helsinki Committee

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<sup>1</sup> Amnesty International, Eötvös Károly Institute, Hungarian Civil Liberties Union, Hungarian Helsinki Committee, "Unlimited Power is Not the Panacea," 22 March 2020, accessed on: <https://www.helsinki.hu/wp-content/uploads/Unlimited-power-is-not-the-panacea-20200322.pdf>

Center for Civil Liberties (Ukraine)

Center for Participation and Development (Georgia)

Centre de la Protection Internationale (France)

Centre for the Development of Democracy and Human Rights (Russia)

Citizens' Watch (Russia)

Civil Rights Defenders (Sweden)

Crude Accountability (USA)

DRA German-Russian Exchange (Germany)

Nederlands Juristen Comité voor de Mensenrechten - Dutch Section of the International Commission of Jurists (NJCM)

ePaństwo Foundation (Poland)

European Civic Forum (Belgium)

Board of the EU-Russia Civil Society Forum

Free Press Unlimited (Netherlands)

Helsinki Association for Human Rights (Armenia)

Helsinki Citizens' Assembly-Vanadzor (Armenia)

Helsinki Foundation for Human Rights (Poland)

Human Rights Center of Azerbaijan

Human Rights First (USA)

Human Rights House Zagreb

Human Rights Monitoring Institute (Lithuania)

Human Rights Watch (Europe office)

Humanrights.ch (Switzerland)

IDP Women Association "Consent" (Georgia)

International Commission of Jurists

International Federation for Human Rights (FIDH)

Italian Coalition for Civil Liberties (CILD)

Justice and Peace (Netherlands)

Kazakhstan International Bureau for Human Rights and the Rule of Law

Lawyers' Committee for Human Rights - YUCOM (Serbia)

Legal Transformations Center - LAWTREND (Belarus)

Macedonian Helsinki Committee  
Netherlands Helsinki Committee  
Norwegian Helsinki Committee  
Open Society European Policy Institute (Belgium)  
PAX (Netherlands)  
People in Need (Czech Republic)  
Promo-LEX Association (Moldova)  
Public Verdict Foundation (Russia)  
Social Action Centre (Ukraine)  
Swedish OSCE-Network  
Swiss Helsinki Committee  
The Human Rights Movement: Bir Duino (Kyrgyzstan)  
Union Women of the Don (Russia)  
World Organisation Against Torture, OMCT (Switzerland)  
ZARA (Austria)

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