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Permanent Mission of Hungary to the OSCE

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**STATEMENT ON CERTAIN ACTS ADOPTED BY THE HUNGARIAN
PARLIAMENT
Vienna, 19th January 2012**

Delivered by Ambassador Miklós Boros

Mr. Chairperson,

Hungary is strongly committed to the comprehensive approach to security, of which the respect for human rights and fundamental freedoms and the rule of law represent essential elements. Hungary welcomes an open, factual and productive exchange of views on human dimension issues with all participating states, individually and collectively, in line with our common commitment made at the Astana summit, with the view of achieving progress in this important area.

Hungary thanks the participating states having taken the floor today for drawing the attention of the Permanent Council to certain acts recently adopted by the Hungarian Parliament and providing an opportunity to clarify positions. The Government is of the view that these acts are consistent with the principles and ideas expressed in our international legal and political commitments, including OSCE commitments. Provided the extraordinary multitude of laws adopted over a short period of time, however, one cannot exclude the possibility that mistakes were made. Recent decisions of the Constitutional Court which defined at what points some of the new laws need to be corrected and brought into line with constitutional principles show that the necessary checks and balances are indeed in place in our constitutional system of separation of powers.

The Government of Hungary is ready to engage in a constructive dialogue. At the same time, we deem it important that such a dialogue and the examination of specific legislation be based on factual observations, specific concerns and devoid of arguments of political nature.

As a positive example, let me recall the outcome of the controversy over the new Hungarian Media Law adopted in 2010. The European Commission scrutinized the law and requested four amendments passed within two weeks by the Hungarian parliament. Just recently, the Constitutional Court has, while stating that the new media regulation, as far as its goals and regulatory system are concerned, is not unconstitutional and is in line with the values of democratic society, mandated a number of specific changes. The decision of the Constitutional Court has been welcomed by the Representative on the Freedom of the Media.

With respect to the new Fundamental Law of Hungary, I would like to point out that the governing coalition has more than a two thirds majority in the Parliament, obtained through

democratic elections. According to the ODIHR's relevant report "The 2010 parliamentary elections confirmed the democratic principles established over the past 20 years." This unprecedented support allowed the governing parties to draft a new Constitution, this had been the aim of several previous Governments as well. The adoption and entry into force of the Constitution was preceded by consultation at national and international level. We received, inter alia, the opinion of the Venice Commission of the Council of Europe, which was essentially appreciative, while formulating some critical remarks. The opinion stated that: „The Venice Commission welcomes the fact that this new constitution establishes a constitutional order based on democracy, rule of law and protection of fundamental rights...A particular effort has been made to follow closely the technique and the contents of the ECHR and to some extent the EU Charter”.

With regard to certain specific acts adopted recently by the Hungarian Parliament, I would like to indicate that – within the framework of the infringement proceedings - we entered into a dialogue with the European Commission. Hungary fully acknowledges the importance of common European basic principles, values and achievements. The Government will thoroughly analyze the arguments of the Commission. Our aim is to find a mutually acceptable solution to the problematic issues as soon as possible.

In the past months we have also been in contact with relevant OSCE institutions and we remain open to further discussions.

As far as the observations raised by the delegation of the Russian Federation are concerned I would like to emphasize that Hungary is confident that all the participating states of the OSCE agree on the need to overcome collectively and also individually the different totalitarian regimes of our history. Such a need comes from the simplest fact that each and every dictatorship is degrading, inhuman and devastating. I believe that we, as the OSCE community of states based on the same human values and commitments, have arrived at a point in our collective spiritual-historical development where none of us has to bear more burden on its shoulder than the other in this respect.

With regard to the reference to the Act on the Punishment of Crimes against Humanity I would like to point out that this Act has a twofold aim. On the one hand it is strengthening our commitment undertaken to prosecute crimes against humanity. On the other it is providing a framework for bringing those who have committed the most serious crimes in the communist era before justice, in particular the individuals who have taken part in the suppression of the 1956 Revolution. As this sad event is one of those which prevented Hungarians from enjoying full sovereignty during the period between 1944 and 1990, exactly what our new constitution is referring to in its Preamble.

Thank you Mr. Chairperson.