

During the second UPR cycle, the Hungarian government supported 63 recommendations related to the rights of migrants and refugees. 5 have been partially, 58 have not been implemented at all.

Since the last UPR cycle, the situation has drastically deteriorated due to changes in the domestic legislation, adopted amidst government-sponsored xenophobic hate-campaigns. This is clear from the detailed analyses of the 63 supported recommendations as well as relevant Concluding Observations of the UN Treaty Bodies, reports of human rights monitoring bodies of the Council of Europe, numerous judgments of the European Court of Human Rights and the Court of Justice of the European Union.

According to the current legal framework, it is impossible for forced migrants to seek protection in Hungary, in breach of the Geneva Convention and the asylum acquis of the European Union. Those foreigners found on the territory of Hungary without valid visa or residence permit are to be summarily removed to the Serbian side of the border fence at the Hungarian-Serbian border. These summary removals are not preceded by any formal procedure, identification or individual documentation and are thus in breach of the prohibition of collective expulsion and of *refoulement*.

General recommendation:

Bring in line the asylum system with the Geneva Convention by ensuring access to the determination procedure for those present at the borders and on the territory, and by carrying out removals based on individual decisions.

Selected specific recommendations:

- Refrain from commissioning anti-migrant public campaigns.
- Repeal restrictive legislation concerning CSOs and those assisting asylum-seekers.
- Ensure regular and regulated access of service providers to asylum and immigration facilities in line with EU law and UN standards and recommendations.
- Ensure access to the asylum procedure irrespective of migratory status at the borders and on the territory of the country.
- End collective expulsions by revoking legislation that legalise push-backs.
- Reintroduce regular human rights monitoring by independent civil society organisations.
- Establish and follow SOPs for early assessment of vulnerabilities together with UNHCR and NGOs.
- Establish adequate and safe accommodation for vulnerable applicants.
- Ensure full protection for all unaccompanied children aged 14-18 and grant them a guardian with the same qualifications, functions and legal powers as those appointed for children aged less than 14.
- Establish a comprehensive integration strategy for migrants, with specific measures to prevent and eliminate discrimination, racism, xenophobia and intolerance against migrants irrespective of their status.
- Ratify the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families.
- Ratify the Istanbul Convention and adopt comprehensive rules against domestic violence that also includes foreign victims.
- Ensure access to all children to education irrespective of their immigration status.
- Ensure full compliance with Article 7 of the Convention on the Rights of the Child by providing for the automatic granting of nationality to all children born in Hungary who would otherwise be stateless, regardless of their domicile or any other factor.
- Withdraw reservations to the European Convention on Nationality.
- Bring legislation on the opinions of intelligence agencies issued in immigration procedures in conformity with international standards and EU law so that, at a minimum, access to a summary of the reasons a person is considered a national security risk/threat is provided.

Read our detailed analyses and the full list of recommendations on the [rights of refugees and migrants](#), on the [detention of migrants](#), and on [stateless persons](#). For further information, contact us at helsinki@helsinki.hu.