



## OSCE Warsaw Human Dimension Conference 2025

### Plenary Session 9: Humanitarian Issues and Other Commitments Refugees and Displaced Persons

15 October 2025

The Hungarian Helsinki Committee (HHC), a human rights non-governmental organisation based in Budapest, Hungary, wishes to draw the attention of the Organisation for the Security and Cooperation in Europe (OSCE) to The Hungarian Helsinki Committee, a human rights non-governmental organisation based in Budapest, Hungary, wishes to draw the attention of the Organisation for the Security and Cooperation in Europe (OSCE) to the systemic rights' violations committed against migrants and asylum-seekers in Hungary. These practices continue in defiance of binding European Union and international human rights judgments and undermine Hungary's OSCE human dimension commitments.

#### **1. A dismantled asylum system and mass pushbacks**

Based on the authorisation the government received under the special legal order first declared due to the COVID-19 outbreak and subsequently in reference to Russia's full-scale invasion of Ukraine, through emergency government decrees the previous asylum system was temporarily suspended. This means, in practice, that since May 2020, Hungary has had no functioning asylum system. Asylum-seekers must first submit a "statement of intent" at Hungarian embassies in Belgrade or Kyiv before being allowed to apply for asylum in Hungary. This so-called *embassy system* was found to be in breach of EU law by the Court of Justice of the European Union already in 2023.<sup>1</sup> Despite the judgment, Hungary continued to prolong the „temporary” asylum provisions until 2025 when Parliament cemented the asylum system in the regular legal order.<sup>2</sup> Between June 2020 and June 2025, only 16 people were authorised to seek asylum through the embassy procedure.<sup>3</sup>

In parallel, Since 5 July 2016, third-country nationals without the right to stay in Hungary are “escorted” to the external, Serbian side of the border fence built along the Hungarian-Serbian border. Those apprehended are immediately pushed back, have no right to seek asylum. There is no identification, consequently no documentation during these police measures. From 5 July 2016 until 28 March 2017, this rule was applicable only in an 8 km area from the border fence. Since 28 March 2017, the legalisation of push-backs are extended to the entire territory of Hungary.<sup>4</sup> Between 5 July

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<sup>1</sup> C-823/21, Commission v. Hungary, 22 June 2023:

<https://curia.europa.eu/juris/document/document.jsf?text=&docid=274870&pageIndex=0&doclang=HU&mode=req&dir=&occ=first&part=1&cid=268610>

<sup>2</sup> Chapter I of Act L. of 2025 on the elevation to the level of act of Parliament of the emergency decrees declared in view of the armed conflict in the territory of Ukraine

<sup>3</sup> Response of the National Directorate-General for Aliens Policing to HHC's FoI requests, on file.

<sup>4</sup> Section 5 (1b) of Act LXXXIX on State Borders, in force since 28 March 2017. See more: <https://www.helsinki.hu/wp-content/uploads/HHC-Info-Update-New-Asylum-Bill-15.02.2017.pdf>.

2016 and 30 September 2025 the Police recorded over 375 000 push-backs.<sup>5</sup> The “legalization” of extrajudicial push-backs is in breach of Hungary’s international human rights obligations, and also poses serious security risks by collectively expelling individuals of unknown identity to the territory of another state.

On 17 December 2020, the CJEU delivered a judgment in an infringement procedure initiated by the European Commission, ruling, among others, that the legalisation of collective expulsions breaches EU law.<sup>6</sup> Since the government refuses to implement the judgment, the CJEU decided to impose an unprecedentedly large amount of fine: 1 million Euro per day until the judgment is implemented, in addition to a lump sum of 200 million Euro.<sup>7</sup>

The HHC represents several applicants at the European Court of Human Rights (ECtHR) related to their collective expulsion from Hungary. In the first case, in 2021, in *Shahzad v Hungary*, the European Court of Human Rights ruled that Hungary violated the prohibition of collective expulsion.<sup>8</sup> This case was followed by others, including *H.K. v Hungary*, application no. 18531/1722 or *R.N. v Hungary*, application no. 71/1823 where the applicant was a minor at the time of his violent push-back.

## **2. Restrictions on temporary protection**

Hungary was among the first Member States to activate temporary protection on 24 February 2022, but quickly excluded non-Ukrainian residents of Ukraine from eligibility. Since 2023, access to state-funded mass shelter for Ukrainian refugees has been drastically curtailed. Following a decree of 28 June 2024, only beneficiaries deemed “vulnerable” and originating from government-designated “territories impacted by war” remain eligible for state-funded housing. As a result, thousands, mostly women and children have lost shelter, in direct violation of Article 13 of the EU Temporary Protection Directive. The HHC’s related lawsuits are still pending at first instance a year later.

## **3. Refusal to implement the EU Pact on Migration and Asylum**

The Hungarian Government publicly declared that it will not apply the EU Pact on Migration and Asylum, rejecting both the solidarity mechanism and the new screening and border-procedure framework. Official statements describe the Pact as “forcing migrant relocation” and “a threat to Hungary’s sovereignty.”<sup>9</sup>

This open refusal represents a further breach of EU law and of Hungary’s OSCE human dimension commitments, including the duty to uphold international protection, prevent collective expulsion, and observe the principle of sincere cooperation with other Member States and EU institutions.

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<sup>5</sup> Official statistics, published daily on the Police’s website: [www.police.hu](http://www.police.hu)

<sup>6</sup> Judgment in case C-808/18, *European Commission v Hungary*, § 315, <https://curia.europa.eu/juris/document/document.jsf?text=&docid=235703&pageIndex=o&doclang=EN&mode=lst&dir=&oc=first&part=1&cid=251689>.

<sup>7</sup> *Commission v Hungary* (reception of applicants for international protection II), Case C-123/22, <https://curia.europa.eu/jcms/upload/docs/application/pdf/2024-06/cp240099en.pdf>

<sup>8</sup> *Shahzad v Hungary*, app no.12625/17, <https://hudoc.echr.coe.int/eng?i=001-210853>

<sup>9</sup> See e.g. the statement of the Prime Minister’s national security advisor on 25 July 2025, available in Hungarian at <https://szegedma.hu/illegalis-bevandorlas/2025/07/bakondi-gyorgy-brusszel-migracio-paktum>

## 4. Recommendations

The HHC recommends the OSCE and Participating States to:

1. **Urge the Government of Hungary** to fully comply with its human-dimension commitments and international obligations, including:
  - repeal laws legalising collective expulsions;
  - restore access to territory and to a functioning asylum system;
  - terminate the unlawful embassy system;
  - provide effective protection for all persons fleeing Ukraine, without discrimination.
2. **Urge** full participation in the common European asylum system.
3. **Monitor** state actions, policies, and narratives that stigmatise asylum-seekers and those assisting them.