HUNGARIAN HELSINKI COMMITTEE

OSCE Warsaw Human Dimension Conference 2026

Plenary Session 7: Humanitarian Issues II: Refugees and Displaced Persons

12 October 2026

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 systemic rights' violations committed against migrants and asylum-seekers in Hungary. These practices continue in defiance of binding judgments, including that of the Court of Justice of the European Union and the European Court of Human Rights and undermine Hungary's OSCE human dimension commitments.

1. A dismantled asylum system and mass pushbacks

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.[1] Despite the judgment, the embassy system is annually extended and is currently in force until the end of 2026.[2] Since its introduction until 30 June 2026, 21 individuals were allowed to seek asylum after submitting a statement of intent. Not a single approval was issued in 2024, 2025, or 2026.[3]

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.[4] Between 5 July 2016 and 30 June 2026 the Police recorded over 390 000 push-backs.[5] 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.

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[1] 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

[2] 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.

[3] Response of the National Directorate-General for Aliens Policing to HHC's FoI requests, on file.

[4] 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.

[5] Official statistics, published daily on the Police's website: www.police.hu

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.[6] 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.[7] 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 ECtHR ruled that Hungary violated the prohibition of collective expulsion.[8] This case was followed by others, including the case of *R.N. v Hungary*, application no. 71/18 where the applicant was an unaccompanied minor at the time of his violent push-back.

The new TISZA government decided to prolong the state of crisis due to mass migration in September 2026, allowing Police to continue carrying out collective expulsions.[9]

2. Restrictions on temporary protection

Hungary was among the first Member States of the European Union 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 more than two years later.

3. Continued refusal to implement the EU Pact on Migration and Asylum

The previous and the present[10] governments publicly declared that Hungary will not apply the EU Pact on Migration and Asylum, rejecting both the solidarity mechanism and the new screening and border-procedure framework. 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 EU Member States and EU institutions.

4. Recommendations

The HHC recommends the OSCE and Participating States to urge the Government of Hungary to

- fully implement binding judgments of the CJEU and the EctHR, thereby
- comply with its human-dimension commitments and international obligations,
- repeal laws legalising collective expulsions, restoring access to territory and to a functioning asylum system, and providing effective protection for all persons fleeing Ukraine.

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[6] Judgment in case C-808/18, European Commission v Hungary, § 315, https://curia.europa.eu/juris/document/document.jsf?text=&docid=235703&pageIndex=0&doclang=EN&mode=lst&dir=&o cc=first&part=1&cid=251689.

[7] 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

[8] *Shahzad v Hungary (No. I.)*, App no.12625/17, https://hudoc.echr.coe.int/eng?i=001-210853

[9] Government Decree 144/2026. (IX. 4.).

[10] See, e.g., „Péter Magyar: we will not implement the migration pact in its current form", https://telex.hu/belfold/2026/06/15/magyar-peter-nem-hajtjuk-vegre-ebben-a-formajaban-a-migracios-paktumot.