



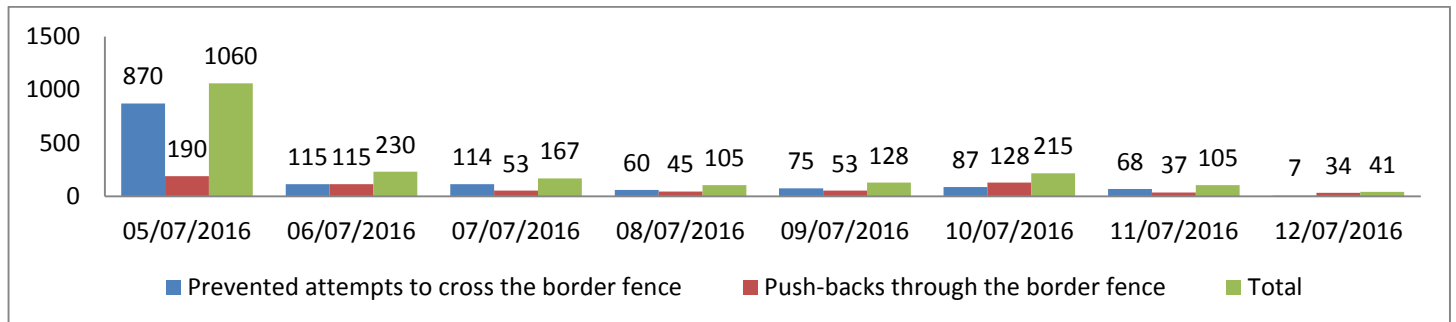
Hungary: Access denied

Brief information update by the Hungarian Helsinki Committee (HHC)

14 July 2016

Recent legal amendments that entered into force on 5 July allow the Hungarian police to **automatically push back asylum-seekers who are apprehended within 8 km (5 miles) of the Serbian-Hungarian or Croatian-Hungarian border to the external side of the border fence**, without registering their data or allowing them to submit an asylum claim, in a summary procedure **lacking the most basic procedural safeguards** (e.g. access to an interpreter or legal assistance). As **no more than 15 asylum-seekers are allowed to enter the transit zones per day**, those pushed back are stranded for several days or weeks in inhumane conditions, waiting in front of the transit zones.¹ According to recent press reports, currently **over 500 asylum-seekers are stranded in front of the Rösztke transit zone**, without any shelter, support or food provided by either the Hungarian or the Serbian state.² As the HHC warned earlier,³ legalising push-backs from deep within Hungarian territory denies asylum-seekers the right to seek international protection, **in breach of international and EU law**.

As the table shows,⁴ **a total of 2 051 potential asylum-seekers have been denied access** to Hungarian territory by the authorities since the amendment came into force, **preventing these people – in majority fleeing from Afghanistan, Syria and Iraq – from applying for international protection in the European Union**.



Meanwhile, since the beginning of this spring, the HHC has been receiving a growing number of alarming reports about **serious abuses and ill-treatments committed against asylum-seekers**; the best known case is that of a young Syrian man who drowned in the river Tisza while attempting to cross into Hungary on 1 June.⁵ His surviving brother is represented by the HHC and a criminal investigation has been launched in relation to the tragic incident. The fact that violence against potential asylum-seekers is on the rise is further testified by the report of Human Rights Watch, published on 13 July, citing various testimonies about brutality against foreigners at the border.⁶

In light of the unprecedented amount of reports about violence committed around the Hungarian-Serbian border, the HHC sent an official letter to the Police urging investigations into the allegations, already on 14 June.⁷ The letter referred to, among others, testimonies given by unaccompanied minor asylum-seekers, who told the HHC that the Hungarian Police hit and kicked them, and used gas spray against them. One of these children had visible injuries on his nose that he claimed were the result of an attack by a police dog released on him already after being apprehended. The HHC requested the Police to immediately launch an investigation and that steps be taken to ensure that police measures are lawful in all cases. On 23 June, the Police responded by claiming that it “guarantees humane treatment and the insurance of fundamental human rights in all cases”. The letter failed to address any of the reported abuses but promised to “pay particular attention” to instruct those on duty at and around the border to guarantee the lawfulness of police measures.⁸

The HHC is extremely concerned with these unprecedented and systematic allegations of brutality and ill-treatment committed by uniformed personnel on the Serbian-Hungarian border. Also, the HHC is concerned that unless a radical change occurs in the way the Police is currently handling these allegations of violence, the recent “legalisation” of push-backs will only exacerbate the situation. In order to be able to trigger the authorities’ action to investigate abuses, **the HHC released a form to report on abuses** committed at the Hungarian border, which provides a structured framework for NGOs, volunteers or victims to report such incidents, aimed at helping the HHC’s work towards eliminating ill-treatment against migrants and refugees and to aid those wishing to file an official complaint in Hungary.⁹

¹ See recent HHC field report: <http://bit.ly/29EbLoy>

² See for example: <http://bit.ly/29FJC2H>

³ See previous HHC information brief: <http://bit.ly/29mZLw7>

⁴ Source: <http://bit.ly/29RTsPE>

⁵ See UNHCR press release: <http://bit.ly/1UtrMhc>

⁶ See the Human Rights Watch report here: <http://bit.ly/29xiOuU>

⁷ See the HHC’s letter here (in Hungarian): <http://bit.ly/29S6q2K>

⁸ See the Police’s response here (in Hungarian): <http://bit.ly/29EdbiN>

⁹ The form can be downloaded here: <http://bit.ly/29QzaY0>, and filled out online here: <http://bit.ly/29RT97w>