



HUNGARIAN
HELSINKI
COMMITTEE

A Demolished Asylum System: The Case of Hungary

Hungarian Helsinki Committee

"2025 R-EU-R – Jean Monnet Module"

Athens

3 February 2025

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HUNGARIAN HELSINKI COMMITTEE

Human rights watchdog organisation since 1989

Main areas of focus

- ✓ Protecting the rule of law
- ✓ Protecting the rights of refugees
- ✓ Protecting the rights of detainees & a fair criminal justice system

Methods

- ✓ Legal assistance & Litigation
- ✓ Monitoring & Research
- ✓ Advocacy
- ✓ Training
- ✓ Communication & Outreach



OUR WORD CLOUD

'Hungarian asylum system'

please share the first word that
comes to your mind.

- Join at menti.com / Use code: 6674
2345



The background of the image features a solid blue color with a pattern of dark blue, wavy, concentric lines that resemble a fingerprint or a stylized topographical map. The lines are more densely packed in the center and become more sparse towards the edges.

ASYLUM SYSTEM: UNDER ATTACK

1989

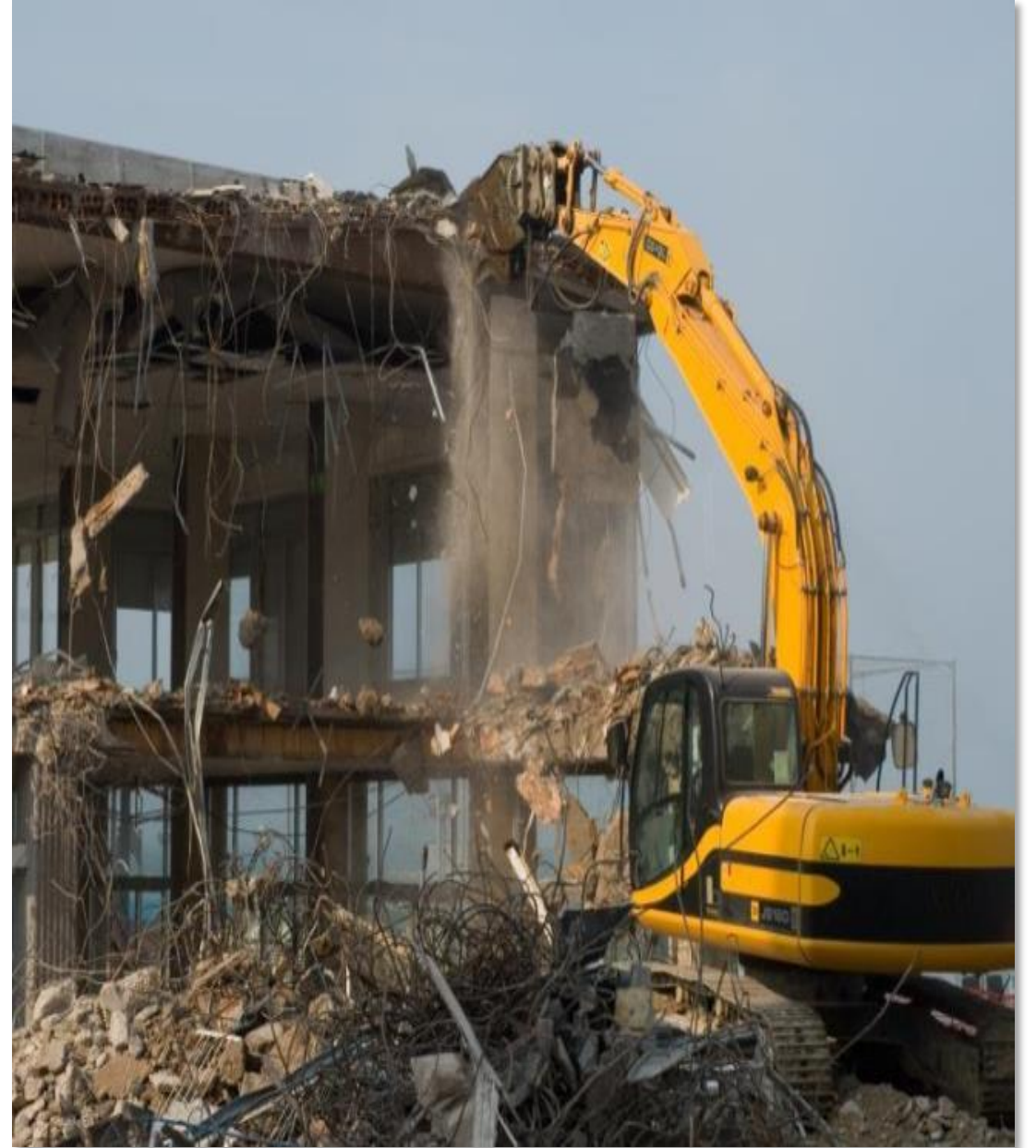


2015 -



Hungary 2015-2016: The first systematically destroyed asylum system in the EU

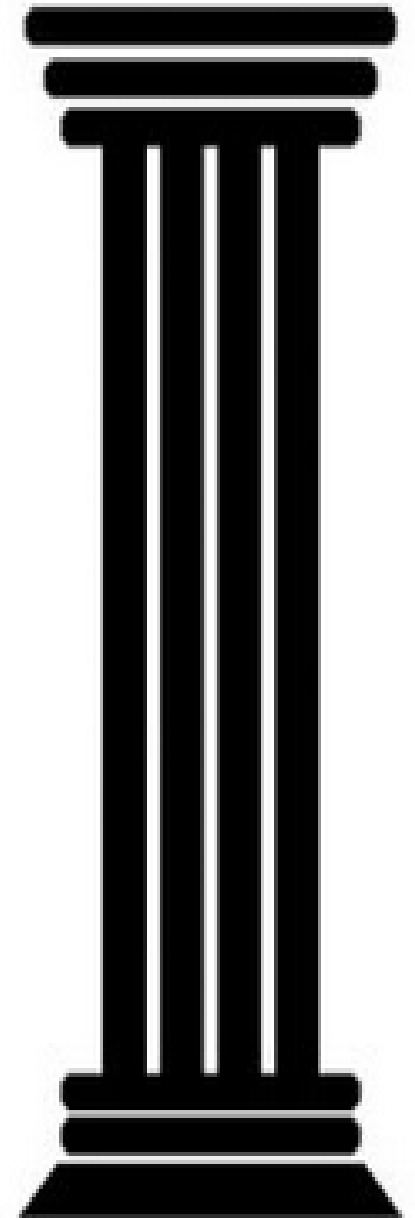
1. Access denied
2. Automatic detention
3. Deteriorating safeguards
4. No integration help
5. Hate campaign



DETERRENCE

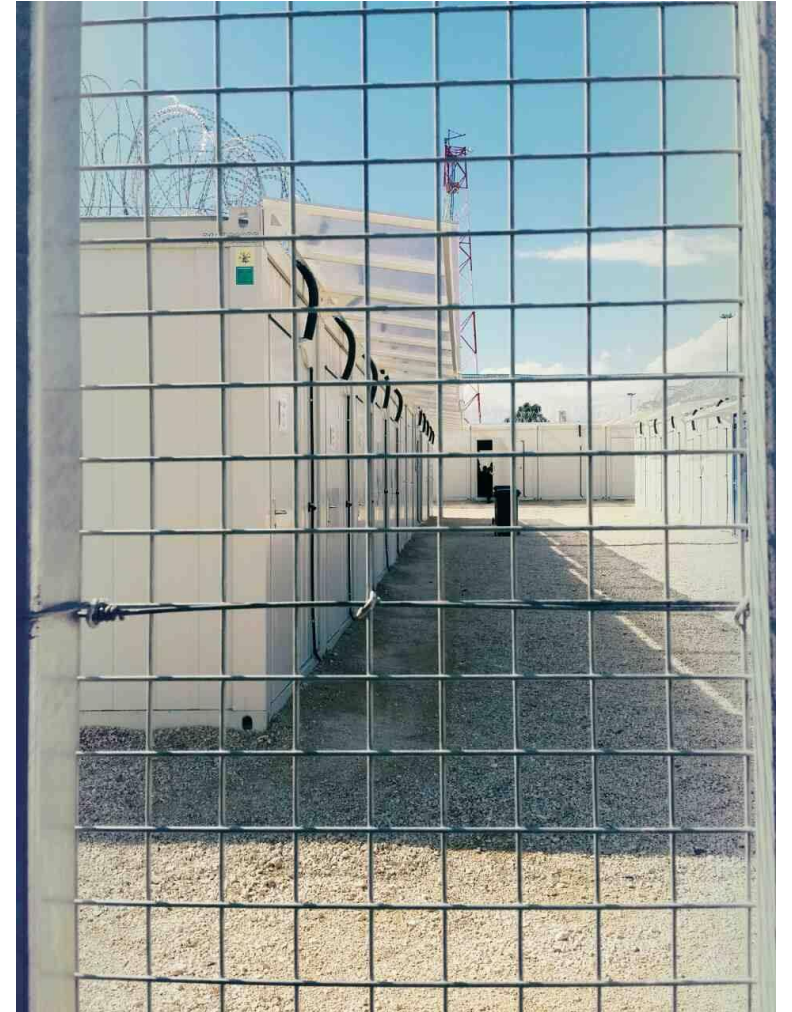
3 PILLARS OF DETERRENCE:

- KEEP OUT (PUSH-BACK, FENCE, ARBITRARY QUOTA)
- DETAIN ALL (EMERGENCY SITUATION)
- EMPTY PROTECTION (NO INTEGRATION)



FENCE(D) OFF

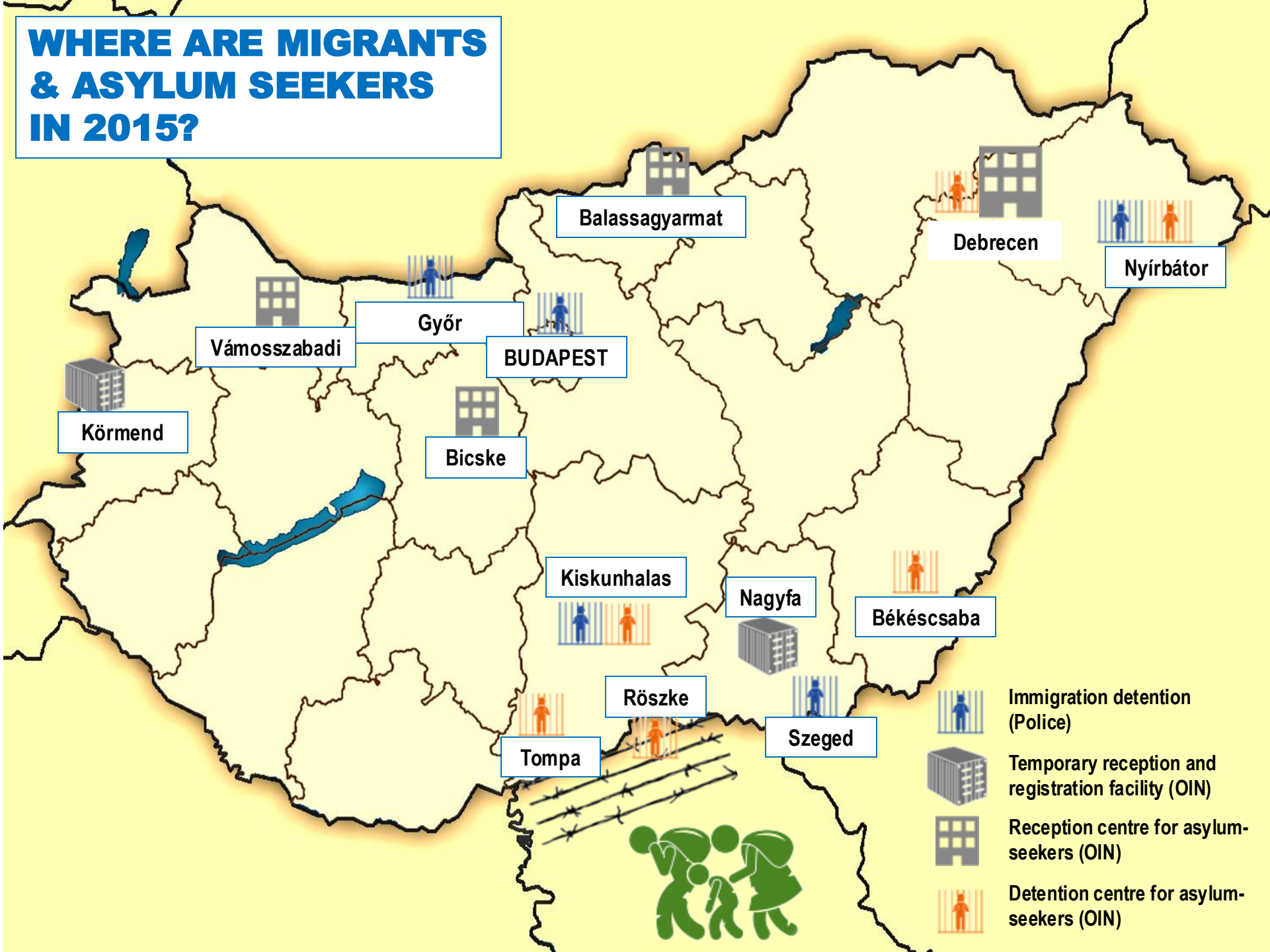
- In May 2020, following a Court of Justice of the European Union (CJEU) judgment that ruled, among others, that placement in the transit zone constitutes unlawful detention, the Hungarian government **decided to close the transit zones.**



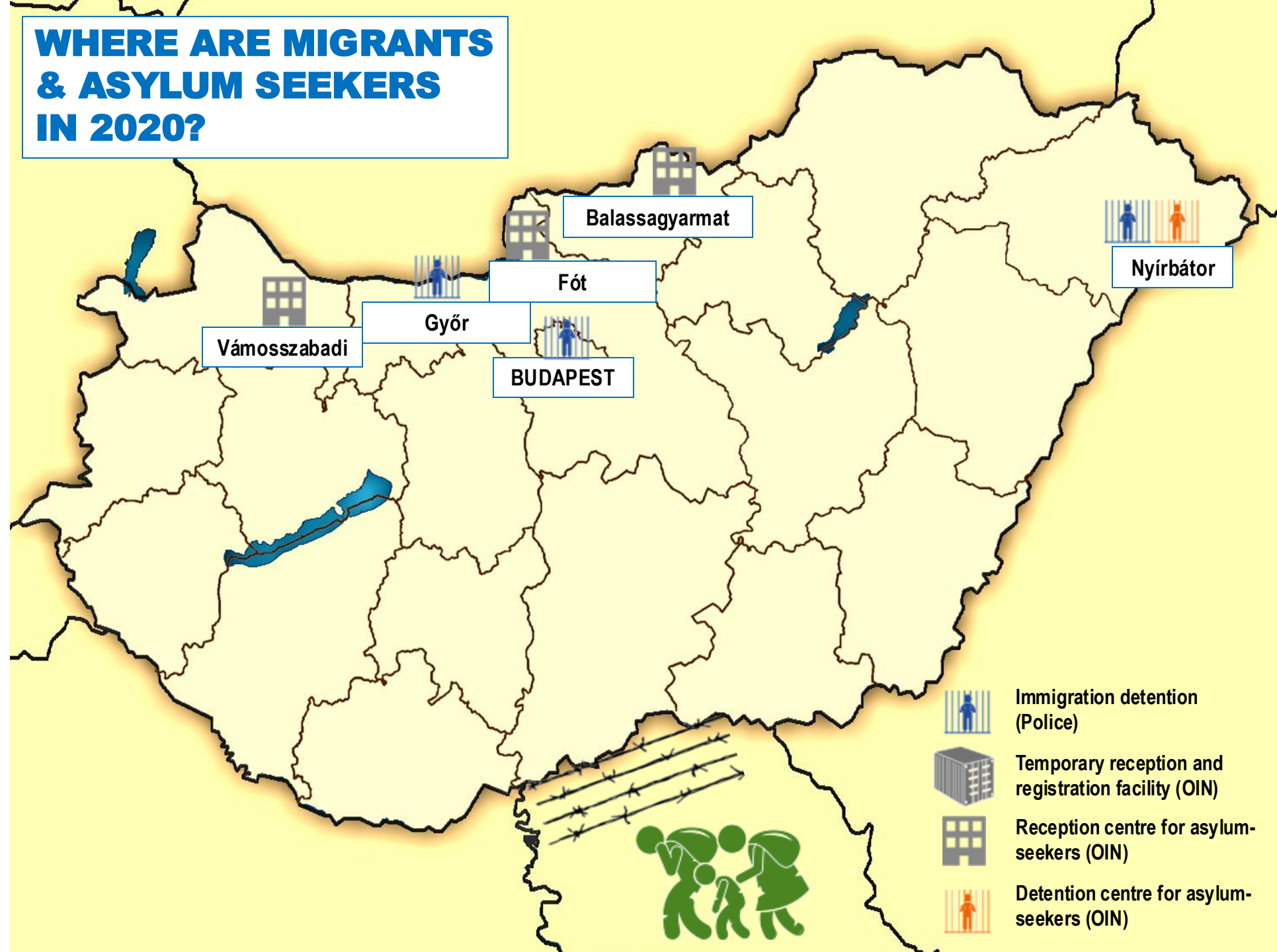
The background of the image is a solid blue color. Overlaid on this are several sets of concentric, wavy lines in a darker blue shade. These lines are arranged in a way that creates a sense of depth and movement, resembling ripples in water or the lines of a fingerprint. The lines are more densely packed in some areas and more spread out in others, creating a dynamic visual effect.

ASYLUM SYSTEM: A DISAPPEARING ACT

WHERE ARE MIGRANTS & ASYLUM SEEKERS IN 2015?



WHERE ARE MIGRANTS & ASYLUM SEEKERS IN 2020?

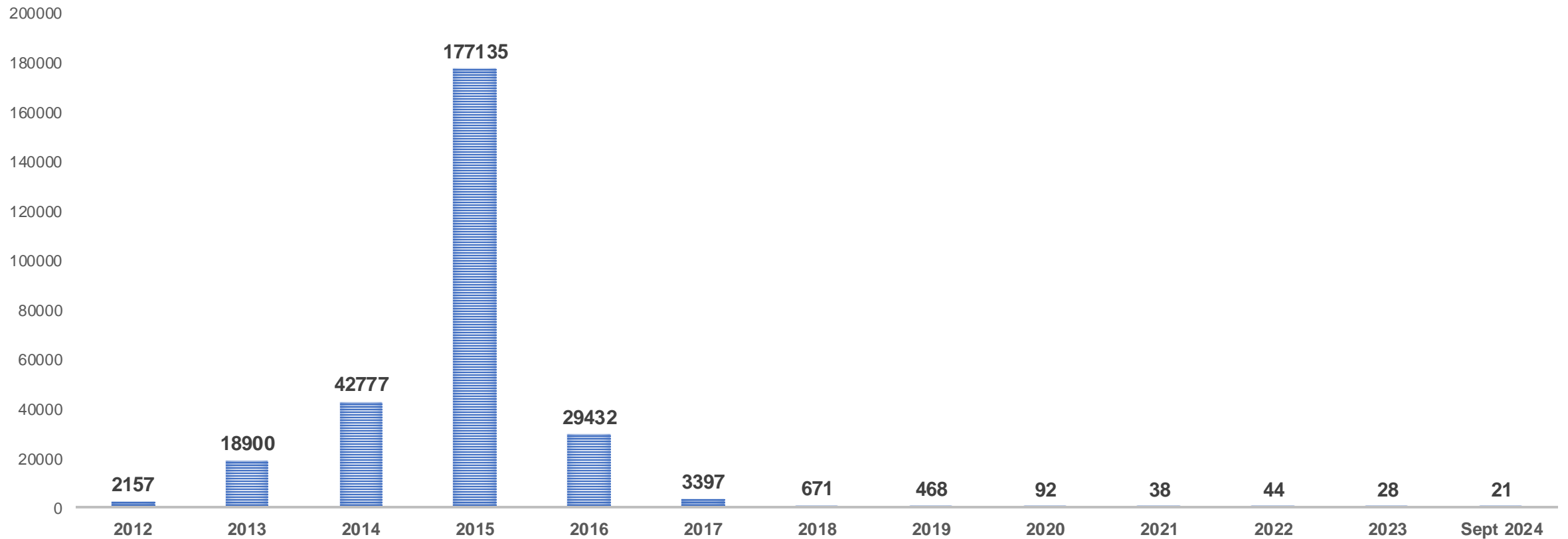


The background features a solid blue field with a complex pattern of dark blue lines. These lines form a series of concentric, wavy circles and arcs that overlap and intersect, creating a sense of depth and movement. The pattern is reminiscent of a fingerprint or a stylized topographical map.

ASYLUM SYSTEM: IN NUMBERS

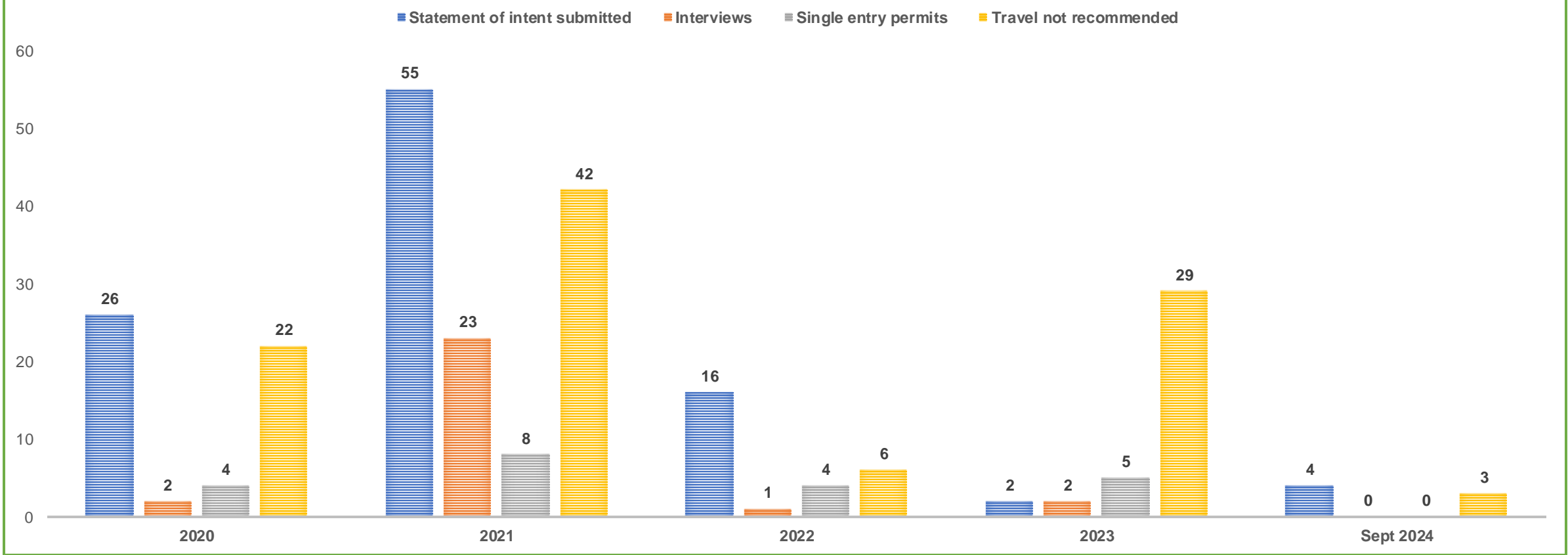
INVISIBLE NUMBERS

ASYLUM APPLICATIONS



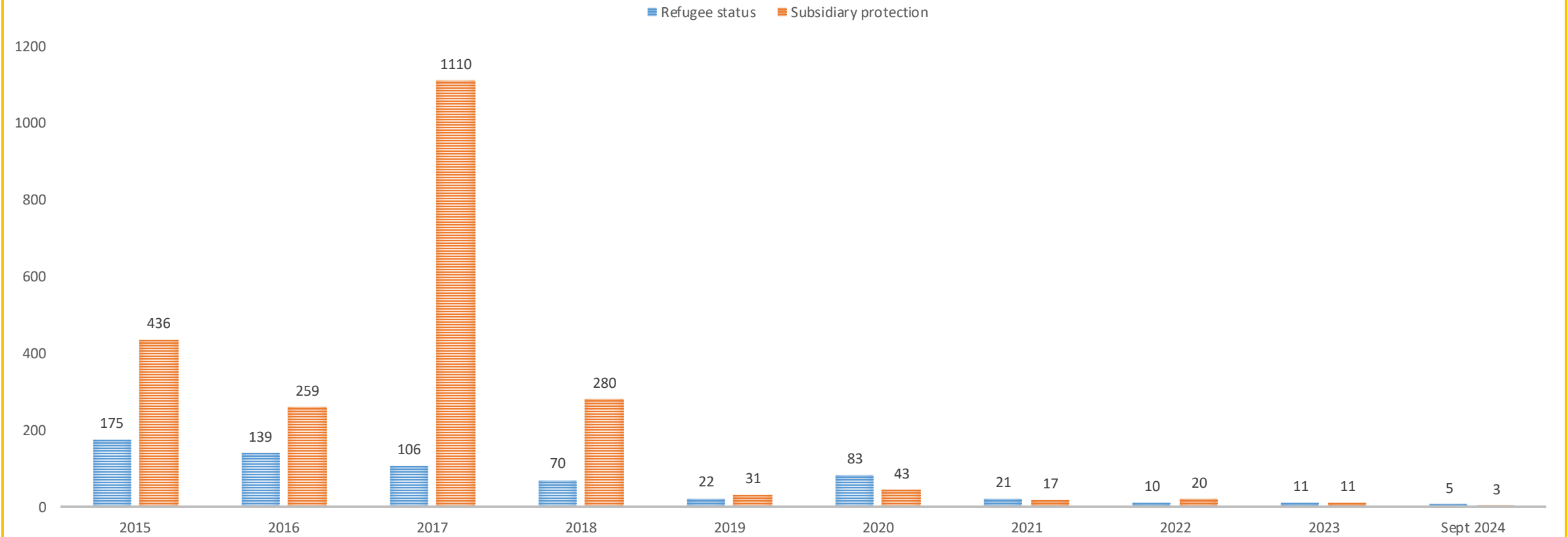
THE EMBASSY SYSTEM

THE EMBASSY SYSTEM



INTERNATIONAL PROTECTION

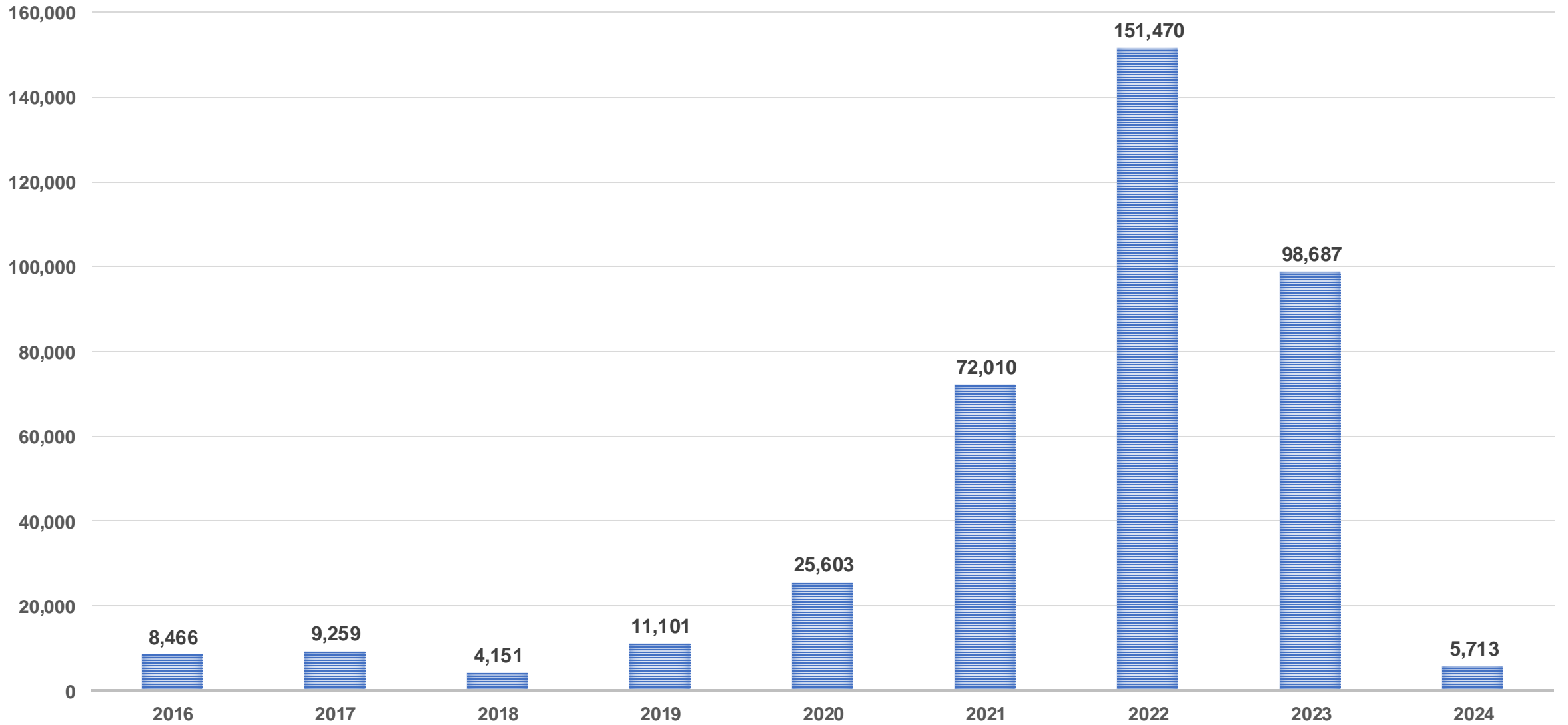
INTERNATIONAL PROTECTION



The background of the image is a solid blue color. Overlaid on this are several sets of dark blue, wavy, concentric lines that resemble ripples in water or topographical map contour lines. These lines are arranged in a way that they flow from the top right towards the bottom left, creating a sense of movement and depth. The lines vary in density and curvature, adding a complex, organic texture to the overall design.

MASSIVE PUSH-BACKS

PUSH-BACK MEASURES 2016-2024



CONTINUING VIOLATION

- **Over 380 000 push-back measures since 2016 DESPITE:**
- 17 December 2020 CJEU ruled that collective push-backs without any possibility of appeal are against EU law
- 27 January 2021 Frontex decided to suspend its operations in Hungary
- ECtHR ruled in several cases that the domestic authorities' practices violate the prohibition of collective expulsion and torture, inhuman or degrading treatment

KHURRAM'S STORY

- [Shazhad v. Hungary](#), a positive judgment reached before the ECtHR on 8 July 2021.
- The first ECtHR case on collective expulsions from Hungary, which the Court clearly finds in breach of the Convention.
- Pakistani citizen Khurram Shahzad and 11 others crossed the Serbian-Hungarian border with no documents on 11 August 2016. They were caught by Hungarian police the next morning. Our client explained in English that he wanted to seek asylum, but the acting police did not care. Before being pushed back to Serbia he was brutally beaten.
- Two complaints: collective expulsion and inadequacy of investigation.



Pushed-back

- 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. Since the December 2020 judgment has not been implemented, the European Commission decided to bring Hungary back to the CJEU, which resulted in imposing a huge fine on Hungary.
- The HHC represents a number of 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. This case was followed by several others.
- On 5 October 2022, the ECtHR found that Hungary has violated the rights of a pushed back foreigner when his allegations of police ill-treatment were not effectively investigated by the authorities. The Court also found Hungary responsible for the violence as well.



Brainstorming in small groups

How can you best advocate for the rights of asylum-seekers?



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graph TD; A[How can you best advocate for the rights of asylum-seekers?] --> B[What methods would you use?]; B --> C[What institutions would you turn to?]; C --> D[Who would you cooperate with?];
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What methods would you use?

What institutions would you turn to?

Who would you cooperate with?

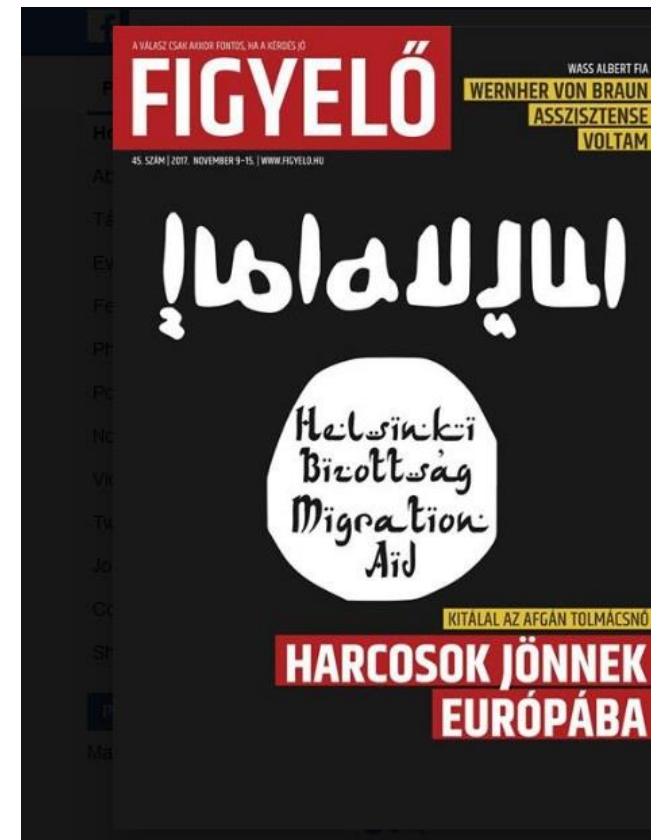
The background of the image is a solid light blue color. Overlaid on this are several sets of dark blue, wavy, concentric lines that resemble ripples in water or topographical map contour lines. These lines are arranged in a way that they flow from the bottom left towards the top right, creating a sense of movement and pressure.

CIVIL SOCIETY UNDER PRESSURE

Media campaigns



MIGRATION HYPER-POLITICISED - SMEAR CAMPAIGNS AGAINST NGOS



LAWS RESTRICTING CIVIC SPACE

Lex NGO 2017 foreign-funded organisations

- June 2020 CJEU judgment – against EU law
- replaced by Lex NGO 2021 – organizations 'capable of influencing public life' (budget above HUF 20M) can be inspected by the State Audit Office

Stop Soros Law 2018

- criminalises assistance to asylum-seekers – punishable by imprisonment
- November 2021 CJEU judgment – breach of EU law
- amended in December 2022, but chilling effect remains

25 % immigration tax 2018

- chilling effect on migration discussion
- tax on free speech
- in force
- CEU OLIVE - closure

Defense of Sovereignty

Scope: NGOs and media outlets

Competence of the Office for the Defense of Sovereignty

- obtain unhindered access to sensitive data
 - confidential contracts
 - client information
 - private medical records kept by the organisation
- "advocacy for and acts of disinformation aiming to manipulate information on behalf of another state, foreign entity or natural person", and
- "activities aimed at influencing democratic debate and the state's and the society's decision-making processes, if they may infringe on or threaten the sovereignty of Hungary".
- vague and full of broadly interpreted, undefined concepts