



Hungary: Failing to Protect Vulnerable Refugees

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Hungary is keeping many of the most vulnerable asylum seekers stranded on its border in poor conditions for weeks while they wait to enter the country and file their claims. Some said that border officials had used excessive force against them.

Hungary has imposed a daily cap on the number of asylum seekers who can enter Hungary to present asylum claims, and a July 5, 2016, law allows push-backs of people found to have entered the country irregularly. This means that even especially vulnerable people are being sent back to the Serbian border and spending weeks in poor conditions there as they wait to enter.

"It is particularly cruel to force vulnerable asylum seekers who are already inside Hungary back to the Serbian border to line up for weeks in awful conditions," said Lydia Gall, Balkans and Eastern Europe researcher at Human Rights Watch. "Hungary should provide timely access to the asylum system for all refugees, and take special measures to treat vulnerable groups humanely."

To look at the effects of the July 5 law, Human Rights Watch interviewed 30 asylum seekers, including single males and members of vulnerable groups, as well as representatives of nongovernmental groups, staff of UNHCR, the United Nations refugee agency, human rights lawyers, and activists.

Those interviewed included nine families with children, four unaccompanied children, an elderly person, and a person with a disability. All had been apprehended after crossing irregularly into Hungary after the new law was adopted and had been pushed back across the border. Human Rights Watch also interviewed six additional families with children who had been waiting to enter Hungary for up to several weeks.

A September 2015 law established a fast track asylum procedure requiring most people filing asylum claims to wait in two transit zones inside the Hungarian border in poor conditions while their claims are processed. The law exempts vulnerable asylum-seekers - including families with children, elderly, sick, unaccompanied children, and people with disabilities, who are supposed to be given access to regular processing in reception facilities inside Hungary.

But the situation, particularly for vulnerable people, has worsened under the July 5 law, which enables police to push back to the Serbian border asylum seekers caught inside Hungary within 8 kilometres of the border. There is no exception made for vulnerable people, despite the fact that they are exempt from the transit zone procedure. They are also sent back to the Serbian border to await entry to Hungary under the daily quota of 15 asylum seekers at each of the two transit zones. Many vulnerable people are stranded at the border for weeks.

In the past year, Hungary has adopted laws and procedures that make access to asylum increasingly difficult. In September 2015, Hungary built a razor wire fence and established the two transit zones on its border with Serbia where asylum seekers are held while processing takes place. But as Human Rights Watch has documented, even those subjected to the fast-track transit zone procedure are being denied effective access to asylum.

Human Rights Watch documented 12 cases of violence against migrants and asylum seekers, including four unaccompanied children and a family with young children, who crossed irregularly into Hungary after July 5. Migrants and asylum seekers reported being severely beaten by people wearing uniforms consistent with those of Hungarian police, army, or local paramilitary - so-called "field guards."

A 37-year-old Iraqi man traveling with his 35-year-old wife and 10-month-old baby said his family entered the country the night of July 6 and walked about 10 kilometres in the rain. In the morning, he sought help in a village 3 kilometres away. "My wife and baby were shaking from the rain and cold as I returned with the police but they didn't help," the man said. "They threw our bags away with our phones and money and made us walk to the village."

He said that his wife sprained her ankle but the police refused to help her. "I had to carry my wife on one arm and the baby on the other," he said. "In the village, they put us in a police car and told us they were going to take us to hospital first and then to a camp. We were happy. But they lied to us. They drove us straight to the fence, showed us some paper saying that we crossed illegally and forced us through the steel door back to Serbia." I told them, "Please take us to camp in Hungary" but they just told us, "Go back to Serbia."

A 39-year-old Afghan man traveling with his 28-year-old wife and 3-month-old baby in early August said the police used a pepper gas spray while pushing them back to Serbia. The police "were threatening us, then laughing," the man said. "They brought out a gas canister and sprayed in front of the steel gate where we were supposed to walk through to the Serbian side. Once we walked through, they sprayed behind us. I said please don't spray because of the baby, but they didn't listen. They sprayed anyway."

Asylum seekers said they were beaten with batons, pummelled with fists, and kicked. Human Rights Watch observed, and obtained photos of, bruises, skin perforations, and other wounds consistent with marks from batons and dog bites. In three cases, asylum seekers reported that police officers videotaped the pushbacks from the moment the police took them to the fence until the police made them cross a steel gate towards the Serbian side of the border. The asylum seekers said that the police acted respectfully while they were filming but turned violent when the camera was turned off.

In a July 13 report, Human Rights Watch documented similar abuses against migrants and asylum seekers. The Hungarian government dismissed those concerns in a public statement on July 14. Hungarian authorities should thoroughly investigate alleged abuses by border officials during push-backs to the Serbian border and hold those responsible to account, Human Rights Watch said.

Human Rights Watch wrote to Hungary's Office of Immigration and Nationality and to the Hungarian Interior and Defense Ministries, on August 23 informing them of the newest findings and requesting comment but has yet to receive a substantive response.

The European Commission opened infringement proceedings against Hungary in December 2015, with respect to its problematic asylum legislation. But it has been silent on Hungary's practice of forcing vulnerable people to wait at the border for excessive periods in appalling conditions instead of admitting them for regular processing. The European Commission has also failed to speak out publicly on the need for Hungarian authorities to investigate violent push-backs of asylum seekers and migrants at Hungary's border with Serbia.

EU member states should refrain from returning any asylum seekers to Hungary under the Dublin regulation, which allows sending a refugee back to the first EU country they entered to file an asylum claim, until it ensures meaningful access to asylum, including adequate time for a substantive in-country appeal and halts violent and other summary returns of asylum seekers to the Serbian border, Human Rights Watch said.

"Making vulnerable asylum seekers suffer needlessly in miserable conditions without legal justification is simply wrong," Gall said. "The European Commission should push Hungarian authorities to comply with their obligations under EU and human rights law to provide access to asylum, protect vulnerable asylum seekers, and investigate allegations of excessive use of force by border officials."

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