



Dimitris Avramopoulos
Commissioner

Migration, Home Affairs and Citizenship

European Commission
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Dear Mr Commissioner Avramopoulos,

Amnesty International Hungary would like to call your kind attention to a serious breach of human rights law in Hungary that may affect thousands of individual right holders by denying a humane treatment and protection to refugees. Amnesty International regrets that on 7 March 2017 the Hungarian Parliament adopted a [series of legal amendments](#) allowing the unprecedented automatic detention of asylum seekers in inappropriate conditions at the Serbian-Hungarian border. On 15 March 2017 the President of Hungary signed the law, which will probably enter into force on 25 March 2017. In our view, these legal modifications are in breach of the EU asylum law and consequently require immediate action from the Commission.

We call your attention and request that you and your respective office examine the situation of asylum seekers in Hungary in order to prevent further massive human rights violations. We urge your office to make every necessary step to stop the humiliation and suffering of many vulnerable individuals, whose only fault is that they flee persecution, war or poverty.

The main points where Amnesty International found breaches of Hungary's international legal obligations are as follows:

1. Automatic *de facto* detention of all asylum seekers by assigning a compulsory place of residence to them in the transit zone containers;
2. On 14 March 2017 the European Court of Human Rights ruled in [Ilias and Ahmed v Hungary](#) that transit zone amounts to detention;
3. Families with children are also to be detained in the "transit zones", as well as other vulnerable individuals. The amendments also broaden the scope of this form of detention to include unaccompanied minors between 14-18 years of age, going against the basic principles set out in international law that children should not be detained;
4. The amendments will allow the swift return to the external side of the border fence to Serbia of anyone in an irregular status apprehended in Hungary, thus broadening the application of the so-called 8 km rule, in force since July 2016, to the whole territory of Hungary. This, in AI Hungary's view is a form of collective expulsion which is unconstitutional and unlawful under international law.
5. The right to an effective remedy is compromised by shortening the deadline for appeal: to seek judicial review against inadmissibility decisions and rejections of asylum applications will be shortened to three days from seven days, limiting asylum seekers' abilities to effectively challenge a decision in court.



In the light of the above worrisome developments, Amnesty International urges the Commission to immediately examine whether an infringement procedure is needed in this matter and to take steps to accelerate the previous infringement procedure against Hungary, which was initiated by the Commission in December 2015 on the implementation of the EU asylum *acquis* as well.

The organization calls on the European Commission, as well as EU Member States, to do everything in their power to ensure Hungarian laws are in line with EU law and international standards, including by submitting a reasoned proposal to the European Council to activate the preventive mechanism foreseen under Article 7(1) TEU.

Please find attached the public statement of Amnesty International dated 9 March 2017 on the legal modifications in consideration.

We kindly remain at your disposal should you need further information and clarification on the evolving situation in Hungary.

Thank you for your attention.

Yours sincerely,

Júlia Iván
Director
Amnesty International Hungary