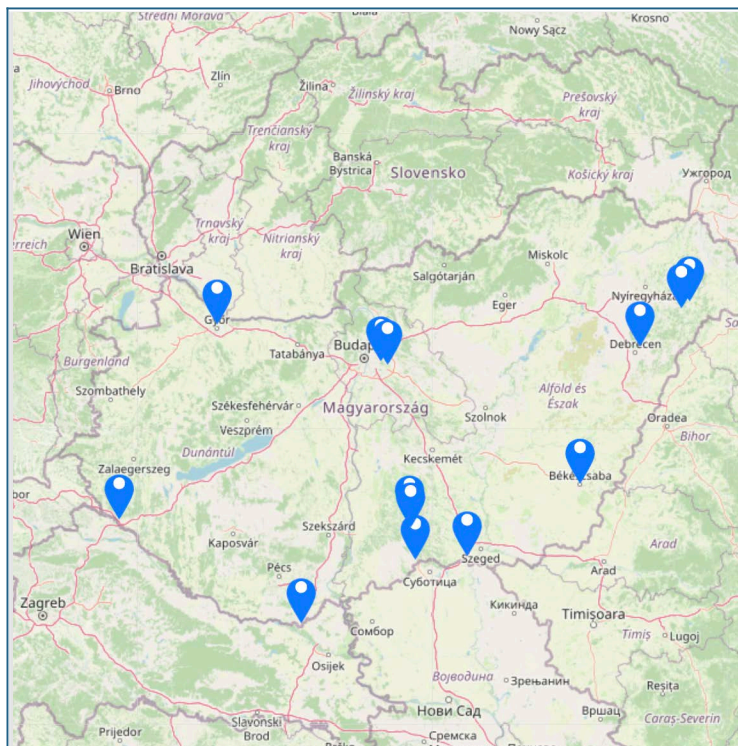


# Hungary Immigration Detention Data Profile

Global Detention Project profile produced in partnership with Hungarian Helsinki Committee and Red Line Project



**THE RED LINE PROJECT**  
A project led by the Hungarian Helsinki Committee and funded by EPIM



Quick Facts	
Immigration detainees (2017)	2,953
Detained asylum seekers (2018)	565
Detained minors (2017)	Not Available
Immigration detention capacity (2018)	1,032
Persons expelled (2018)	1,310
International migrants (2019)	512,043
New asylum applications (2019)	482

## NOTES ON USING THIS PROFILE

- Sources for the data provided in this report are available online at: <https://www.globaldetentionproject.org/countries/europe/hungary>
- "Observation Dates" indicate the timeframe statistical data correspond to or other data were last validated. More than one statistical entry for a year indicates contrasting reports.

# STATISTICS

## Detention, expulsion, and incarceration statistics

		Observation Date			Observation Date
Total number of immigration detainees by year	2,953	2017	Number of persons granted alternatives to immigration detention	Not Available	2017
	8,562	2015		284	2013
	2,530	2013		308	2012
	6,496	2013		327	2011
	1,424	2012		753	2010
	5,434	2012		709	2009
	1,208	2011			
	5,715	2011			
	1,397	2010			
	3,509	2010			
	1,989	2009			
Number of detained asylum seekers	565	2018	Total number of detained minors	Not Available	2017
	2,498	2017		1,254	2017
	2,621	2016		190	2015
	2,393	2015			
	4,829	2014			
	1,762	2013			
Number of detained unaccompanied minors	91	2017	Number of detained accompanied minors	Not Available	2017
				190	2015
Number of apprehensions of non-citizens	18,915	2018	Immigration detainees as a percentage of total international migrant population	Not Available	2017
	25,730	2017		1.9	2015
	41,560	2016		1.37	2013
	424,055	2015		0.5	2013
	56,170	2014		0.8	2010
	28,755	2013			
	12,175	2012			
	9,655	2011			
Estimated total immigration detention capacity	1,032	2018	Number of dedicated long-term immigration detention centres	6	2018
	778 - 778	2013		6	2013
Estimated capacity of dedicated long-term immigration detention centres	1,024	2018	Number of dedicated medium-term immigration detention centres	1	2018
	770	2013		0	2014

Number of transit facilities	2	2018	Number of persons removed/returned (voluntary returns and deportations)	1,310	2018
	5	2015		2,445	2017
	1	2011		780	2016
				5,975	2015
				4,345	2014
				4,395	2013
				5,440	2012
Number of deportations/forced returns only	1,280	2018	Percentage of persons removed in relation to total number of people placed in removal procedures	28	2017
	2,020	2017		7	2016
	610	2016		51	2015
	5,765	2015		77	2014
	3,745	2014		74	2013
Criminal prison population	17,343	2017	Percentage of foreign prisoners	4.95	2017
	18,146	2016		4.9	2016
	18,239	2013		3.5	2013
Prison population rate (per 100,000 of national population)	185	2016			
	184	2013			
<b>Demographics and immigration-related statistics</b>					
		<b>Observation Date</b>			<b>Observation Date</b>
Population	9,669,709	2019	International migrants	512,043	2019
	9,855,000	2015		503,800	2017
	9,900,000	2012		449,600	2015
				472,800	2013
				437,000	2010
International migrants as a percentage of the population	4.6	2014	Estimated number of undocumented migrants	Not Available	2017
	4.7	2013		10,000 - 50,000	2007
Refugees	5,750	2019	Ratio of refugees per 1000 inhabitants	0.48	2016
	6,040	2018		0.29	2014
	5,691	2017		0.5	2013
	4,691	2016			
	4,393	2015			
	2,440	2014			
	2,867	2014			
	4,054	2012			

<b>Total number of new asylum applications</b>	482	2019	<b>Refugee recognition rate</b>	31	2017
	670	2018		4.5	2014
	3,397	2017			
	29,346	2016			
	41,111	2014			
	2,157	2012			
<b>Stateless persons</b>	144	2018			
	139	2017			
	135	2016			
	128	2015			
	113	2014			
	111	2012			

<b>DOMESTIC LAW</b>				
<b>LEGAL TRADITION</b>				
<b>Legal tradition</b>	<b>Name</b>		<b>Observation Date</b>	
	Civil law		2019	
<b>LAWS AND REGULATIONS</b>				
<b>Constitutional guarantees?</b>	<b>Yes/No</b>	<b>Constitution and Articles</b>	<b>Year Adopted</b>	<b>Last Year Amended</b>
	Yes	The Fundamental law of Hungary, Article IV		2018
<b>LAWS AND REGULATIONS</b>				
<b>Core pieces of national legislation</b>	<b>Name</b>		<b>Year Adopted</b>	<b>Last Year Amended</b>
	Act LXXX of 2007 on Asylum (Asylum Act)		2007	2019
	Act II of 2007 on the Admission and Right of Residence of Third-Country Nationals (Third-Country Nationals Act)		2007	2019
<b>LAWS AND REGULATIONS</b>				
<b>Additional legislation</b>	<b>Name</b>		<b>Year Adopted</b>	<b>Last Year Amended</b>
	Act XX of 2017 amending certain acts to tighten the procedures conducted on the border		2017	
	Act VI of 2018 to amend certain Laws on measures to combat illegal immigration		2018	
<b>LAWS AND REGULATIONS</b>				
<b>Regulations, standards, guidelines</b>	<b>Name</b>			<b>Year Published</b>
	Government Decree 114/2007 on the Implementation of Third-Country Nationals Act			2007
	Government Decree 301/2007 on the Implementation of the Asylum Act			2007

## GROUNDS FOR ADMINISTRATIVE IMMIGRATION-RELATED DETENTION

Immigration-status-related grounds	Name	Observation Date
	Detention to ensure transfer under the Dublin Regulation	2019
	Detention after readmission	2019
	Detention to prevent absconding	2019
	Detention for failing to respect non-custodial measures	2019
	Detention to prevent unauthorised entry at the border	2019
	Detention pending transfer to another Schengen country	2019
	Detention during the asylum process	2019
	Detention for failing to respect a voluntary removal order	2019
	Detention for unauthorized stay resulting from criminal conviction	2019
	Detention to establish/verify identity and nationality	2019
	Detention to effect removal	2019

## CRIMINALIZATION OF IMMIGRATION-RELATED OFFENCES

Does the country provide specific criminal penalties for immigration-related violations?	Fines	Incarceration	Observation Date
	Yes	Yes	2017
	Unknown	Yes	2015
	Yes	No	2014

## CRIMINALIZATION OF IMMIGRATION-RELATED OFFENCES

Grounds for criminal immigration-related detention/incarceration and maximum potential duration of incarceration	Grounds for Incarceration	Maximum Number of Days of Incarceration	Observation Date
	Unauthorized entry		1095

## CRIMINALIZATION OF IMMIGRATION-RELATED OFFENCES

Has the country decriminalized immigration-related violations?	Has the country decriminalized immigration-related violations?		Observation Date
		No	2017
		Yes	2013

## LENGTH OF DETENTION

Maximum length for administrative immigration detention in law.	Number of Days	Observation Date
	No Limit	2019
	356	2019
	365	2016

## LENGTH OF DETENTION

Longest recorded instance of immigration detention.	Number of Days	Observation Date
	515	2019

LENGTH OF DETENTION				
Maximum length of time in custody prior to issuance of a detention order	Number of Days		Observation Date	
	3		2016	
LENGTH OF DETENTION				
Maximum length of detention for asylum-seekers	Number of Days		Observation Date	
	No Limit		2019	
	180		2019	
	30		2019	
	183		2016	
LENGTH OF DETENTION				
Maximum length of detention for persons detained upon arrival at ports of entry	Number of Days		Observation Date	
	No Limit		2019	
	8		2016	
PROCEDURAL STANDARDS				
Provision of basic procedural standards	Name	In Law	In Practice	Observation Date
	Information to detainees	Yes	Yes	2019
	Right to legal counsel	Yes	Yes	2019
	Independent review of detention	Yes	Yes	2019
	Right to appeal the lawfulness of detention	No	No	2019
	Complaints mechanism regarding detention conditions	Yes		2019
	Independent review of detention	Yes	Yes	2019
Complaints mechanism regarding detention conditions	No	No	2019	
NON-CUSTODIAL MEASURES (ALTERNATIVES TO DETENTION)				
Types of non-custodial measures	Name	In Law	In Practice	Observation Date
	Release on bail	Yes	No	2014
	Supervised release and/or reporting	Yes	infrequently	2014
	Electronic monitoring	No	No	2014
	Registration (deposit of documents)	Yes	infrequently	2014
Designated non-secure housing	Yes	infrequently	2014	

**VULNERABLE PERSONS**

Is the detention of vulnerable persons provided in law? Are they detained in practice?	Name	In Law	In Practice	Observation Date
	Accompanied minors	Provided	Yes	2019
	Unaccompanied minors	Provided	Yes	2019
	Asylum seekers	Provided	Yes	2019
	Elderly	Provided	Yes	2019
	Pregnant women	Provided	Yes	2019
	Persons with disabilities	Provided	Yes	2019
	Survivors of torture	Provided	Yes	2019
	Victims of trafficking	Provided	Yes	2019
	Women	Provided	Yes	2019
	Accompanied minors		No	2016
	Unaccompanied minors	Prohibited	Not available	2014
	Asylum seekers	Provided	Yes	2014
	Accompanied minors	Provided	Yes	2014
	Refugees	Not mentioned	No	2013
	Stateless persons	Not mentioned		2013
	Pregnant women	Not mentioned		2013
	Elderly	Not mentioned		2013

**EXPEDITED REMOVAL AND RE-ENTRY BAN**

Expedited/fast track removal	Name	Observation Date
	Yes	2014

**EXPEDITED REMOVAL AND RE-ENTRY BAN**

Re-entry ban	Name	Observation Date
	Yes	2014

**COVID-19 UPDATES**

	Update Status	Observation Date
	<p>In October, the European Commission opened asylum-related infringement procedures against Hungary. According to ECRE, this is the fifth time such a procedure has been opened against the country since 2015. In a letter of formal notice, the commission says that new asylum procedures that were introduced in response to the coronavirus pandemic are in breach of EU law, in particular the Asylum Procedures Directive. Following a Court of Justice of the European Union (CJEU) ruling in May 2020 that led to the closing of Hungary's controversial transit zone detention sites, Hungary introduced a new asylum system employing emergency powers that were granted because of the pandemic. Under the new system, people wishing to seek asylum in Hungary must submit a "statement of intent" at the Hungarian embassy in Belgrade or Kyiv. Hungarian asylum authorities then have 60 days to assess the application, after which successful applicants are automatically detained in Hungary for one month. According to a press release, "The Commission considers that this rule is an unlawful restriction to access to the asylum procedure that is contrary to the Asylum Procedures Directive, read in light of the Charter of Fundamental Rights, as it precludes persons who are on Hungary's territory, including at the border, from applying for international protection there. Hungary has 2 months to reply to the arguments raised by the Commission. Otherwise, the Commission may decide to send a reasoned opinion." In June, UNHCR stated that the new system would expose asylum-seekers to the risk of refoulement, which would amount to a violation of the 1951 Refugee Convention and other related instruments. UNHCR's Assistant High Commissioner for Protection urged the "Government of Hungary to initiate the withdrawal of the act and to review its asylum system to bring it into conformity with international refugee and human rights law as well as EU law."</p>	2020
	<p>Following the CJEU's ruling on 14 May, (see our 15 April update on Hungary) in which the Court held that Hungary had been illegally detaining asylum-seekers as "the placing of asylum seekers or third-country nationals... in the Rözke transit zone... must be classified as 'detention,'" the government announced it will be closing transit zone camps. In a tweet, the Hungarian Helsinki Committee said: "Release from unlawful detention is indeed super important for implementing the CJEU judgment, but full implementation also requires other steps. The ruling was also about other issues beyond detention, such as inadmissibility of asylum claims." Approximately 280 asylum seekers are currently being held in border camps while their applications are being processed. Prime Minister Viktor Orban's chief of staff said asylum seekers will now be moved to reception centres across the country. Gergely Gulyas said: "The Hungarian government disagrees with the ruling, we consider it a risk with regard to European security, but as an EU member state, we will adhere to all court rulings." He also added that in future, asylum requests may only be submitted at Hungarian embassies and consulates.</p>	2020
<p><b>Latest Update</b></p>	<p>The Court of Justice of the European Union (CJEU) ruled on 14 May that "the placing of asylum seekers or third-country nationals who are the subject of a return decision in the Rözke transit zone at the Serbian-Hungarian border must be classified as 'detention'." The Court came to that conclusion as "the conditions prevailing in the Rözke transit zone amount to a deprivation of liberty, inter alia because the persons concerned cannot lawfully leave that zone of their own free will in any direction whatsoever. In particular, they may not leave that zone for Serbia since such an attempt (i) would be considered unlawful by the Serbian authorities and would therefore expose them to penalties and (ii) might result in their losing any chance of obtaining refugee status in Hungary." The ruling came as the rate of Covid-19 infections in the country continues to rise. As of 15 May, Hungary had recorded 3,417 Covid-19 cases and 442 deaths. The response by the country's authorities to the Covid-19 crisis has been focused on blaming immigrants for the spread of the disease (see 27 March update) rather than providing support to vulnerable populations. On 6 April, the Hungarian government passed a decree which extends the validity of residence permits for 45 days after the end of the state of emergency. The decree also modified the provisions of the law on the right to asylum in that, until the end of the state of emergency, access to the institutions maintained by the National Directorate of Immigration may be restricted by the Director General of the Directorate General of Immigration. The CJEU judgment follows the Advocate General's Opinion of 23 April 2020, which stated that the "evidence shows a situation of isolation and a high degree of restriction of the freedom of movement of asylum seekers to such an extent that it constitutes detention in the sector of the Rözke transit zone. Accordingly, the Advocate General concludes that the asylum seekers in question are in 'detention' in the sector of the Rözke transit zone." Previously, in 2018, the UN Working Group on Arbitrary Detention (WGAD) had suspended its visit to Hungary as they were denied access to the Rözke and Tompa transit zones at the border with Serbia. The experts said that: "unimpeded access to all places of deprivation of liberty including these transit zones must be guaranteed to independent international, regional and national organisations. This is vital for the protection of the human rights in a country governed by rule of law." The members of the WGAD said that "there can be no doubt that holding migrants in these 'transit centres' constitutes deprivation of liberty in accordance with international law."</p>	2020
	<p>Among the initial cases of confirmed Covid-19 infections in Hungary were a group of Iranian students studying in Budapest. This spurred Hungarian authorities to capitulate on the pandemic to stoke xenophobia, blaming migrants and refugees for the spread of the virus. Prime Minister Viktor Orban said there was a "clear link" between illegal immigration and the coronavirus epidemic. In mid-March, authorities took steps to forcefully expel a group of 13 Iranian students. Authorities stated that the students had violated quarantine measures, but according to the Hungarian Helsinki Committee (HHC), some had strictly followed the measures. According to HHC, which launched legal action, Hungarian authorities issued a blanket decision with no attention paid to the conditions the students may face in Iran "which raises the issue of violating the principle of non-refoulement." In early March, before any cases had even been confirmed within the country, Hungary suspended entries into its transit zones on the country's border with Serbia. This move effectively suspended access to asylum procedures given that since March 2017, applications can only be made within these zones. Reportedly, authorities justified this move in claiming that new arrivals from Iran would pose a health threat to those already inside. On 27 March, Hungary's chief security advisor stated that in order to protect European populations, authorities must gather all migrants in camps and screen them for coronavirus. The GDP has been unable to find any reports indicating the measures taken to assist migrants and asylum seekers in detention.</p>	2020



## INTERNATIONAL LAW

### Relevant international treaties and date of ratification

International treaties	Name	Ratification Year
	ICCPR, International Covenant on Civil and Political Rights	1974
	ICESCR, International Covenant on Economic, Social and Cultural Rights	1974
	ICERD, International Convention on the Elimination of All Forms of Racial Discrimination	1967
	CEDAW, Convention on the Elimination of All Forms of Discrimination against Women	1980
	CAT, Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment	1987
	OPCAT, Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment	2012
	CRC, Convention on the Rights of the Child	1991
	CRPD, Convention on the Rights of Persons with Disabilities	2007
	CRSR, Geneva Convention Relating to the Status of Refugees	1989
	PCRSR, Protocol to the Geneva Convention Relating to the Status of Refugees	1989
	CRSSP, Convention Relating to the Status of Stateless Persons	2001
	CTOCTP, Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children	2006
	CTOCSP, Protocol against the Smuggling of Migrants by Land, Sea and Air, supplementing the United Nations Convention against Transnational Organized Crime	2006
VCCR, Vienna Convention on Consular Relations	1987	
<b>Ratio of relevant international treaties ratified</b>	14/19	

### Relevant international treaties and date of ratification

Individual complaints procedure	Name	Acceptance Year
	ICCPR, First Optional Protocol to the International Covenant on Civil and Political Rights, 1966	1988
	ICERD, declaration under article 14 of the Convention	1989
	CEDAW, Optional Protocol to the Convention on the Elimination of Discrimination against Women, 1999	2000
	CAT, declaration under article 22 of the Convention	1989
	CRPD, Optional Protocol to the Convention on the Rights of Persons with Disabilities	2007

### Relevant international treaties and date of ratification

Ratio of complaints procedures accepted	Number	Observation Date
	5	2019

## Relevant international treaties and date of ratification

	Name	Recommendation Excerpt	Recommendation Year
<p style="text-align: center;"><b>Relevant recommendations issued by treaty bodies</b></p>	Committee on the Elimination of Racial Discrimination	<p>22. The Committee is deeply concerned by the alarming situation of asylum seekers, refugees and migrants in the State party, especially following the declaration of a state of emergency, still in force, in 2015, including: (a) The legislative amendments and reform in 2017 that led to the indefinite holding of all asylum applicants, except for minors below the age of 14, for the duration of the asylum process in transit zones separated from Hungarian society, without sufficient legal safeguards to challenge their removal to such transit zones [...] 23. [...] the Committee recommends that the State party take immediate measures to ensure that policies regarding refugees, asylum seekers and migrants are in line with its international obligations, including under the Convention, and: (a) Ensure that detention of asylum seekers is used as a measure of last resort and for the shortest period of time, and prioritise alternative measures to detention.</p>	2019
	Human Rights Committee	<p>"45. The Committee is concerned about the negative impact of the major legislative reforms on migration adopted by the State party over the past few years. While noting the State party's position that, as a sovereign State, it is entitled to curb illegal migration to its territory, the Committee is concerned that the law adopted in March 2017, which allows for the automatic removal to transit areas of all asylum applicants for the duration of their asylum process, except unaccompanied children identified as being below the age of 14 years, does not meet the legal standards under the Covenant, owing to: (a) the lengthy and indefinite period of confinement allowed; (b) the absence of any legal requirement to promptly examine the specific conditions of each affected individual; and (c) the lack of procedural safeguards to meaningfully challenge removal to a transit area. The Committee is particularly concerned about reports of the extensive use of automatic immigration detention in holding facilities inside Hungary and about claims that restrictions on personal liberty have been used as a general deterrent against unlawful entry rather than in response to an individualized determination of risk. In addition, the Committee is concerned about allegations of poor conditions in some holding facilities (arts. 2, 7, 9, 10, 13 and 24). 46. The State party should bring its legislation and practices relating to the treatment of migrants and asylum seekers into compliance with the Covenant, taking into account, inter alia, the Committee's general comment No. 35 (2014) on liberty and security of person. It should also: (a) Refrain from automatically removing all asylum applicants to the transit areas, thereby restricting their liberty, and conduct individual assessments of the need to transfer them, on a case-by-case basis; (b) Significantly reduce the period of initial mandatory immigration detention, ensure that any detention beyond that initial period is justified as reasonable, necessary and proportionate in the light of the individual's circumstances and provide that it is subject to periodic judicial review; (c) Expand the use of alternatives to detention for asylum seekers; (d) Legally limit the overall duration of immigration detention; (e) Provide for a meaningful right to appeal against detention and other restrictions on movement; (f) Ensure that children and unaccompanied minors are not detained, except as a measure of last resort and for the shortest appropriate period of time, taking into account their best interests, as a primary consideration, with regard to the duration and conditions of detention and their special need for care; (g) Improve the conditions in the transit areas and ensure that migrants are held in appropriate, sanitary, non-punitive facilities and that immigration detention does not take place in prisons."</p>	2018
	Committee on the Rights of the Child	<p>§ 55: The Committee recommends that the State party ensure that asylum-seeking, unaccompanied and migrant children are not administratively detained under any circumstance. It also recommends that age assessment tests take into account all aspects, including the psychological and environmental aspects, of the person under assessment.</p>	2014
	Committee on the Elimination of Discrimination Against Women	<p>§ 37: The Committee urges the State Party to: Ensure that migrant and asylum-seeking women receive adequate assistance, and are not subjected to prolonged administrative detention and that they benefit from integration policies as well as family reunification measures.</p>	2013
	Human Rights Committee	<p>§ 15: The State party should strengthen its efforts to improve the living conditions and treatment of asylum seekers and refugees and ensure that they are treated with human dignity. Asylum seekers and refugees should never be held in penal conditions. The State party should fully comply with the principle of non-refoulement and ensure that all persons in need of international protection receive appropriate and fair treatment at all stages, and that decisions on expulsion, return or extradition are dealt with expeditiously and follow the due process of the law.</p>	2010
	Committee against Torture	<p>§ 8: The State party should take effective measures to ensure that the fundamental legal safeguards for persons detained by the police or Border Guard staff are respected, including the right to inform a relative, have access to a lawyer as well as to an independent medical examination or a doctor of their own choice, and the right to receive information about their rights. The State party should, inter alia, ensure that: (a) Persons in the custody of police or Border Guard staff benefit from an effective right of access to a lawyer, as from the very outset of their deprivation of liberty; (b) Police officers and Border Guard staff are not present during medical examinations of persons under custody in order to guarantee the confidentiality of medical information, save under exceptional and justifiable circumstances (i.e. risk of physical aggression). § 9: The State party should take measures to ensure that detention of asylum-seekers and other non-citizens is used only in exceptional circumstances or as a last resort, and then only for the shortest possible time, and that the rules of maximum-severity penitentiaries do not apply to these detention facilities. The State party should also ensure that courts carry out a more effective judicial review of the detention of these groups.</p>	2007
	Committee on the Elimination of Racial Discrimination	<p>§ 380: The Committee is concerned at the prevailing conditions in refugee shelters and the conditions of detention of undocumented immigrants. Noting the efforts of the State party in this respect, the Committee strongly encourages the Hungarian authorities to further improve the existing facilities so that they meet international standards and to provide relevant information thereon in the next periodic report.</p>	2002

**Regional treaties, regulations, and directives**

<b>Regional legal instruments</b>	<b>Name</b>	<b>Year of Ratification (Treaty) / Transposed (Directive) / Adoption (Regulation)</b>
	CPCSE, Convention on the Protection of Children against Sexual Exploitation and Sexual Abuse	2015
	Dublin Regulation	
	Procedures Directive (Recast)	
	Reception Conditions Directive (Recast)	
	ECHR, Convention for the Protection of Human Rights and Fundamental Freedoms (commonly known as the European Convention on Human Rights)	1992
	ECHRP7, Protocol 7 to the European Convention on Human Rights (amended by protocol 11)	1992
	ECHRP1, Protocol 1 to the European Convention on Human Rights (amended by protocol 11)	1992
	ECPT, European Convention for the Prevention of Torture and Inhuman or Degrading Treatment of Punishment	1993
	CATHB, Convention on Action against Trafficking in Human Beings	2013
	Return Directive	2010

**Regional treaties, regulations, and directives**

<b>Regional judicial decisions on individual complaints</b>	<b>Name</b>	<b>Decision Details</b>	<b>Observation Date</b>
	European Court of Human Rights (ECtHR)	Nabil and Others v. Hungary	2019
	European Court of Human Rights (ECtHR)	Al-Tayyar Abdelhakim v. Hungary. 13058/11. 23 October 2012	2019
	European Court of Human Rights (ECtHR)	Hendrin Ali Said and Aras Ali Said v. Hungary. 13457/11. 23 October 2012	2019
	European Court of Human Rights (ECtHR)	Lopko and Touré v. Hungary. 10816/10. 20 September 2011	2019
	European Court of Human Rights (ECtHR)	O.M. v. Hungary	2019
	European Court of Human Rights (ECtHR)	Ilias and Ahmed v. Hungary (not final)	2019

## Regional treaties, regulations, and directives

	Name	Recommendation Excerpt	Recommendation Year	Observation Date
<b>Recommendations issued by regional human rights mechanisms</b>	European Commission against Racism and Intolerance (ECRI)	"The Special Representative of the Secretary General on migration and refugees and the UN High Commissioner for Refugees have both visited the transit zones and noted that asylum seekers are held in restricted spaces and cannot move freely, and that they are escorted by guards whenever they have to move outside their designated areas. They are housed in shipping containers with rolls of razor-blade wires on top and the transit zones are surrounded by barbed-wire fences. ECRI considers that these features strongly resemble imprisonment. The average duration of stay in transit zones is reported to range from a few weeks to three months."	2018	2018
	European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT)	The Committee stressed the need to redesign the transit zones spaces in an effort to remove their carceral character and address overcrowding. General medical screening of the population in the transit zones seems to have been improved, but the handling of mental health and age assessment cases was found to be substandard. Regarding asylum procedures, the Committee voiced concerns regarding the efficacy of the asylum framework in providing guarantees against "push-backs". The CPT further expressed concerns regarding the ill-treatment by the Hungarian police during the "push backs" to Serbia. The frequency and consistency of these allegations and the medical evidence leads the delegation to conclude that "it is beyond doubt that irregular migrants apprehended by Hungarian police officers run a risk of being subjected to physical ill-treatment, contrary to "the prohibition [of] ill-treatment of detainees." Further the report concludes that the systematic push backs by Hungarian police of foreign nationals exposes them to refoulement, including chain refoulement.	2017	2017
	Council of Europe Commissioner for Human Rights	"As reported, the adopted Bill would allow the automatic detention of all asylum seekers, including families with children and unaccompanied minors from the age of 14, in shipping containers surrounded by high razor wire fence at the border for extended periods of time. Under the case law of the European Court of Human Rights, detention for the purpose of denying entry to a territory or for removal must be a measure of last resort, only if less coercive alternatives cannot be applied, and based on the facts and circumstances of the individual case. Automatically depriving all asylum seekers of their liberty would be in clear violation of Hungary's obligations under the European Convention on Human Rights."	2017	2017
	European Commission against Racism and Intolerance (ECRI)	§ 118: ECRI strongly recommends that open reception facilities are used to accommodate asylum seekers, in particular families with children.	2015	2015
	European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT)	§ 36: staff working at the Nyirbátor holding facility to be given the clear message that the illtreatment of detained persons (whether of a physical or verbal nature) is not acceptable and will be the subject of severe sanctions; § 37: the management of the Nyirbátor holding facility to take steps to address the issue of interdetainee violence/intimidation, in the light of the remarks made in paragraph 37; § 38: if it is deemed necessary for police staff assigned to holding facilities for aliens to carry truncheons and handcuffs in detention areas, this equipment to be hidden from view; § 39: in the context of the implementation of plans to enlarge the capacity of the Budapest holding facility for aliens, the minimum standard of 4 m <sup>2</sup> of living space per detained person in multi-occupancy rooms to be observed; § 42: steps to be taken to: end the systematic use of handcuffs when foreign nationals are escorted to the outdoor exercise area at Budapest holding facility, ensure that foreign nationals held in the Ferihegy Airport transit zone holding facility for more than 24 hours benefit from daily outdoor exercise, provide the outdoor areas of the Budapest and Nyirbátor holding facilities with sports equipment, protection from inclement weather and (in the case of Nyirbátor) means of rest; § 43: the Hungarian authorities to make further efforts to develop the regime applied to foreign nationals held in holding facilities for aliens with a view to enlarging the offer of purposeful activities (e.g. access to sports facilities, provision of books and newspapers/magazines in foreign languages, language classes, etc.). The longer the period for which persons are held, the more developed should be the activities which are offered to them; § 44: steps to be taken to review visiting arrangements at the Nyirbátor holding facility in order to enable visits to take place under more open conditions; § 45: steps to be taken at the Nyirbátor holding facility to substantially increase the attendance hours of a doctor and to ensure the presence of a feldsher on a 24-hour basis; § 46: the Hungarian authorities to introduce systematic medical screening of persons admitted to the Ferihegy Airport transit zone holding facility; § 47: the Hungarian authorities to take appropriate measures to ensure that the confidentiality of medical documentation is strictly observed; naturally, health-care staff may inform custodial staff in a suitable manner about the state of health of a detained person, including medication being taken and particular health risks, the Hungarian authorities to take measures to stop the practice of entrusting feldshers working in holding facilities for aliens with custodial tasks; § 48: steps to be taken to ensure that written information on detainees' rights, the internal rules and applicable procedures is available in the languages most commonly spoken by foreign nationals in all holding facilities for aliens in Hungary, and is given to detainees upon admission; § 50: the Hungarian authorities to ensure that persons detained under aliens legislation have an effective right of access to a lawyer as from the very outset of their deprivation of liberty and at all stages of the proceedings. Clear information about access to legal aid should be made available to detained foreign nationals. In addition, the judicial review should entail an oral hearing of the foreign national concerned (paragraph 49). further efforts to be made to develop specialised training for staff working with foreign nationals, in the light of the remarks made in paragraph 50, and to encourage greater interpersonal communication between staff and detainees; § 51: the Hungarian authorities to adopt a clear procedure, accompanied by appropriate safeguards, under which a detained person may be isolated from others for reasons of good order or security, in the light of the remarks made in paragraph 51, medical isolators in holding facilities for aliens under no circumstances to be used for disciplinary or administrative segregation purposes; § 52: steps to be taken to ensure that detainees at the Nyirbátor holding facility have adequate access to a telephone.	2010	2010
	European Commission against Racism and Intolerance (ECRI)	§ 161: ECRI reiterates its recommendation that the Hungarian authorities closely monitor the use of detention with respect to non-citizens and take any necessary steps to ensure that it is used as a last resort; § 162: ECRI recommends that the Hungarian authorities monitor closely the detention conditions of non-citizens detained under immigration laws, and take all necessary steps to ensure that these conditions are not disproportionately harsh.	2009	2009
	European Commission against Racism and Intolerance (ECRI)			

**Bilateral/Multilateral agreements linked to readmissions**

	<b>Name</b>	<b>Year in Force</b>	<b>Observation Date</b>
<b>Bilateral/multilateral agreements linked to readmission</b>	Italy	1998	2017
	Russian Federation	2011	2017
	Ukraine	1994	2017
	Austria	1995	2017
	Albania	2010	2017
	Belgium	2003	2017
	Croatia	2001	2017
	Estonia	2002	2017
	France	1998	2017
	Italy	1999	2017
	Latvia	2002	2017
	Luxembourg	2003	2017
	Macedonia	2004	2017
	Netherlands	2003	2017
	Poland	1995	2017
	Portugal	2002	2017
	Czech Republic	1995	2017
	Romania	2002	2017
	Slovakia	2003	2017
	Slovenia	1999	2017
	Switzerland	1995	2017
	Ukraine	1998	2017
	Germany	1999	2017
	Cape Verde (EU agreement)	2013	2013
	Georgia (EU agreement)	2011	2011
	Pakistan (EU agreement)	2010	2010
	Bosnia-Herzegovina (EU agreement)	2008	2008
	Macedonia (EU agreement)	2008	2008
	Moldova (EU agreement)	2008	2008
	Montenegro (EU agreement)	2008	2008
	Serbia (EU agreement)	2008	2008
	Ukraine (EU agreement)	2008	2008
	Russia (EU agreement)	2007	2007
Albania (EU agreement)	2006	2006	
Sri Lanka (EU agreement)	2005	2005	
Hong Kong (EU agreement)	2004	2004	
Macao (EU agreement)	2004	2004	

Non treaty-based international human rights mechanisms

<b>Visits by special procedures of the Human Rights Council</b>	<b>Name</b>	<b>Year of Visit</b>	<b>Observation Date</b>
	Working Group on arbitrary detention	2013	2019
	Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance	2011	2019
	Working Group on arbitrary detention	2018	2019

**Non treaty-based international human rights mechanisms**

	Name	Recommendation Excerpt	Recommendation Year	Observation Date
<p style="text-align: center;"><b>Relevant recommendations by UN Special Procedures</b></p>	Working Group on arbitrary detention	<p>GENEVA (15 November 2018) - UN human rights experts have taken the unprecedented step of suspending an official visit to Hungary after they were denied access to the Röszke and Tompa “transit zones” at the border with Serbia where migrants and asylum seekers, including children, are deprived of their liberty. “There can be no doubt that holding migrants in these ‘transit zones’ constitutes deprivation of liberty in accordance with international law,” said Elina Steinerte and Sètondji Roland Adjovi, members of the UN Working Group on Arbitrary Detention. “We have received a number of credible reports concerning the lack of safeguards against arbitrary detention in these facilities which called for a visit by the Working Group.” “Unimpeded access to all places of deprivation of liberty including these transit zones must be guaranteed to independent international, regional and national organisations,” the experts said. “This is vital for the protection of the human rights in a country governed by rule of law.”</p>	2018	2018
	Working Group on arbitrary detention	<p>§130: On the basis of its findings, the Working Group makes the following recommendations to the Government: (c) Asylum seekers and refugees should never be held in penal conditions. The State party should fully comply with the principle of non-refoulement and ensure that all persons in need of international protection receive appropriate and fair treatment at all stages; (g) Authorities should take effective measures to ensure that the fundamental legal safeguards for persons detained by the police or Border Guard staff are respected, including access to a lawyer as well as to an independent medical examination or a doctor of their own choice, the right to receive information about their rights and their right to inform their relatives about their detention; (h) Detention of asylum seekers and other non-citizens should only be used in exceptional circumstances or as a last resort, and then only for the shortest possible time; (i) Authorities should also ensure that courts carry out a more effective judicial review of the detention of these groups. They should have an effective, independent and impartial review of decisions on expulsion, return or extradition; (k) The Government should intensify its efforts to combat discrimination against and ill-treatment of [...] non-citizens by law enforcement officials, especially the police, including through the strict application of relevant legislation and regulations providing for sanctions, adequate training and instructions to be given to law enforcement bodies, and the sensitization of the judiciary.</p>	2014	2014
	Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance	<p>§ 73: The Special Rapporteur urges the Government to take the necessary measures to put an end to the harsh conditions of detention of asylum seekers and illegal migrants, including acts of ill-treatment in detention facilities. He recalls that paragraph 30 of the Durban Programme of Action urges States (b) to review and revise, where necessary, their immigration laws, policies and practices so that they are free of racial discrimination and compatible with States’ obligations under international human rights instruments; (d) to ensure that migrants, regardless of their immigration status, detained by public authorities are treated with humanity and in a fair manner, and receive effective legal protection and, where appropriate, the assistance of a competent interpreter in accordance with the relevant norms of international law and human rights standards, particularly during interrogation; (e) to ensure that the police and immigration authorities treat migrants in a dignified and non-discriminatory manner, in accordance with international standards”. He further recalls to the Government the recommendations accepted during its universal periodic review to reduce administrative detention of migrants, asylum-seekers and refugees, and only use it in exceptional cases; and to undertake measures aimed at avoiding the extension of administrative detention of asylum-seekers. § 74: The Special Rapporteur recommends that the Government ensure that more administrative judges with the relevant knowledge of and competence in human rights, refugees and asylum seekers standards be involved in the current judicial review process of immigration detention facilities. The Special Rapporteur also recommends that the Government ensure that specialized human rights training with a particular focus on the principle of non-discrimination and the human rights of migrants, refugees and asylum seekers is provided to members of the judiciary, including criminal judges, police officers and immigration officials and other interested groups including civil guards working in detention facilities, and social workers dealing with unaccompanied minors. Training with a special emphasis on bridging intercultural and linguistic gaps should also be provided.</p>	2012	2012

**Non treaty-based international human rights mechanisms**

Relevant recommendations of the UN Universal Periodic Review	Recommendation Issued	Year Issued	Observation Date
	Yes	2011	2019
	Yes	2016	2019

## INSTITUTIONAL INDICATORS

### Governing structures

Federal or centralized governing system	Federal or centralized governing system	Observation Date
	Centralized system	2019

### Governing structures

Centralized or decentralized immigration authority	Centralized or decentralized immigration authority	Observation Date
	Centralized immigration authority	2019



**Institutions responsible for immigration detention**

	<b>Agency</b>	<b>Ministry</b>	<b>Ministry Typology</b>	<b>Observation Date</b>
<b>Custodial authority</b>	Office of Immigration and Nationality	Ministry of Interior	Interior or Home Affairs	2019
	Office of Immigration and Nationality	Ministry of Interior	Interior or Home Affairs	2013
	Office of Immigration and Nationality	Ministry of Interior	Interior or Home Affairs	2013
	Office of Immigration and Nationality	Ministry of the Interior	Interior or Home Affairs	2013
	Office of Immigration and Nationality	Ministry of the Interior	Interior or Home Affairs	2013
	Office of Immigration and Nationality	Ministry of the Interior	Interior or Home Affairs	2013
	Office of Immigration and Nationality	Ministry of the Interior	Interior or Home Affairs	2013
	Office of Immigration and Nationality	Ministry of the Interior	Interior or Home Affairs	2013
	Office of Immigration and Nationality	Ministry of the Interior	Interior or Home Affairs	2013
	Office of Immigration and Nationality	Ministry of the Interior	Interior or Home Affairs	2013
	Office of Immigration and Nationality	Ministry of the Interior	Interior or Home Affairs	2013
	Office of Immigration and Nationality	Ministry of the Interior	Interior or Home Affairs	2013
	Office of Immigration and Nationality	Ministry of the Interior	Interior or Home Affairs	2011
	Office of Immigration and Nationality	Ministry of the Interior	Interior or Home Affairs	2011
	Office of Immigration and Nationality	Ministry of the Interior	Interior or Home Affairs	2011
		Ministry of Justice and Law Enforcement	Justice	2010
		Ministry of Justice and Law Enforcement	Justice	2010
		Ministry of Justice and Law Enforcement	Justice	2010
		Ministry of Justice and Law Enforcement	Justice	2010
		Ministry of Justice and Law Enforcement	Justice	2010
		Ministry of Justice and Law Enforcement	Justice	2010
		Ministry of Justice and Law Enforcement	Justice	2009
		Ministry of Justice and Law Enforcement	Justice	

**Institutions responsible for immigration detention**

<b>Detention Facility Management</b>	Entity Name	Entity Type	Observation Date
	Police	Governmental	2019
	Office of Immigration and Nationality	Governmental	2019
	Office of Immigration and Nationality	Governmental	2013
	Office of Immigration and Nationality	Governmental	2013
	Budapest Police Headquarters	Governmental	2013
	Budapest Police Headquarters	Governmental	2013
	Office of Immigration and Nationality	Governmental	2013
	Office of Immigration and Nationality	Governmental	2013
	Gyor-Moson-Sopron Country Police Headquarters	Governmental	2013
	Bacs-Kiskun Country Police Headquarters	Governmental	2013
	Office of Immigration and Nationality	Governmental	2013
	Szabolcs- Szatmar- Bereg Country Police Headquarters	Governmental	2013
	Budapest Police Headquarters	Governmental	2011
	Private security company	Private For-Profit	2010
	Office of Immigration and Nationality	Governmental	2010
	Private security company	Private For-Profit	2010
	Border Guard	Governmental	2010
	Border Guard	Governmental	2010
	Border Guard	Governmental	2010
Border Guard	Governmental	2010	
Hungarian Interchurch Aid	Private Not-For-Profit	2009	
Office of Immigration and Nationality	Governmental	2009	
Border Guard	Governmental		

**Institutions responsible for immigration detention**

Formally designated detention estate?	Formally designated immigration detention estate?	Types of officially designated detention centres	Observation Date
	Yes	Dedicated immigration detention facilities	2019

**Institutions responsible for immigration detention**

Types of detention facilities used in practice	Immigration detention centre (Administrative)	Immigration field office (Administrative)	Transit centre (Administrative)	Reception centre (Administrative)	Offshore detention centre (Administrative)	Hospital (Administrative)	Border guard (Administrative)	Police station (Criminal)	National penitentiary (Criminal)	Local prison (Criminal)	Juvenile detention centre (Criminal)	Informal camp (Ad hoc)	Immigration detention centre (Ad hoc)	Surge facility (Ad hoc)	Observation Date
	Yes		Yes												2019

Detention monitoring institutions			
Authorized monitoring institutions	Institution	Institution Type	Observation Date
	European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT)	International or Regional Bodies (IRBs)	2019
	Office of the Commissioner for Fundamental Rights	National Human Rights Institution (or Ombudsperson) (NHRI)	2019
	Hungarian Helsinki Committee	Non-Governmental Organizations (NGO)	2014
Detention monitoring institutions			
Is the national human rights institution (NHRI) recognized as independent?	Is the NHRI recognized as independent by the International Coordinating Committee of National Human Rights Institutions?		Observation Date
	Yes		2019
Detention monitoring institutions			
Does NHRI carry out visits?	Does NHRI carry out visits in practice?		Observation Date
	Yes		2019
Detention monitoring institutions			
Does NHRI have capacity to receive complaints?	Does NHRI have capacity to receive complaints?		Observation Date
	Yes		2019
Detention monitoring institutions			
Does NHRI publicly release reports on immigration detention?	Does NHRI publicly release reports on immigration detention?		Observation Date
	Yes		2019
Detention monitoring institutions			
Does national preventive mechanism (NPM) carry out visits?	Does NPM carry out visits in practice?		Observation Date
	No		2019
	Yes		2019
Detention monitoring institutions			
Does NPM publicly release reports on immigration detention?	Does NPM publicly release reports on immigration detention?		Observation Date
	Yes		2015
Detention monitoring institutions			
Do NGOs carry out visits?	Do NGOs regularly carry our visits?		Observation Date
	No		2019
	Yes		2013
Detention monitoring institutions			
Do NGOs publish reports on immigration detention?	Do NGOs publish reports on immigration detention?		Observation Date
	No		2019

Detention monitoring institutions		
Do international and/or regional bodies (IRBs) visit immigration-related detention facilities?	Do international and/or regional bodies (IRB) regularly visit immigration-related detention facilities?	Observation Date
	Yes	2019
Detention monitoring institutions		
Do IRBs publicly report their findings from inspections?	Do IRBs publicly report their findings from detention inspections?	Observation Date
	Yes	2019
Foreign sources of funding for detention operations		
Description of foreign assistance	Description of non-state assistance	Observation Date

More information about immigration detention in Hungary is available at the website of the Global Detention Project ([www.globaldetentionproject.org](http://www.globaldetentionproject.org))