



HUNGARY:

REFUGEES BETWEEN DETENTION AND HOMELESSNESS

Update and supplement to the report of march 2012

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bordermonitoring.eu e.V.
Friedenstr. 10, 81671 Munich, Germany

WWW.BORDERMONITORING.EU
OFFICE@BORDERMONITORING.EU

Förderverein Pro Asyl e.V
Postbox 160624, 60069 Frankfurt am Main,
Germany

WWW.PROASYL.DE
PROASYL@PROASYL.DE

RESPONSIBLE FOR CONTENT

Marc Speer

AUTHORS

Marion Bayer, Marc Speer

EDITORS

Miriam Leitner,
Alena Thiem, Angelika Calmez

LAYOUT

Matthias Weinzierl

PRICE

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'Pre-Integration Camp' in Bicske in July 2013

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IMPORTANT NOTE:

This report is a not updated translation of the German version which was released in October 2013. Consequently, the research for this report covers a period up to the end of July 2013. Since that date, there have been some significant changes:

- There are no tents anymore in the Bicske camp.
- The support system for people who received a protection status has fundamentally changed. Since the 1.1.2014 the affected persons are signing a so-called "integration contract".
- In January 2014 the Dublin-II convention was replaced by the Dublin-III convention.

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ON THE PRODUCTION OF THIS SECOND REPORT

Over a year has passed since we published an initial report in March 2012 on the situation of refugees¹ in Hungary.² Homelessness and detention are the two overriding problem areas that have remained decisive for the living conditions of refugees in Hungary. Their predicament is now becoming increasingly dramatic, as the number of applications for asylum has risen alarmingly over the past few months. Up to June 2013 there were over 10,000 new applicants³ (by comparison: in 2012 a total of only 2,155 asylum applications were registered⁴, in the year 2011 there were 1,693 and in 2010 only 2,104⁵).

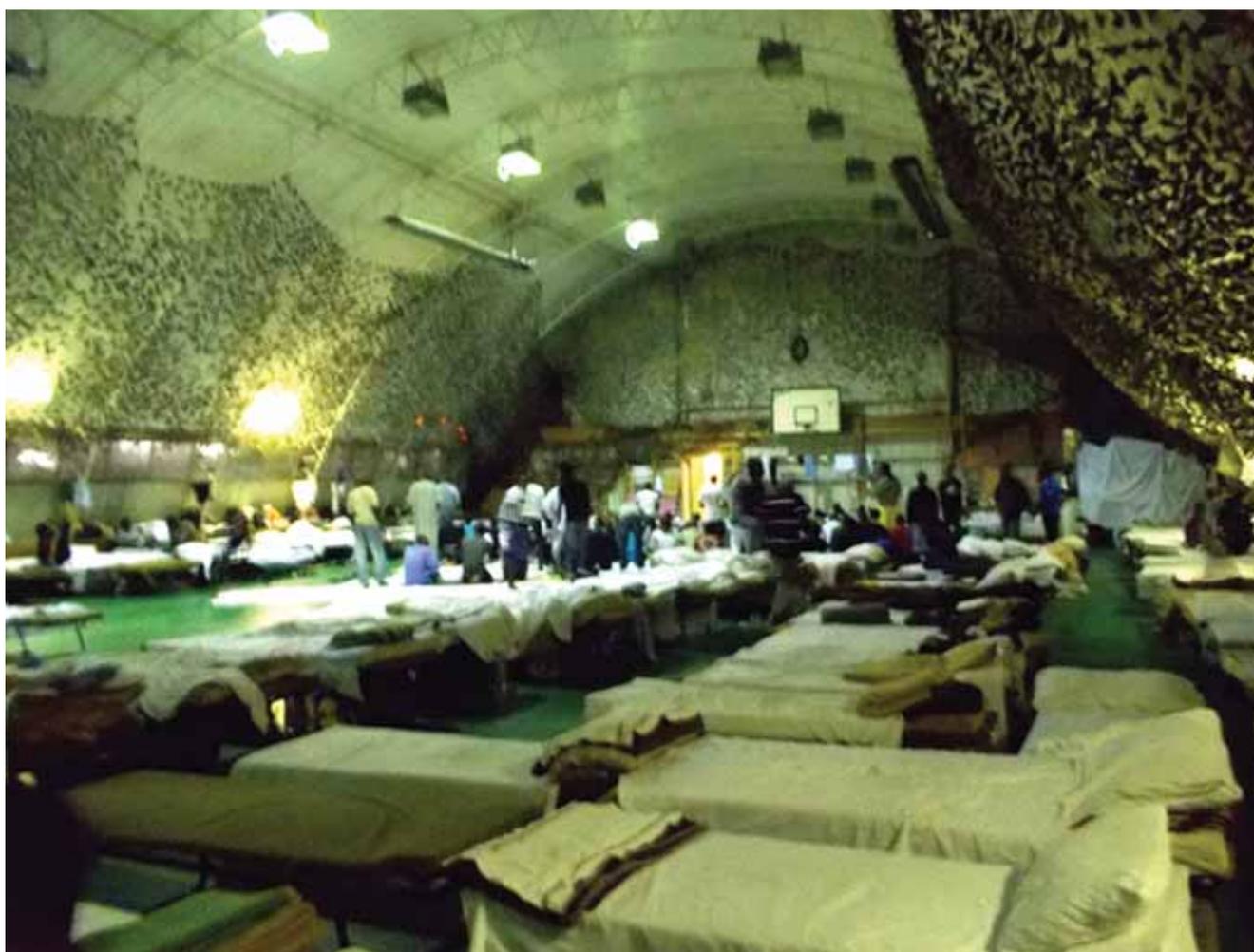
According to a press article in the Hungarian media, in June 2013 only a little over 2,500 people were accommodated in Hungarian refugee camps.⁶ These facilities are hence hopelessly overcrowded: emergency accommodation has been set up in tents and gymnasiums and serious disturbances have occurred in the camps due to the restricted conditions. Even in the so-called 'Pre-Integration Camp' in Bicske in which, until a few months ago, only recognised refugees and others entitled to protection were accommodated, a 'tent city' was erected for refugees.⁷ A further tent camp was opened in Nagyfa at the beginning of June to cater for up to 300 asylum-seekers.⁸

Considering the already over-burdened reception system in Hungary, the question arises: where are the 7,000 or more refugees who have not been put up in the camps? It can be assumed that they have travelled on to other European countries and it is likely that most of them will apply for asylum (or have already done so) and therefore slip into the Dublin return deportation procedure. Just as it is unclear what the future holds for these people, it can also be easily forecast that a massive increase in returns from various European countries would bring about the final collapse of the already overstrained asylum and reception system in Hungary.

The neo-Fascist party Jobbik is taking full advantage politically of this situation; several torchlight marches have been held to protest against the preliminary reception camp in Debrecen.⁹ Serious disturbances inflamed by Jobbik have also occurred in Vámoszabadi (near Győr), where a new (open) camp is being planned.¹⁰ One chapter in this report is therefore devoted to the increasing racism towards refugees in Hungary.

Our first report, together with other sources, among them the UNHCR and the NGO Hungarian Helsinki Committee, led to a number of German courts becoming increasingly critical about the question as to whether deportations to Hungary were permissible. The Appendix therefore provides a list with a selection of decisions and rulings against returns to Hungary. The list will also be constantly updated after publication of this report.¹¹

We met the refugees interviewed for this report in Budapest, Bicske, Debrecen and Balassagyarmat. However, we also have reports from refugees who fled onwards from Hungary. Of particular interest is a group of about 70 Afghans who left Hungary in June 2013 and sought refuge in Karlsruhe.¹² Before this they had campaigned over several months for better living conditions in Hungary, as they had all been granted at least 'subsidiary protection' in Hungary, but that offered no perspective at all for the future. As asylum-seekers they at least had a roof over their heads, but after recognition they were left with only a period of reprieve in the so-called 'Pre-Integration Camp' in Bicske, before being released into homelessness. Their efforts at integration provide a good example for understanding that for many recognised refugees and others entitled to protection it is practically impossible to live on a long-term basis in Hungary. We have therefore included a chronology of their protests in our report. We would like to thank the Migráns Szolidaritás group¹³ for providing the photos from these protests and allowing us to print them.



↑ **ACCOMMODATION OF ASYLUM-SEEKERS IN THE GYMNASIUM OF THE PRE-INTEGRATION CAMP AT BICSKE IN JULY 2013**

Besides the evaluation of written sources, this second report is based on supplementary research conducted, more closely than before, with human rights organisations and refugees on the ground. Much of the report of March 2012 still applies, so we have made an effort to refer regularly to chapters in the first report so as to avoid unnecessary repetition. The research for this report covers a period up to the end of July 2013; developments since then could not therefore be included here.

In this second report we have also avoided concentrating on quantitative data collection, but have instead conducted in-depth interviews over a lengthy period of time in different locations, both with individual refugees and in groups. Above all we interviewed refugees from Afghanistan and Somalia; however, for this report we talked more extensively

than before to people originating from other countries. Among those who had come to Hungary there are many who had already tried – often for years – to flee from Greece. Many have therefore already had the experience, before coming to Hungary, of fleeing to a country without finding refuge there.

Because people interviewed for this report were promised anonymity, code names are used in this report. Transcriptions of the audio recordings or notes of the interviews are available.

In this second report, too, we do not investigate the situation of the Roma in Hungary (nor of those with non-Hungarian nationality, for example, those from Kosovo). In consequence of an increasing anti-Roma pogrom atmosphere in various (East-) European countries, the Roma are also exposed in Hungary

to massive discrimination, hate and violence. Besides exposure to the anti-Roma racism evident in large sections of the population, they are increasingly the target of discriminatory legislation. The chapter on the so-called 'Kozmunka', the compulsory communal employment programmes, only indicates but cannot fully portray how drastic the discrimination experienced by the Roma in Hungary has become.



↑ ACCOMMODATION OF ASYLUM-SEEKERS IN THE GYMNASIUM OF THE PRE-INTEGRATION CAMP IN BICSKE IN JULY 2013



↑ PRE-INTEGRATION CAMP IN BICSKE IN JULY 2013

**NUMBER OF ASYLUM APPLI-
CATIONS IN HUNGARY IN THE
FIRST SIX MONTHS OF 2013:**

January:	300
February:	672
March:	1 350
April:	1 966
May:	3 337
June:	4 116
Total:	11 741

Source: UNHCR

The current tightening-up in the laws have made updating of our first report a matter of urgency. As from 1 July 2013, changes in the law, loosely based on EU guidelines, came into force in Hungary, and regulated among other things the detention of asylum-seekers. The UNHCR, as well as the Helsinki Committee, have expressed their concern about the new legislation, as the reasons for detention are so vaguely defined that it is to be feared that the detention of asylum-seekers will once again become

the norm.¹⁴ The consequences of these changes in the law can still only be guessed at; the first cases of detention after returns from other EU states have, according to our sources of information, already taken place. In the following chapters we deal especially with the changes in legislation. Further developments are documented on the website www.bordermonitoring.eu. A summary of the main findings of this report is presented in the concluding chapter. ↓

FOOTNOTES

- ¹ The term 'refugee' is not used in the legal sense in this report, but for all persons forced to leave their homeland. Where the word is used in the legal sense, the term 'recognised refugee' or 'persons entitled to protection' will be applied. Persons still involved in an asylum procedure are referred to as 'asylum-seekers'.
- ² Bordermonitoring.eu and Pro Asyl: Hungary: Refugees between Detention and Homelessness. Report on a year's research up to February 2012. Online: <http://content.bordermonitoring.eu/bm.eu--ungarn.2012.pdf>.
- ³ Cf. Hungarian Helsinki Committee: Brief information note on the main asylum related legal changes in Hungary as of 1 July 2013, page 3. Online: <http://helsinki.hu/wp-content/uploads/HHC-update-hungary-asylum-1-July-2013.pdf>.
- ⁴ Cf. press release by Eurostat on 22.3.2013. Online: http://europa.eu/rapid/press-release_STAT-13-48_de.htm.
- ⁵ Cf. English-language statistics of the OIN. Online: http://www.bmbah.hu/statisztikak_ENG_49.xls.
- ⁶ Cf. [kisalfold.hu](http://www.kisalfold.hu) of 18.6.2013.
Online: http://www.kisalfold.hu/gyori_hirek/menekultabor_-_ujabb_fejlesztes_maradna_el_vamosszabadin/2338124/.
- ⁷ Cf. <http://www.youtube.com/watch?v=wiRihM8HtSo>.
- ⁸ Cf. Hungarian Helsinki Committee: Brief Information note on the main asylum related legal changes in Hungary as of 1 July, 2013, page 4. Online: <http://helsinki.hu/wp-content/uploads/HHC-update-hungary-asylum-1-July-2013.pdf>.
- ⁹ Cf. <http://www.youtube.com/watch?v=60E1iVLk0A4>.
- ¹⁰ Cf. index.hu of 16.6.2013. Online: http://index.hu/belfold/2013/06/16/a_jobbik_tiltakozik_a_vamosszabadi_menekultabor_ellen/.
- ¹¹ A list of current reports and court decisions on Hungary can be found under:
<http://bordermonitoring.eu/2012/03/zur-situation-der-fluechtlinge-in-ungarn/>.
- ¹² Cf. press release of 26.6.2013: 70 refugees from Afghanistan seek refuge in Karlsruhe from deportation to Hungary. Online: <http://fluechtlingsrat-bw.de/files/Dateien/Dokumente/INFOS%20-%20EU-Fluechtlingspolitik/2013-06-26%20PM-w2eu-Ungarn-Karlsruhe-26-06-2013.pdf>.
- ¹³ Migráns Szolidaritás is a group that since November 2012, in solidarity with the migrants in Hungary, regularly publishes information on the current situation on their website: <http://migszol.com/>.
- ¹⁴ Cf. ECRE Weekly Bulletin14 – June 2013: Hungary passes legislation allowing widespread detention of asylum-seekers.
Online: <http://www.ecre.org/component/downloads/downloads/755.html>.

THE RE-INTRODUCTION OF THE DETENTION SYSTEM

'I am a refugee, not a criminal. Why did I come here? Only to ask for asylum. I was in a closed camp with my wife and children. The first thing refugees see here is the prison. They come from countries where there is war, and battles take place. My son asked me: 'Why are we here? This is a prison. Why are there so many police here?' We have had bad experiences in Afghanistan. My son sees the police and thinks: 'Danger! He sees the policemen and thinks: 'Maybe somebody is going to die.' (M.R., from Afghanistan)¹⁵

In our report of March 2012 we described in detail the detention system that asylum applicants were subjected to at that time.¹⁶ We documented that nearly all applicants were detained for months. This was justified formally by the Hungarian authorities with the argument that an expulsion order existed, which was issued in nearly all cases before the asylum application had been officially registered. Even people who had been returned from other states under the Dublin II Regulation were threatened once again at that time with detention on their return. In addition to this, with reference to the Helsinki Committee, we criticised the legal procedures for detention assessment:

'Local courts in principle make identical decisions in all cases, the reasoning is short and sharp and shows a lack of adequate assessment of the facts presented and of any individual treatment. Long years of experience by the HHC demonstrate that – in contrast to most

other European countries – the extension of deportation detention is automatic in Hungary'.¹⁷

This conclusion is impressively supported by figures that the European Refugee Council (ECRE) has published, with reference to the UNHCR: 'Another major concern for UNHCR is the effectiveness of the judicial review which re-examines the lawfulness of the detention. According to a survey conducted by the Curia, the highest court in Hungary, out of some 5000 court decisions made in 2011 and 2012, only three decisions discontinued immigration detention, while the rest simply prolonged detention without any specific justification'.¹⁸

We also described the conditions under which people were detained, especially the administration of tranquillizers and widespread physical ill-treatment of prisoners by their guards. This was also highlighted by a UNHCR report published shortly after ours:

'Permanent detention facilities have been renovated and apply a strict prison regime, even where residents have only committed the minor offence of irregular entry or stay. Detained asylum-seekers vehemently complained about the violent behaviour of the guards. While not every guard behaves in an inappropriate manner, some particular guards and indeed entire shifts allegedly harass detainees verbally and even physically. Detained asylum-seekers also complain about having been systematically given drugs/tranquillizers, resulting in some

of them becoming addicted by the end of their detention term.¹⁹

A German television unit (NDR) also visited Hungary in Spring 2012. They were not given permission to enter any detention camps for asylum-seekers, so that only the exterior of the facilities at Nyírbátor could be filmed. The filming was stopped by police officers after only a few minutes. However, shortly before this some refugees were able to contact the camera team: 'When you leave they'll beat me up here. Why did they stick me in prison? I'm an asylum applicant!' cried one of the detainees through the barred window. Two Afghans were interviewed for the TV report after they had been freed from detention and so could speak openly: 'I can't defend myself if the police imprisons me. What can I do about it?'

No one listens to me in this country. (...) When I asked for permission to go to the toilet the policemen just looked at the ceiling and wouldn't let me go. Why? They abused me so much. They said I should stick my dick in my mouth and drink my urine.' A 17-year-old reported: 'The security service and police took me to a room to beat me up. Four or five men. They are the police and can do whatever they want. (...) What can I do about it? I live like an animal here'.²⁰

Due to the massive criticism from various sources such as the Hungarian Helsinki Committee, the UNHCR and the European Commission, as well as many international court decisions that



↑ REFUGEE PRISON ON PREMISES OF RECEPTION CAMP IN DEBRECEN

made unlawful returns to Hungary under the Dublin II Regulation, the Hungarian laws as from 1 January 2013 were modified in two decisive instances: firstly, asylum-seekers were no longer placed in detention if they immediately applied for asylum when arrested; secondly, Dublin II returnees were in principle no longer detained.²¹ These changes in the legal framework were also mentioned in a UNHCR statement in December 2012 and it was further pointed out that the number of asylum-seeking detainees had decreased in Hungary from 171 in February 2012 to 30 in December 2012.²²

However, as from July 2013 new legislation came into force that will among other things have far-reaching effects on the detention of asylum-seekers. On the basis of the EU reception guidelines a new form of arrest was introduced for asylum-seekers that is legally different from deportation detention and can last up to six months. Since 1 July 2013 the following grounds for detention apply:²³

- For the verification of the applicant's identity and nationality.
- The asylum-seeker absconded or hinders the processing of the asylum procedure in any other way.
- In order to obtain the information necessary for the processing of the asylum claim, if there are serious grounds to presume that they would delay or hinder the procedure or would abscond.
- In order to protect the public order and national security. If the claim has been submitted at the airport.
- The applicant has repeatedly failed to fulfil his/her obligation to attend procedural acts and thus hinders the processing of a Dublin procedure.

As the Helsinki Committee stresses in its statement, the Hungarian government had in particular adopted rules on the detention of asylum-seekers from the draft of the EU Reception Conditions Directive, which had not even been passed at the time. Changes in favour of asylum applicants (for example, of groups requiring special protection) were

on the other hand seldom implemented, or not at all. Minors can not be detained under the new law, but this does not apply if they are arrested with their parents. In this case detention for up to 30 days can follow, which according to the Hungarian Helsinki Committee not only contravenes the UN Children's Rights Convention but also legislation passed by the European Court of Human Rights (ECtHR). It is further to be feared that the Hungarian authorities will continue to make excessive use of the existing rules allowing for the detention for asylum applicants, as was already the case well into the year 2012. It is of particular concern that the new law foresees no individual means of appeal. A judicial investigation of detention is conducted exclusively within the framework of an automatic examination at 60-day intervals.²⁴

This examination is made by the same district courts that in the past almost never repealed a detention order, as shown at the beginning of this chapter.²⁵ In summary, important grounds exist for the assumption that the ECtHR would in all probability regard this as a breach of the European Convention on Human Rights, for example, of Article 5 ('Right to Liberty and Security') or Article 13 ('Right to an effective remedy'). The UNHCR also shares this view:

'According to the UNHCR, under the new Hungarian law detention would be applied as a tool for migration control, penalising unlawful entry and preventing unlawful onward movements, which would also run counter to the stipulations in the European Convention on Human Rights (Right to Liberty and Security, Article 5), which would mean that a suit could be filed before the European Court of Human Rights'.²⁶



↑ REFUGEE PRISON IN NYÍRBÁTOR

Statements on the detention conditions cannot yet be made at this point. However, the well-documented abuses occurring in the past indicate that, under the new law too, the prison conditions will be unsatisfactory and possibly an infringement of Article 3 of the ECHR ('Prohibition of inhuman or degrading treatment or punishment'). Especially against the background of the dramatically increasing application figures, which in the first six months of 2013 alone

have already multiplied five-fold compared with those of the previous (complete) years, it can still be assumed that, in view of the hopeless overcrowding, conditions will become even worse. There is further cause to fear that Dublin II returnees (at least, if they are still involved in legal proceedings in Hungary) have clearly fulfilled the detention criterion of 'Absconding' or 'Hindering/Delaying the asylum procedure' simply by travelling onwards. It cannot be judged at this

point in time whether detention will as a rule be applied in practice, but the legal framework for it was no doubt created on 1 July 2013. ↓

FOOTNOTES

¹⁵ Online: <http://www.youtube.com/watch?v=j50KhK5CqHY>.

¹⁶ Cf. bordermonitoring.eu and Pro Asyl: Hungary: Refugees between Detention and Homelessness, p. 12 ff.

¹⁷ Hungarian Helsinki Committee: National report Hungary, in: Dublin Transnational Project, Final report, p. 54.
Online: <http://www.dublin-project.eu/dublin/content/download/1072/20354/version/4/file/RAPPORTFINAL-GB.pdf>.

¹⁸ ECRE Weekly Bulletin 14 – June 2013: Hungary passes legislation allowing widespread detention of asylum-seekers, p.3.
Online: <http://www.ecre.org/component/downloads/downloads/755.html>.

¹⁹ UNHCR: Hungary as a country of asylum. Observations on the situation of asylum-seekers and refugees in Hungary, p. 19. Online: <http://www.refworld.org/docid/4f9167db2.html>.

²⁰ Report in German television magazine 'NDR Weltbilder', broadcast on 24.4.2012.
Online: http://www.youtube.com/watch?v=SP1Xi_s2o60&feature=youtu.be.

²¹ Cf. Hungarian Helsinki Committee: Brief Information note on the main asylum related legal changes in Hungary as of July 1, 2013, p. 1. Online: <http://helsinki.hu/wp-content/uploads/HHC-update-hungary-asylum-1-July-2013.pdf>.

²² Cf. UNHCR: Note on Dublin transfers to Hungary of people who have transited through Serbia – update. Online: <http://www.refworld.org/docid/50d1d13e2.html>.

²³ Hungarian Helsinki Committee: Brief Information note on the main asylum related legal changes in Hungary as of 1 July, 2013, p.2. Online: <http://helsinki.hu/wp-content/uploads/HHC-update-hungary-asylum-1-July-2013.pdf>.

²⁴ The Helsinki Committee's statement runs literally as follows: 'It raises further legal concerns that there are no separate legal remedies against the asylum detention order since the OIN's decision on detention cannot be appealed. The lawfulness of detention can only be challenged through an automatic court review system, performed with 60-day intervals (...)'. Online: <http://helsinki.hu/wp-content/uploads/HHC-update-hungary-asylum-1-July-2013.pdf>.

²⁵ Cf. ebd., p. 3.

²⁶ ECRE Weekly Bulletin 14 -June 2013. Online: <http://www.ecre.org/component/downloads/downloads/755.html>.

REFUGEE PROTESTS IN BUDAPEST AGAINST THREATENED HOMELESSNESS

'We saw no other choice than staying together and seek a common solution abroad. We have seen that the European rules on asylum are not working, there is no common treatment and care for asylum-seekers and refugees in Europe. We will not accept this system. Our political resistance is movement. We have to do that for our children'.²⁷ Refugees announced this in a declaration on their collective flight onwards from Hungary to Germany in June 2013.

In November 2012 refugees (mainly from Afghanistan) had already protested for two days before the Hungarian Parliament for integration opportunities in Hungary. A number of (English-language) videos covering these protests are available on the Internet.²⁸ A crucial concern of the refugees was that they had been issued with residence permits by Hungary but that these offered no real protection. 'We cannot eat documents, nor sleep or live in them'.²⁹ The following chronology of protests is closely linked to statements made by the refugees themselves.

Parallel to the public demonstration, the refugees turned to the Hungarian Ministry of the Interior, the migration authority OIN and the Hungarian Foreign Ministry in order to draw the attention not only of the public but also the decision-makers to the hopeless situation of refugees in Hungary. In response to the protests, the Ministry of the Interior simply extended the residence period in the so-called 'Pre-Integration Camp' in Bicske until 31 March 2013, but otherwise took no action.³⁰

In January 2013 the refugees therefore approached the UNHCR and sought its support in this dispute. On 19 February 2013 they also filed a suit with the EU Commission against Hungary. Numerous infringements of EU guidelines were listed in this complaint. On the day the suit was filed there was once again a protest demonstration before the European Union offices in Budapest to draw attention to the issue.³¹ A video about this protest can be found in the internet.³² Up till now the refugees have received no answer to their complaint from the Commission.³³

On 19 March 2013 supporters of the Migráns Szolidaritás group wrote a letter to the OIN and the Ministry of the Interior to highlight the situation of almost 100 refugees who were to leave the camp in Bicske by 31 March. In the letter they described the main problems of the refugees and made a series of suggestions as to how refugees could be provided with adequate accommodation after their stay in the camp.³⁴

However, these pressing questions on proper housing remained unanswered. There were two meetings with representatives of the OIN, but according to the refugees taking part, in neither of them could any perspectives be offered to those who were to leave the so-called 'Pre-Integration camp'. The only solution proposed by OIN was accommodation in shelters for the homeless.³⁵

On 28 March 2013, one day after the meeting with OIN, the refugees were informed that it was possible to move into homeless shelters: 'Apart from the obvious fact that we would be unable to integrate into Hungarian society while living in homeless shelters, it turned out that these facilities had room for not more than ten of us, and no room at all for children',³⁶ the refugees stated in their declaration.

The following week they paid a visit to the shelters together with supporters from the Migráns Szolidaritás group.³⁷ 'We could see with our own eyes that these facilities offered no solution to our accommodation problem',³⁸ the refugees said in their statement.

At the same time, refugees in the group were repeatedly threatened by OIN officials that they would be removed from the camp by force and separated from their children. The OIN also informed UNHCR of the possibility of these measures.³⁹

Conditions steadily worsened. Since 31 March 2013, those whose time in Bicske had expired have received no financial support of any kind (including food and drink) and not even medical treatment.⁴⁰ The number of people in the so-called 'Pre-Integration Camp' also continued to rise in the summer months of 2013. As already mentioned in the introduction, the camp is at present totally over-crowded; tents were even erected recently and many refugees had to sleep in the gymnasium.



↑ PROTEST AGAINST RE-INTRODUCTION OF DETENTION FOR ASYLUM-SEEKERS



↑ PROTEST BEFORE HUNGARIAN PARLIAMENT

At about this time the Hungarian Parliament passed a new law on the detention of asylum-seekers. On 2 June 2013 asylum-seekers and refugees therefore once again demonstrated together with the Migráns Szolidaritás group before the Hungarian Ministry of the Interior,⁴¹ since these stipulations, quite apart from the drastic consequences for the detainees themselves, would contribute to the further stigmatisation and increasing hopelessness concerning the chances of integration of recognised refugees and others entitled to protection in Hungary. A number of videos on these demonstrations can be seen in the Internet.⁴²

A large part of the refugees threatened in April by eviction from Bicske left Hungary together in June 2013 and applied for asylum in Germany. 'We decided to leave Hungary because all our attempts (...) to seek help to live a normal life as refugees in Hungary have failed. (...) However, as a political protest, we deci-



↑ DEMONSTRATION BEFORE THE EU OFFICES IN BUDAPEST

ded to leave Hungary together and to go to Germany and to apply for asylum there. The fact that approximately 100 of us left Hungary will not change anything in Bicske. The new people who will be granted refugee status will face similar problems'.⁴³ This prediction by the refugees is already a reality: since the beginning of August 2013 the next large group (45 people) is threatened by eviction from the camp in Bicske and once again OIN has made no acceptable proposals.⁴⁴ ↓

FOOTNOTES

²⁷ Cf. Migráns Szolidaritás of 13.6.2013, described as the 'Declaration of the Refugees'.
Online: <http://migszol.com/cikk/591>.

²⁸ <http://www.youtube.com/watch?v=2qPIDTSzjL0#at=48>.
<http://www.youtube.com/watch?v=UbZcLGUwzxY>.
http://index.hu/video/2012/11/23/nem_akarunk_itt_is_allatokkent_elni/.

²⁹ Interview with a recognised Afghan refugee, Karlsruhe, on 04.07.2013.

³⁰ Cf. Declaration of the Refugees.

³¹ Cf. ebd.

³² http://www.youtube.com/watch?v=Y_C4L2PEKt4.

³³ Cf. Declaration of the Refugees.

³⁴ Cf. ebd.

³⁵ Cf. ebd.

³⁶ Ebd.

³⁷ Cf. Report Migráns Szolidaritás of 17.4.2013. Online: <http://migszol.com/cikk/457>.

³⁸ Cf. Declaration of the Refugees.

³⁹ Cf. Ebd.

⁴⁰ Cf. Migráns Szolidaritás of 3.5.2013. Online: <http://migszol.com/cikk/548>.

⁴¹ Cf. Migráns Szolidaritás of 30.5.2013. Online: <http://migszol.com/cikk/562>.

⁴² <http://www.youtube.com/watch?v=KVgxwh3tCsc>.
<http://www.youtube.com/watch?v=OGzaHg9u3XA>.
<http://www.youtube.com/watch?v=j50KhK5CqHY>.

⁴³ Declaration of the Refugees.

⁴⁴ Cf. Migráns Szolidaritás vom 1.8.2013. Online: <http://migszol.com/cikk/671>.

FINANCIAL SUPPORT AFTER DEPARTURE FROM BICSKE

The financial support that recognised refugees and others entitled to protection may receive after leaving the 'Pre-Integration Camp' in Bicske is listed below. It must be pointed out that these are possible payments and, in the event of approval, the maximum sum possible is not as a rule paid out. Another problem especially affects recognised refugees and others returned from other European states to Hungary, i.e. who had often not been in Hungary for a considerable period of time: the difficulty here is that the following list of services can only be applied for or within (a) certain period(s) of time after departure from the so-called 'Pre-Integration Camp' or recognition of refugee status. To clarify the figures, the following statistics are provided: according to the Hungarian Central Statistics Office the average Hungarian net wage amounts to 140,000 HUF monthly (approx. 471 €⁴⁵) while the poverty level stands at 62,000 HUF (approx. 209 €).⁴⁶ Depending on the location of the housing, the rent (excluding utilities) for accommodation in Budapest, according to the Central European University, would amount to at least 40,000 HUF (approx. 135 €).⁴⁷

This can be granted for a period of up to two years if the applicant can guarantee attendance of at least 70% at language courses. If further conditions are fulfilled – for example, cooperation with the unemployment office – this support can be extended to three or four years. The regular monthly support can only be paid out if the person involved has left the so-called 'Pre-Integration camp' in Bicske and only for a maximum of four years after receiving a legal status. This means, for example, that a family that stayed in Bicske for a year receives support for a maximum of only three years. An amount between 7,125 HUF (approx. 24 €) and 28,500 HUF (approx. 96 €) monthly per person can be granted. The condition for support is that necessity is proven.⁴⁸ An income limit exists thereby for single persons of 42,750 HUF (approx. 144 €), while for families the average income of a family member may not exceed 28,500 HUF (approx. 96 €).⁴⁹ Between 9,000 HUF (approx. 30 €) and 15,000 HUF (approx. 50 €) a month is normally approved.⁵⁰

→ ONE-TIME SUPPORT:

These payments can be requested for rent security payments and for furnishing an apartment. They can be applied for during the stay at the Bicske 'Pre-Integration Camp' or within six months after leaving it. The presentation of a rental agreement is, however, obligatory. If approved, the support amounts to between 56,000 HUF (ap-

prox. 188 €) and 171,000 HUF (approx. 575 €). For families, payment is made to only one member.⁵¹

→ HELP WITH THE RENT:

This support can be granted for a maximum of two years to help with rent payments. An official rental agreement must be furnished for this, and must apply to an apartment not larger, on average, than those occupied by the other inhabitants in the area. A maximum of 28,500 HUF (approx. 96 €) can be granted to a single person. For at least one child a maximum of 57,000 HUF (approx. 192 €) can be approved and for at least three children a maximum of 85,500 HUF (approx. 288 €).⁵² For this reason particularly, it is difficult to provide an official rent agreement, as a large number of apartments in Hungary are rented out without rental agreements so as to avoid the taxes due. This is even admitted to by the authorities: "The OIN and everybody else knows, that the owners of flats do not want to give a bill to the person who rents the flats, so this bill-problem is a real living problem".⁵³

What does this mean in practice? To explain this we would like at this point to highlight the case of a single Afghan mother with three children (one of them a baby) who belongs to those refugees who refused to leave Bicske voluntarily in the winter of 2012/2013. According to the official notifications presented to the authors of this report, the following support was offered to her (regular

→ REGULAR MONTHLY SUPPORT:

monthly support): she herself, in the event of departure from the so-called 'Pre-Integration Camp' in Bicske, would have received 7,125 HUF (approx. 24 €) per month, and her children 12,825 HUF (approx. 43 €) each. She would then have a total of 45,600 HUF (approx. 153 €) of support per month. On top of this would come 68,000 HUF (approx. 229 €) of child allowance, leading to a total of 113,600 HUF (approx. 382 €) for her and her three children every month. The social workers at the Bicske camp helped her to find a flat that would have cost 63,800 HUF (approx. 215 €) with an official rental agreement. Together with the cost of utilities this flat would cost between 85,000 HUF (approx. 286 € in summer) and 105,000 HUF (approx. 353 € in winter) so that she would have been left with a sum ranging from about 10,000 HUF (approx. 34 €) up to 30,000 HUF (approx. 101 €) monthly to finance all the other living costs for herself and her children. Theoretically she could have received a one-time support, after leaving the camp, for a rent deposit and for help with the monthly rent. She would have to submit an official rental agreement for this and it was also unclear whether she would be granted support and if yes, how much it would amount to. It must be considered here that the corresponding approval process usually lasts several months. This support would also be subject to expiry, i.e. if she were unable to find a decently-paid job fairly quickly she would sooner or later find herself on the street. In view of the incalculable risks she therefore understandably chose not to accept the offer of accommodation and instead to remain (illegally) in Bicske, as there she at least has the whole children's allowance (less than 300 € monthly) at her disposal for the living costs of the family.

At this point it must be pointed out that the predicament of people without children is sometimes even worse, as they have not the benefit of children's allowances, which are comparatively higher than the other benefits. The problem certainly exists in Germany, too, that people with residence permits cannot find accommodation and therefore have

to stay in refugee camps. But compared with Hungary there is a significant difference: whoever is unable to find and pay for accommodation is not simply evicted from the camp and thrown on the street, whether they have children or not.

The two or four-year deadline for the granting of monthly support for recognised refugees and others entitled to protection also leads to the situation where especially those who had already received refugee status in Hungary some time before can no longer be granted any form of support. For the one-time support, or rent support, the provision of an official rental agreement is once again essential, which is impossible for those who shortly before were transferred from another European state. It must also be stressed that even if financial support is granted, it is not sufficient as a rule to pay for a flat. For many, renting accommodation in Hungary is *de facto* beyond their means. The alternative is only to live in overcrowded and shabby shelters for the homeless, which are often short of beds; some manage to find temporary refuge with friends and acquaintances. Due to their desperate situation, many recognised refugees and others entitled to protection attempt (once again) to find refuge abroad, if only to have a roof over their heads for a few months.

The head of the NGO Menedék, which deals with the integration of recognised refugees and others entitled to protection in Hungary, points to the systemic deficiencies in the Hungarian reception system: 'The money support system which should help the refugees cannot be used by most of refugees. This money support is not enough for most of the refugees. The problem is not that there are only a few refugees who think that this money is not enough. The problem is, that this money is not enough for most of the refugees'.⁵⁴ ↓

Bevándorlási és Állampolgársági Hivatal

Iktatószám:

Tárgy: felszólítás befogadó állomásról
kiköltözésre
Ügyintéző:

FELSZÓLÍTÁS

és családja

2060 Bicske
Csabdi út 20.

A Bevándorlási és Állampolgársági Hivatal (a továbbiakban: Hivatal) az Ön és családja Bicskei Befogadó Állomáson biztosított tartózkodási jogosultságát zámú határozatával 2012. -ig engedélyezte.

Tekintettel arra, hogy a fent hivatkozott határidő letelt, ezúton felszólítom, hogy a Befogadó Állomás területét azonnali hatállyal hagyja el!

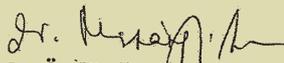
Tájékoztatom, hogy a közigazgatási hatósági eljárás és szolgáltatás általános szabályairól szóló, többször módosított 2004. évi CXL. törvény (a továbbiakban: Ket.) 124. § a) pontja és 126. § (1) d) pontja alapján a kiköltözésre megadott hatánap elmulasztása – amennyiben a teljesítési hatánapot nem tartalmazó döntés jogerőre emelkedett – végrehajtási eljárás megindítását vonja maga után. A Ket. 127. § (3) bekezdése alapján a végrehajtás foganatosítását az önkéntes teljesítés elmaradásának megállapításától számított nyolc napon belül meg kell kezdeni.

Tájékoztatom, hogy a Ket. 134. § e) pontja alapján a kiköltözésre megállapított határidő teljesítésének elmaradása esetén a menekültügyi hatóság a kiköltözést a rendőrség közreműködésével kényszerítheti ki, továbbá ha a teljesítés elmaradása a kötelezettnek felróható, a kötelezettel szemben vagyoni helyzete és jövedelmi viszonyai vizsgálata nélkül eljárásbírság kiszabásának lehet helye.

Tájékoztatom, hogy amennyiben Ön kiskorú gyermeket nevel, a gyermekek védelméről és gyámügyi igazgatásról szóló 1997. évi XXXI. törvény alapján gyermekjóléti alapellátások igénybevételét kérelmezheti, amely kérelmével a Kapcsolat Központ Gyermekjóléti Szolgálatához (2060 Bicske, Ady Endre u. 2.) vagy a Fejér Megyei Kormányhivatal Bicskei Járási Hivatal Járási Gyámhivatalához (2060 Bicske, Kossuth u. 14.) kell fordulnia.

Budapest, 2013. július

dr. Végh Zsuzsanna
főigazgató
névében és megbízásából


dr. Ördög István
menekültügyi igazgató

- Kapják: 1. Ügyfél – 2060 Bicske, Csabdi u. 20.
2. Hős Sándor igazgató, Befogadó Állomás Bicske – faxon
3. BÁH Irattár

FOOTNOTES

⁴⁵ When HUF are exchanged for € in this report it is made on the basis of the rate charged by the Interbank on 26.7.2013.

⁴⁶ Cf. Budapest newspaper on 11.11.2012: Poor, dear Hungary. Online: <http://www.budapester.hu/2012/11/11/armes-teures-ungarn/>.

⁴⁷ Cf. Central European University: Accommodation in Budapest (2013/2014). Online: <http://www.ceu.hu/studentlife/onlineorientation/accommodation>.

⁴⁸ § 52, 301/2007. (XI.9.) Korm. rendelet.

⁴⁹ § 39, 301/2007. (XI.9.) Korm. rendelet.

⁵⁰ Cf. index.hu of 19.2.2013. Online: http://index.hu/belfold/2013/02/19/menekultek_kertek_az_eu_segitseget/.

⁵¹ § 47, 301/2007. (XI.9.) Korm. rendelet.

⁵² § 54, 301/2007. (XI.9.) Korm. rendelet.

⁵³ Isván Ördögh, director of the refugee section within the OIN, during a discussion on Tilós Radio on 17 December 2012.

⁵⁴ András Kováts, head of the NGO Menedék, during a discussion on Tilós Radio on 17 December 2012.

ACCESS TO STATE MEDICAL CARE

In our report of 2012 we only touched on the issue of medical provision for recognised refugees and others entitled to protection. This gap will now be filled by the following chapter. One of the crucial problems facing refugees after leaving Bicske is access to state medical care. The first obstacle they are confronted with is the issue of a 'TAJ kártya' (social insurance card), for which an address card has to be submitted. If the person concerned has a fixed abode, there are two kinds of address cards:

→ Permanent address: The holder has a fixed abode, i.e. a street and house number are noted on the card. With this type of address card, a social insurance card can be applied for.

→ Temporary address: A street and house number are noted on the card. However, as it is only a temporary place of residence, no 'TAJ kártya' can be applied for. If the person concerned has no fixed abode, two kinds of notation can be made on the address card:

→ 'No address', with no further entries: no municipality or city district is noted on the card. In this case no 'TAJ kártya' can be issued.

→ 'No address', and notation of a municipality or city district: in this case a 'TAJ kártya' can be issued.

In practice it often turns out to be difficult for refugees to register in a residential area without a place of residence, as the local authorities tend not to accept such registrations in 'their' area, so as to limit the number of people in need of benefits. In addition, acceptance of the cost of medical insurance is tied by the Hungarian state to further conditions, such as the provision of a document signed by a social worker.⁵⁵

During a visit to a shelter for the homeless in Budapest on 4.4.2013, a social worker further pointed out that the occupants there could only register with 'Temporary address',⁵⁶ which meant that they could not apply for a 'TAJ kártya'. Also, those refugees who had refused to leave the Bicske 'Pre-Integration Camp' in the spring of 2013 no longer received any form of medical attention.⁵⁷ It can therefore be maintained that, for refugees in Hungary, access to the state medical system, especially if they had to leave the 'Pre-Integration Camp' in Bicske, is not completely excluded but in practice bound up with a range of bureaucratic hurdles which are sometimes insurmountable for those affected. This is confirmed by an investigation undertaken by the Hungarian ombudsman, who in Hungary has the status of a parliamentary commissioner for civil rights:

'During the inquiry, the refugees, the NGO staff members and the newspaper article on the basis of which I initiated this ex officio procedure all mentioned that the local authorities of certain Budapest districts refuse to issue residence

cards for the district without a specific address with a street name and a house number. According to certain persons involved in providing support to homeless people, this tendency of not issuing residence cards is the result of the rule in Section 6 of the Social Benefits Act (...). The benefits as listed in the Social Benefits Act that are available to homeless people holding a residence card only showing the village, town or district must be provided by the particular town, village or district that has issued the residence card. Local authorities refusing to accept such applications presumably take this approach because they want to limit the number of local citizens eligible for social aid and they wish to prevent an increase in the administrative burden. (...) Health insurance cards are issued to people living in Budapest and with district-level places of residence by the local office of the Regional Labour Centre of Central Hungary (...). The Local Office always requests the applicants to show identification documents, that is, the applicant must give evidence of his/her personal data, refugee status and place of residence'.⁵⁸

This on the other hand regularly leads to the situation that refugees have no insurance cover, especially if they have been returned to Hungary under the Dublin II Regulation and (no longer) have Hungarian documentation. A further problem is in particular the treatment of victims of torture and those suffering from post-traumatic stress disorder (PTSD), as the UNHCR revealed:



↑ DEMONSTRATION BEFORE THE EU OFFICES IN BUDAPEST

'External funds such as the European Refugee Fund (ERF) have been used to cover basic services, but the projects/services are often not sustainable, as the requisite complementary national resources are not allocated. The same holds true for the rehabilitation and treatment of torture victims. Such services for asylum-seekers and refugees, who are victims of torture or suffer from Post-Traumatic Stress Disorder, are not provided for by law. The Cordelia Foundation, a local NGO and UNHCR implementing partner, does provide such services, although also subject to available funding'.⁵⁹

The NGO Cordelia specialises in the treatment of torture victims and traumatised refugees. According to an NGO member, its work is mainly financed by the European Refugee Fund and is carried out only in the (detention) camps in Bicske, Debrecen and Békéskaba. No treatment of PTSD patients is provided by Cordelia in Budapest, that is, of refugees who had to leave the Bicske 'Pre-Integration Camp', as no funds are available.⁶⁰ ↓

The second flight of the family B. began more than three years ago. The second flight, because two decades ago the parents fled from Afghanistan to Iran, where they grew up, married and had three children. Shugofa, the eldest, was born with a heart defect and had to undergo an operation at once. The family was finally deported to Afghanistan. They were out of their depth there, felt permanently threatened and had no access to desperately-needed medical attention for their eldest child. They fled to Europe, arriving in Greece via Turkey. They crossed the Greek border in the north by way of the Evros River, in which refugees have often drowned. Their group was to cross in a rubber dinghy. The parents each held a son in their arms, while a friend held Shugofa. They were the first to climb into the dinghy but it capsized. Two friends managed to pull Shugofa and the mother out of the water.

For over six months the family tried to travel onwards from Greece, as it was clear that Shugofa would not receive the necessary medical treatment there. They had a really hard time in Athens, they said. They borrowed money from friends and paid for a trafficker who was to take them to Austria. But they were caught just behind the Serbian-Hungarian border by the Hungarian border police. Their fingerprints were taken and they spent the night in a police cell. As they heard that Shugofa would not get adequate medical attention in Hungary, they fled onwards to Austria.

They applied for asylum in Austria but were returned to Hungary after four months. There they were detained in a closed camp for families in Békéscsaba. Shugofa's condition got worse and worse and she finally collapsed. She was then X-rayed in hospital but after that nothing else happened. In the end the family was taken to Debrecen. There they were told Shugofa could not have an operation as long as they were in the asylum process.

Shugofa's illness got steadily worse, as the asylum process in Hungary is usually a long drawn-out affair. The parents decided once again to move on to Austria. In the Austrian preliminary reception camp in Traiskirchen they were turned away, because they had already been deported to Hungary once before. But they gave them an insurance voucher, as Shugofa was clearly very ill. The family spent the night on the street. The next day they met someone in a mosque who at least allowed the mother and her children to stay overnight. He took them to Caritas,

which arranged for Shugofa to be medically examined. The authors of this report have at their disposal a letter of 13.10.2011 from the State Clinic in Vienna-Neustadt, in which it is stated literally: 'As the girl is showing serious symptoms an operation should be undertaken immediately'. Nothing happened, however, and after four months in Austria they were again deported to Hungary.

They were finally sent to a camp in Balassagyarmat and 20 days later to Debrecen again. They spoke to the doctor there and showed him the letter from the doctor in Austria who had urged that an operation be conducted. Nevertheless they were told the familiar story: 'Not during ongoing asylum proceedings'. After six months in Debrecen they were granted a residence permit for Hungary on humanitarian grounds. They were transferred to the 'Pre-Integration Camp' in Bicske, where the parents at once turned to the doctors and camp director to point out Shugofa's heart condition, hoping that she would finally receive her operation. It took a further eight months before Shugofa was examined. She was X-rayed once again. Ms R. emphasises that she could see that her daughter felt worse after each X-ray and she had heard that too many X-rays would do more harm than good. The doctor said in the end that unfortunately he could not operate on Shugofa, as she was too small for the appliances he had at his disposal.

The parents joined up with other families in a similar situation and tried outside the camp to approach the political decision-makers in Hungary, the UNHCR and even the European Commission. This did not help either, and after a certain period of grace in Bicske, from 31.3.2013 they came under increased pressure. They insist that they received no form of medical attention at all. They then discussed the situation with others and decided they would all leave together: 'Almost all of us had been deported to Hungary from other European countries and we were all afraid. But the fear of staying was even greater'.

Shugofa was finally operated on in a clinic in Heidelberg on 30.7.2013. She looks very small in her hospital bed, smaller and thinner than her younger brothers. She says she doesn't really believe they can stay here. She often wakes up at night and is afraid of noises; she then asks her mother: 'Are they taking us away now'?

FOOTNOTES

⁵⁵ This information comes from an interview with a representative of the homeless people's initiative 'The City is for All' on 30.8.2012, as well as from the e-mail correspondence that followed.

⁵⁶ Cf. Migráns Szolidaritás of 1.4.2013. Online: <http://migszol.com/cikk/457>.

⁵⁷ Cf. Migráns Szolidaritás of 3.5.2013. Online: <http://migszol.com/cikk/548>.

⁵⁸ Report of the Parliamentary Commissioner for Civil Rights in case number AJB 1692/2010, August 2011, p. 17. Online: http://migszol.com/files/2013/03/0mBudsman_Bicske_Homeless-refugees-2011.pdf.

⁵⁹ UNHCR: Hungary as a country of asylum. Observations on the situation of asylum-seekers and refugees in Hungary, p. 14. Online: <http://www.refworld.org/docid/4f9167db2.html>.

⁶⁰ Cf. a telephone interview with a member of the NGO Cordelia on 29.11.2012.

CRIMINALISATION OF HOMELESSNESS IN HUNGARY

The number of people living under the poverty level in Hungary today is estimated at about 3.7 million, which accounts for some 40% of the population. According to the latest assessments the number of those living in inferior or extremely overcrowded housing amounts to some 1.5 million, or about 15% of the total population. Since the start of the financial crisis in 2008 tens of thousands of people are threatened with eviction, as they can no longer service their loans. It is nearly impossible to estimate how many people are on the street or in homeless shelters exactly, especially as no official statistics exist. According to experts in the social services the number of those on the street or in shelters must be around at least 30,000.⁶¹ In a report by UN officials in February 2012, the estimate of the homeless stands between 30,000 and 35,000 people, among them large numbers of women, children, old people and handicapped persons. About 8,000 of them live in the capital Budapest, although there are places for only 5,500 in homeless shelters.⁶²

The German newspaper 'Frankfurter Rundschau' reported in March 2013: 'The homeless are visible everywhere in Budapest. The shops and offices in the centre barricade their entrances at night with folding grilles so that no one can camp there overnight in a sleeping bag or in newspapers, surrounded by their few belongings. In the mornings people slouch through the city with cardboard and newspapers under their arms. No one knows where they have slept. On a

particularly cold night some years ago 3,000 homeless people were counted in Budapest who were spending the night in the open. In each of the last few years some 70 to 80 people have died from cold in the city; not all were, however, homeless.⁶³

The situation of the homeless became more critical in October 2010, when the Hungarian Parliament passed a law allowing the municipalities to impose sanctions on 'living on the street'. At the beginning of 2011 the Ministry of the Interior examined legal ways of interning the homeless. In April 2011 new restrictive legislation came into force.⁶⁴ From then on, the local councils could impose bans on spending the nights in stations or on the street. Sifting through rubbish could also be punished. This led as a rule to fines, but this could be turned into imprisonment for repeated offences or non-payment of fines. In May 2011 the Budapest city administration issued a regulation ordering the payment of fines for 'permanent life on the street'. For repeated infringements, fines of up to 150,000 HUF (approx. 505 €) could be imposed, or imprisonment for non-payment of the fines. The first homeless shelter with a special room for short-term arrest was opened in the autumn of 2011. In November 2011 the Hungarian Parliament passed a law forbidding 'Living in public places'.⁶⁵

In December 2011 the Parliamentary Commissioner for Civil Rights approached the Hungarian Constitutional Court and demanded the repeal of the new laws

and decrees against the homeless: 'According to the views of the Parliamentary Commissioner for Civil Rights, the new regulation (the Act on the Shaping and Protection of Built Environment, 2010) enables the use of border police actions on public places against homeless people – thus criminalizing the homeless people – this cannot match the Hungarian constitutional and the European human rights norms'.⁶⁶ He had previously demanded from the Hungarian Ministry of the Interior and Budapest City Council that the corresponding passages in the new law and corresponding decree should be annulled, without success.

A year later, in December 2012, the Hungarian Constitutional Court ruled against the criminalisation of the homeless. With this judgement, Hungary's highest court acknowledged the objections raised by a number of NGOs against the ruling that forbade the 'use of public places as living space' and threatened the imposition of fines or imprisonment. In justification of the decision the court said: 'The mere fact that someone lives in public places does not automatically affect other people's rights, does not necessarily cause damage and does not per se endanger the normal use of public space'.⁶⁷

On 11 March 2013 the Hungarian Parliament passed the 'Fourth Revision of the Hungarian Constitution', which among other things enabled the criminalisation and punishment of the homeless. The drastic treatment of the homeless is now covered legally by a general



↑ **DESPITE RESTRICTED CONDITIONS, NOT NEARLY ENOUGH BEDS: HOMELESS SHELTER IN BUDAPEST**

clause in the Hungarian constitution (Article 8, Section 3: 'A law or local decree can forbid the use of certain public spaces for the purpose of sleeping overnight, in order to protect public order, public security, public health or cultural values'⁶⁸). To outmanoeuvre the Constitutional Court the Orbán government simply rewrote the constitution at short notice.

The Federal Working Group 'Help for the Homeless' (a registered charity) issued a statement to the press on the occasion of the constitutional amendments, in which it maintained: 'On Monday the Hungarian government, as expected, repealed the elementary constitutional rights of homeless citizens by

way of its right-wing populist majority. From now on, homeless people who spend the night outside twice within 6 months can be fined 500 €. Whoever is unable to pay this sum lands in prison. (...) This is an unheard-of setback in the social and political post-war history of Europe, in which step by step all the so-called 'vagrancy clauses' were repealed – in Germany through the penal reform of 1974 (§ 361 StGB)'.⁶⁹

At this point it must be noted that life for homeless refugees is even more complicated; especially those who have been returned from another European country have great difficulty in gaining access to the scarce beds in homeless shelters in Hungary. The Hungarian

Commissioner for Human Rights stated in a report on this issue:

'Persons applying for support as homeless people must prove or at least substantiate their eligibility. It was a common phenomenon among refugees returning from abroad that all their documents, previously obtained with the help of the social workers at the reception centre, were lost or expired. According to the accounts of the refugees interviewed during the inquiry, access to night shelters is only allowed if, as part of the usual administration, the refugees show their personal identification documents and also their medical certificates verifying they do not have tuberculosis or parasites (lice, mites etc.). The situation of those refugees who do not speak Hungarian was significantly worsened by the language barrier. Initially, they had a hard time understanding why they were sent away from shelters. However, the staff members of homeless support organisations interviewed during the inquiry complained that, as they did not speak the necessary foreign languages, they could not even explain to the foreigners who did not know the city well where exactly the different pulmonary screening stations (located in parts of Budapest distant from each other) are and how they can get to the public health institution issuing certificates of parasite-free status. Another issue was that foreigners without a health insurance card had to pay for pulmonary screening. Many of the refugees mentioned that they did not have the documents required for the usual administration at the centre, they were denied access and they had to spend the night outdoors. The refugees were not given a formal written decision on rejecting their application for accommodation at the night centre and so it was impossible to collect evidence on the affected institutions and the exact dates of rejection'.⁷⁰ ↓



↑ DEMONSTRATION BY THE HOMELESS BEFORE THE PARLIAMENT: 'WE FIGHT FOR THE RIGHTS OF ALL PEOPLE!'



↑ RULE OF LAW!

FOOTNOTES

⁶¹ Cf. Mariann Dósa and Éva Tessa Udvarhelyi: The increasing criminalisation of homelessness in Hungary, in: HRW Newsletter Issue 4, October 2012, p.7 ff. Online: <http://docs.google.com/file/d/0B4k9StDq86YYRTgzb1VBcGdVWms/edit?pli=1>.

⁶² Cf. UN News Centre of 15.2.2012: UN experts speak out against Hungarian law criminalising homelessness. Online: <http://www.un.org/apps/news/story.asp?NewsID=41246#.UVtzDFdhdYE>.

⁶³ German newspaper 'Frankfurter Rundschau' of 23.3.2013: Obdachlos in Ungarn – Weg von der Strasse. Online: <http://www.fr-online.de/politik/obdachlos-in-ungarn-weg-von-der-strasse,1472596,22241408.html>.

⁶⁴ Cf. German newspaper 'taz' of 25.11.2011: Obdachlose in Budapest – Orbán soll nur kommen. Online: <http://www.taz.de/Obdachlose-in-Budapest/!82554/>.

⁶⁵ In our last report of February 2012 we reported in detail about the then state of affairs.

⁶⁶ Press release by the office of the Parliamentary Commissioner for Human Rights.

⁶⁷ Cited according to the German newspaper 'taz' of 18.11.2012: Straffreiheit für Obdachlose in Ungarn – Ein wenig Menschlichkeit'. Online: <http://www.taz.de/!105746>.

⁶⁸ Cited according to press release of the Austrian Bundesarbeitsgemeinschaft Wohnungslosenhilfe e.V. (Federal Working Group for the Homeless) of 10.4.3.2013. Online: <http://www.bawo.at/de/content/aktuelles/chronik/details/datum/2013/04/09/ungarisches-parlament-beschliesst-gesetz-zur-kriminalisierung-obdachloser-menschen.html>.

⁶⁹ Ebd.

⁷⁰ Report by the Parliamentary Commissioner for Human Rights in case number AJB1692/2010 /Related case:AJB420/2010/, August 2011, p.18. Online: migszol.com/files/2013/03/0mBudsman_Bicske_Homeless-refugees-2011.pdf.

COMPULSORY LABOUR BELOW THE POVERTY LEVEL

'Since I received my papers I have looked for a job every day, nothing for eight months. The only offer they sometimes make is a job for 47,000 HUF a month (approx. 158 €). That's exactly 4,000 forints (approx. 13 €) too much for the monthly support. You can't even rent a flat for that, never mind feed yourself! If you turn down this work you don't get any more money. But how can I survive on it?' (A.R. from Afghanistan).

We are talking here about the so-called 'Közmunkas', a kind of compulsory work service for those receiving social support, which has to be done if you do not want to be cut off from all social support, and which was also offered to the refugees in the 'Pre-Integration Camp' in Bicske. Employers can also hire workers cheaply. For the duration of the programme – mostly only in the summer, as according to the law, heated rooms and the corresponding clothing must be provided – the (compulsory) labour is paid at the rate of 47,000 HUF (approx. 158 €) per month, in the remaining months 22,000 HUF (approx. 74 €).⁷¹

'Anyone who refuses the Közmunka, the 'communal work', or breaks it off without excuse, loses all claims for 3 years to state support (about 90 € a month). However, the person concerned is dependent very often on the goodwill of a foreman or village notary as to what is to be regarded as 'excused' and what not. Anyone who follows orders for up to 40 hours a week can expect an increase in social support of about 70 € a month'⁷²,

reported 'Pester Lloyd', the Hungarian German-language online newspaper, in June 2012. By comparison: the legal minimum wage in Hungary stands at 98,000 HUF (approx. 330 €).⁷³ For a full-time job in the state employment programmes the wage amounts to about half the legal minimum wage.

In 2012 the Parliamentary Ombudsman for Minorities in Hungary, Dr Ernő Kallai, criticised in detail the so-called employment programmes – above all because of their discriminatory effects. 'Pester Lloyd' comments about his report: 'He goes into great detail on the circumstances and implementation of the public employment programmes, which will really roll into action this year all over the country and for which, in Gyöngyöspata this summer, five model projects took place, probably to test the burden of suffering on those involved. He demonstrates that it is not, as officially intended, an instrument to motivate fit and able social support recipients to get into regular work and no longer be a burden on the state. In fact, it is used deliberately for racially motivated harassment, which can result in the complete withdrawal of the means of existence, with the definite objective of driving the Hungarian Roma out of the areas with an ethnic Hungarian majority. While the Roma have to do senseless but strenuous physical work, 'Magyar' social support recipients are deployed as their supervisors and in this way given special treatment. Kallai warns of the consequences if the law is in future

applied with all its possibilities, which includes compulsory 'dispatch' to distant work sites, including accommodation in overnight shelters. In this way, equal treatment in accordance with human rights and the right to a family life are infringed upon. In addition, for the 'remuneration' of this 'compulsory labour' the minimum wage was abolished; the workers – after a more generous arrangement in the 'model phase' – are paid only an increase of about 50 to a maximum of 80 € on top of social support, plus travel costs'.⁷⁴

Apart from the state programmes described, it is in fact scarcely possible for refugees in Hungary to find work, for much depends on contacts and networks. However, in Hungary, as there are only fairly large communities of migrants from Ukraine, Serbia and China,⁷⁵ it is practically impossible, especially for Afghan and Somali refugees, to find a job. In our second year of research in Hungary, too, we seldom met a single recognised refugee in Hungary with a job – not even casual work, for example, on the buildings or in restaurants. Those who have no relatives in other European countries to support them financially cannot therefore remain in Hungary and are forced to travel on into other European states – for they cannot seek aid from a social network, which in Hungary usually consists of family members that can offer help in times of unemployment. ↓

FOOTNOTES

⁷¹ Cf. <http://republikschilda.blogspot.de/2012/12/wir-stehen-hilflos-hier-herum.html>, Original in Hungarian in Magyar Narancs 2012/47 (22 November 2012). Online: <http://magyarnarancs.hu/kismagyarorszag/tehetetlenul-allunk-82592>.

⁷² Pester Lloyd of 22.06.2012: Brigade to 'Schöneren Zukunft' (Brighter future). Online: <http://pesterlloyd.net/html/1225kozmunka.html>.

⁷³ Cf. Chamber of Commerce Austria, 15.01.2013.

⁷⁴ Pester Lloyd of 01.02.2012: Der Kallai Bericht belegt amtlichen Rassismus in Ungarn (The Kallai Report proves official Racism in Hungary). Online: http://www.pesterlloyd.net/2012_05/05kallaibericht/05kallaibericht.html.

⁷⁵ Cf. English-language statistics of OIN.

RACISM, PROTESTS BY LOCAL RESIDENTS AND HATE CRIME IN HUNGARY

In our Hungary Report of March 2012 we covered racist assaults that homeless refugees in particular are exposed to. In the course of last year there was also a series of demonstrations against refugee shelters, as well as racially motivated attacks outside Budapest. Some of these incidents are described in the following passages.

BALASSAGYARMAT

In the small town of Balassagyarmat, which lies directly on the Hungarian-Slovakian border and has just over 15,000 inhabitants, there is a refugee camp where the internees may leave the camp during the day but have to stay there overnight. The residents of the camp receive no form of financial support at all and are given the same food as the prisoners in the local jail. We therefore designate Balassagyarmat as a 'half-open camp'. The occupants in this camp are mainly people whose applications for asylum were rejected, as well as those who had been returned to Hungary under the Dublin II Regulation.⁷⁶ In July 2012, after a girl from the town of Balassagyarmat accused a resident of the camp of raping her, a xenophobic atmosphere developed in the town. This did not change even when the young girl publicly admitted that she had invented the story as an excuse for staying away from home overnight. As a result of the ugly mood, two demonstrations were organised to protest about the camp. One of these demonstrations (on 2 August 2012) was supported by the Hungarian neo-Nazi

party Jobbik⁷⁷. The Jobbik parliamentary representative Zagyva György Gyula addressed the detainees directly through an interpreter and announced that this was just the beginning, as this problem could not be solved without civil disobedience, although it was already known that the rape charges were fake. Even before the demonstration 1,700 signatures had been collected with the aim of closing the camp down.⁷⁸ A Facebook campaign was also organised to demand the closure of the camp and already had 3,724 supporters by 28 August 2012.⁷⁹ In this overheated atmosphere a number of assaults were carried out against camp occupants. One of the residents of the camp reported in an Internet video of the Hungarian online newspaper HVG that 15 skinheads had attacked him and his girlfriend. In the same video another camp occupant is interviewed who reported being attacked by ten to twelve persons. He complained that the local police did nothing to help and simply sent him away.⁸⁰ In reaction to these assaults the Helsinki Committee organised a workshop for the Balassagyarmat camp inhabitants on 13.2. 2013 to explain how to deal with such 'hate crimes'. There is a video of this workshop in which several people speak of further attacks.⁸¹ Another website which has meanwhile become active reported on this, demanded the closure of the camp and accused the Helsinki Committee of showing no interest in the Hungarian victims in the town of Balassagyarmat.⁸² The website also urged the population to inform the police if any camp residents

were seen on the streets after 10 p.m.⁸³ In addition a report was made of a petition with a total of 2,567 signatories who demanded the closure of the camp.⁸⁴ There are also links on the website to two videos in which Zagyva György Gyula gives an interview in the Parliament building⁸⁵ and comments on the camp in Balassagyarmat during a parliamentary session.⁸⁶ In this session he also said among other things that the occupants of the camp were not refugees, but criminals, a large number of whom had committed crimes in other countries. He finally put the question to the State Secretary of the Interior Ministry whether there were any plans to shift the camp elsewhere. This was denied by the Secretary, but he pointed out that because of complaints by the mayor to the Ministry, stricter regulations would now be enforced. In the other video Zagyva György Gyula demanded in an interview that the camp should be shifted to a location where no one lived within a 30 km radius and also accused the Helsinki Committee of not protecting the people's rights, but only those of outlaws and 'anti-socials'; this had already been the case in Gyöngyöspata.⁸⁷



↑ **JOBBIK POSTER: 'WANT TO STOP THE BLOODSUCKERS? THEN YOU'RE A JOBBIK VOTER!'**

DEBRECEN

In the evening of 18.5.2013 Jobbik organised a torchlight procession in Debrecen to demonstrate against the refugee camp there, which is at the moment hopelessly overcrowded due to drastically increased asylum-seeker figures. According to the Hungarian online newspaper *index.hu*, some 1,100 people are now living in the camp, some of them sleeping on mattresses in the canteens and store-rooms.⁸⁸ About 200 people took part in the demonstration, which marched directly past the camp. In an Internet video of the procession there are ghostly scenes – in the darkness the torches create an extremely threatening atmosphere. In addition the marchers are not only waving the national flag, but some of them are wearing the uniform of the 'Hungarian Guard'.⁸⁹ Instead of immediately condemning the Jobbik demand to close the camp, the mayor of Debrecen, who belongs to the Fidesz Party, announced: 'If the situation stays like this, the reception camp must be removed from the town'.⁹⁰ It is therefore no surprise that Jobbik once again arranged a

torchlight procession on 19.6.2013, in which this time about 150 people took part. The head of the Jobbik parliamentary faction, Tibor Agoston, and the Jobbik 'expert' Robert Herpergel read aloud a list of the 'atrocities' allegedly committed by the inhabitants of the camp.⁹¹

VÁMOSSZABADI

In the village of Vámoszabadi, near Győr, there were also huge protests, supported by Jobbik, against the establishment of an open refugee camp for 216 people. Jobbik argued that the situation could escalate, as it had in Debrecen, and make the life of the inhabitants pure hell.⁹² The deputy mayor, Norbert Kukorelli, maintained on the municipality's website that the negative effects of the camp would be felt even in Győr.⁹³ A number of companies announced, moreover, that they would reconsider their investments in Vámoszabadi. A local newspaper declared that as a result of the opening of the camp 140 jobs would be lost.⁹⁴ In consequence of the debate about the establishment of the camp, Pintér Sándor, the Hungarian Minister

of the Interior, stated that there were already enough refugees in Hungary.⁹⁵ Following the protests, demonstrations took place and a petition signed by 4000 people was presented.⁹⁶ In an article in an online news portal a doctor was quoted as saying that the refugees could possibly spread infectious diseases.⁹⁷

Even if the incidents in Gyöngyöspata in Spring 2011 were the exception rather than the rule, they are still a striking example of what political danger can ensue from the linking of local majority interests, the intervention of the extreme right – above all by Jobbik – and the inaction of the Hungarian government. In Gyöngyöspata, 200 Roma were finally evacuated from the village and in July 2011 a Jobbik mayor won the election.⁹⁸ As the latest protests against local refugee camps show, this ominous coalition is now not only anti-Roma, but against refugees in general.



↑ JOBBIK: 'EU: WE CAN SAY 'NO' TOO!'

What this will lead to, only the future can show, but it is to be feared that it will mean a further worsening in the conditions for refugees and asylum-seekers in Hungary, due to the spreading xenophobic attitudes within the Hungarian population. ↓



↑ JOBBIK DEMONSTRATION AGAINST THE RECEPTION CAMP IN DEBRECEN ON 18.5.2013

FOOTNOTES

⁷⁶ Among them, four Syrians who were transferred to Hungary from Germany in February 2013 and were the subject of the German Bundestag paper 72/9297.

⁷⁷ Jobbik received over 16% of the votes in the last Parliamentary elections in Hungary in 2010.

⁷⁸ Cf. hvg.org of 10.8.2013. Online: http://hvg.hu/itthon/20120810_balassagyarmat_menekultek.

⁷⁹ Cf. screenshot of the Facebook page of 28.8.2012.

⁸⁰ Cf. video of the Hungarian online newspaper hvg.org of 21.9.2012. Online: <http://www.youtube.com/watch?v=Im-xMZ0HM9E>.

⁸¹ The video can be found on the website of the Hungarian Helsinki Committee: <http://helsinki.hu/en/forum-on-hate-crime-in-balassagyarmat>.

⁸² Cf. article on the website www.szivenszurtvaros.hu. Online: <http://www.szivenszurtvaros.hu/2013/02/ebedreinvitalta-helsinki-bizottsag.html>.

⁸³ Cf. article on the website www.szivenszurtvaros.hu. Online: <http://www.szivenszurtvaros.hu/2013/03/magyarrendszervalto-elit-szokas-szerint.html>.

⁸⁴ Cf. article on the website www.szivenszurtvaros.hu. Online: <http://www.szivenszurtvaros.hu/2013/02/tobb-mint-2500-kovetelik-az.html>.

⁸⁵ Cf. http://www.youtube.com/watch?feature=player_embedded&v=s09Za8WJ_js.

⁸⁶ Cf. http://www.youtube.com/watch?feature=player_embedded&v=zdCiiPKiwik.

⁸⁷ In Gyöngyöspata pogrom-like assaults took place in Spring 2011 against the local Roma after right-wing extremists and paramilitary groups had repeatedly organised marches. Cf. Spiegel Online of 29.4.2011: Right-wing extremists in Hungary: 'Come out, you gypsies, today you're going to die!' Online: <http://www.spiegel.de/politik/ausland/rechtsextremisten-in-ungarn-kommt-raus-zigeuner-heute-werdet-ihr-sterben-a-759640.html>.

⁸⁸ Cf. index.hu of 20.6.2013. Online: http://index.hu/belfold/2013/06/20/fokozott_vedekezes_a_statiztaturistak_ellen.

⁸⁹ Cf. <http://www.youtube.com/watch?v=60E1iVLk0A4>.

⁹⁰ Cf. Press release by Migráns Szolidaritás on 18.5.2013. Online: <http://migszol.com/cikk/514>.

⁹¹ Cf. dehir.hu of 19.6.2013. Online: <http://www.dehir.hu/debrecen/menekulttabor/-faklyas-felvonulással-tiltakozott-ajobbik/2013/06/19/>.

⁹² Cf. index.hu of 16.6.2013. Online: http://index.hu/belfold/2013/06/16/a_jobbik_tiltakozik_a_vamoszabadi_menekulttabor_ellen/.

⁹³ Cf. hvg.org of 17.06.2013. Online: http://hvg.hu/itthon/20130617_Vamoszabadi_nem_akar_menekulttabor_t.

⁹⁴ Cf. kisalfold.hu on 18.6.2013. Online: http://www.kisalfold.hu/gyori_hirek/menekulttabor_-_u_jabb_fejlesztés_maradna_el_vamoszabadin/2338124/.

⁹⁵ Cf. index.hu of 20.6.2013. Online: http://index.hu/belfold/2013/06/20/hiaba_tiltakoztak_lesz_menekulttabor_vamoszabadiban/.

⁹⁶ Cf. kisalfold.hu of 29.6.2013. Online: http://www.kisalfold.hu/gyori_hirek/elolancos_tiltakozas_a_vamoszabadi_menekulttabor_ellen__video_foto/2339790/.

⁹⁷ Cf. gyor.hir24.hu of 25.6.2013. Online: <http://gyor.hir24.hu/gyor/2013/06/25/fertozo-betegseget-hozhatnak-amenekultek-vamoszabadi-ra/>.

⁹⁸ Cf. Norwegian Helsinki Committee: Democracy and human rights at stake in Hungary - the Viktor Orbán government's drive for centralisation of power, p. 51. Online: http://nhc.no/filestore/Publikasjoner/Rapporter/2013/Rapport_1_13_web.pdf.

THE ODYSSEY OF SAMIR E.

Samir E. sits in the State Reception Centre in Karlsruhe and says: 'If you want to hear my whole story you'll have to write a complete book.' We agreed to keeping it to the part that happened in Europe, but noticed fairly quickly that this could fill a few chapters too.

In 2008 Samir came to Europe. On the Greek island of Lesbos he was at first detained (like thousands of others in that year) in the notorious island prison of Pagani, which, after massive protests, was described by the Greek Minister of the Interior as 'Dante's Inferno' and closed down. That was only the start of his odyssey through Europe.

In October 2008 he managed to flee onwards from Greece. He succeeded in reaching Norway, in the far north of Europe. After ten months he was deported to Athens from Oslo; Greece was responsible for his entering Europe so, according to the Dublin II Regulations, the asylum procedure had to be conducted there. In Athens he spent a month in police detention at the airport and was then thrown out. He was not able to apply for asylum and was now living on the street.

In 2009 he fled once again from Greece, this time to Germany. In Frankfurt he applied for asylum and was immediately placed in deportation detention, at first in Preungesheim for some weeks and later in the detention centre in Offenbach. After about two or three months' imprisonment he was again deported from Frankfurt to Athens. Once again he spent several weeks in prison at Athens Airport and was then thrown on the street again.

On his third attempt in Spring 2010 he attempted to flee via the land route, crossed the border on foot to Macedonia and travelled on to Hungary through Serbia. In Hungary he was arrested. He made an application for asylum but was still imprisoned, first in Nyírbátor, then in Zalaegerszeg. After six months' detention he was again returned to Greece. He once again spent weeks in detention at Athens Airport and soon found himself back on the street.

His fourth flight got him as far as the Netherlands. It was the same story again, except for one detail. It was now 2011 and in the meantime there had been a judgement by the European Court of Human Rights decreeing that returns to Greece were a breach of the European Convention on Human Rights. Nearly all the member states in the EU no longer deport to Greece. However, Samir E. still spent another six months in prison in the Netherlands, for now the authorities regarded Hungary as being responsible for the conduct of his asylum process.

In October 2011 Samir E. arrived in Hungary once again. However, this time he was not deported to Greece but granted refugee status by the Hungarians. Nevertheless, in November 2012 he was again threatened with homelessness. He soon realised that Hungary might not be different in Greece, but he still had no security.

Five years on the run, detention in five different European countries, interrupted only by months on the street in Athens. Five years of lost life, he calls these years. Now he at last had papers and could begin to build a life for himself – but he lacked the basis for it: no work, no accommodation, no perspective of integration. In June 2013 Samir E. boarded a train with seventy others who found themselves in the same desperate situation, and travelled to Germany: 'I'll try it once more, and if they deport me again I'll go back to Afghanistan. I left there to live, but now I think it's better to be murdered sometime, because that happens quickly. In Hungary you die a little every day, slowly and painfully.' ↓

SUMMARY AND EVALUATION

To answer the question as to what consequences can be expected after a Dublin II return to Hungary and whether actual and/or legal objections can be made, one must first distinguish between two basically different points of departure: does the person concerned hold a valid resident permit due to his or her 'protection status' or is this not the case? If the latter applies, then that person can be detained:

→ As a result of the change in legislation that came into force on 1 July this year, the imprisonment of asylum-seekers was re-introduced. The grounds for imprisonment are so open to interpretation that they can in fact be applied to practically any asylum-seeker. It cannot yet be estimated to what extent Dublin II returnees without a residence permit are affected. However, as demonstrated in this report, a number of reasons for detention (for example, 'obstruction of the asylum process') appear to be applicable in great measure to Dublin II returnees.

→ The judicial examination is conducted only at 60-day intervals, whereby the rule of law of this process is open to serious doubt, as it is executed by the same courts that in the years 2011 and 2012, in court decisions, ended the detention of only three out of some 5000 migrants.

→ The UNHCR also assumes that the re-introduced detention of asylum-seekers could represent a breach of the European Convention on Human

Rights. In the past, Hungary has been condemned in a number of cases by the European Court of Human Rights with regard to the imprisonment of asylum-seekers.

→ Under-age asylum-seekers can also be detained (although only together with their families), which must also be viewed as an infringement of the UN Convention on the Rights of the Child.

→ No statements can as yet be made on the conditions in the detention camps. Only in a few months' time will it be possible to judge whether the situation so severely criticised in the past, by the UNHCR, among others, has improved.

People with recognised refugee status or other protection status in Hungary are in particular threatened, after a Dublin II return, by homelessness and inadequate access to medical treatment. It must also be kept in mind that persons who are still in the asylum procedure are also confronted in the medium term with this problems.

→ Six months (for single persons) or twelve months (for families) after recognition of their preprotection status the people concerned must leave the so-called 'Pre-Integration Camp' in Bicske. As outlined in detail in this report, the financial support that follows does not as a rule suffice to pay for accommodation and daily living costs. Payment is also tied to conditions that often cannot be fulfilled by those affected.

→ In the homeless shelters only limited space is available and access to it is especially difficult for refugees. One cannot assume that (Dublin II) returnees will be offered a place on arrival in Hungary, quite apart from the conditions in these facilities. Families with children are hit particularly hard, as many of the shelters are meant for adults only.

→ Spending the night in the open can, according to recently introduced legislation, be punished by imprisonment or a fine.

→ Without a fixed place of residence many refugees have difficulty in obtaining satisfactory medical treatment. Due to insufficient funding the NGO Cordelia can offer psychological and psychiatric treatment only to the occupants of a few camps, but not to those living elsewhere. (Further) treatment of many refugees with post-traumatic stress disorder (PTSD) is therefore impossible.

The EU states are still far from maintaining comparable standards in refugee procedures and reception facilities. Refugee protection means more than a piece of paper: those affected must be offered realistic prospects of integration into the respective society so that they can enjoy a life of dignity. If this is not possible they will be forced into travelling onwards.

A variety of national and international courts have ruled that a life in absolute poverty conflicts with the principle of refugee protection. The German Federal Administrative Court, for example, stated: "The decisive question is whether the political refugee in the third state, according to the prevailing living conditions there, can by general observation gain a livelihood, even if modest. That is, in this third state he or she is not helplessly exposed to death through hunger or illness or condemned to eking out a miserable existence at the poverty level".⁹⁹ The ground-breaking M.S.S. decision in January 2011 by the European Court of Human Rights, after an appeal by an Afghan refugee, follows the same lines, stating that 'a situation of extreme material poverty' can represent a breach of Article 3 of the Convention.¹⁰⁰ The European Court of Justice concurred with this legal position and forbids returns to a state (referring to Article 4 of the European Charter of Fundamental Rights,

which corresponds to Article 3 ECHR) if 'systemic flaws' in the asylum process or the reception conditions can be assumed there.¹⁰¹ As clearly described in this report, at present one must regard 'systemic flaws' in the reception conditions in Hungary as given, particularly with respect to those persons whose term in the so-called 'Pre-Integration Camp' in Bicske has expired. Due to the drastic increase in asylum applications one must fear that the 'systemic flaws' will grow accordingly. If the majority of the applicants already present in other European states are actually returned to Hungary (as foreseen in the Dublin II Regulation) the existing reception facilities for refugees and others with protection status will be totally inadequate as accommodation fit for human beings. Their capacity is already at bursting point – which has led to asylum-seekers being housed in tents.

As long as it cannot be guaranteed for Dublin II returnees that asylum applicants will not be detained under degrading and constitutionally questionable conditions, these returns are not justifiable. If even recognised refugees or others entitled to protection are forced to live in inhuman conditions on the street in Hungary, receiving not only inadequate support from the government but also threatened with criminalisation due to their homelessness, then the other European states must accept responsibility for this group. This report, together with statements by the Hungarian Helsinki Committee and the UNHCR, clearly reveals 'systemic flaws' with regard to the reception conditions in Hungary. For this reason, deportations to Hungary must as a matter of principle be stopped. ↓

FOOTNOTES

¹⁰⁵ German Federal Administrative Court decision of 30.05.1989.

¹⁰⁶ European Court of Human Rights decision of 21.1.2011, 30696/09, paragraph 252.

¹⁰⁷ European Court of Justice decision of 21.12.2011, C-411/10 and C-493/10, paragraph 86.

ACKNOWLEDGEMENTS

As in our initial report, the report on hand is based above all on discussions with people of very different backgrounds. We would like to thank all those who gave us their support. We have listened to many harrowing accounts – not all of them could be included in this report, but they were nevertheless very important, for they moved us deeply and motivated us even further. We realise how difficult it was, especially for those who spoke of their own painful experiences. We wish expressly at this point to offer our thanks for the trust they placed in us. An important difference from our first report can be clearly seen in the illustrations included: our special thanks go to the group of protesting refugees in Hungary, many of whom now live in Baden-Württemberg in Germany. They themselves raised their voices and highlighted the unendurable conditions in Hungary as well as Germany. They have taken this step not just for themselves and the future of their children, but also in solidarity with those who still have to set out on this daunting path.



↑ INFORMATION STAND IN BADEN-WÜRTTEMBERG

The following is a list of decisions and rulings known to us which are directed against returns to Hungary. The corresponding decisions and rulings are available under: [http:// bordermonitoring.eu/2012/03/zur-situation-derfluechtlinge-in-ungarn/](http://bordermonitoring.eu/2012/03/zur-situation-derfluechtlinge-in-ungarn/)
The list is constantly updated.

DECISIONS DUBLIN-CASES:

12.09.2013: VG Freiburg
28.08.2013: VG Freiburg
24.07.2013: VG Frankfurt/Oder
03.07.2013: VG München
13.06.2013: VG Hamburg
11.04.2013: VG Magdeburg
21.03.2013: VG Augsburg
18.03.2013: VG Hannover
26.02.2013: VG Darmstadt
08.01.2013: VG Augsburg
07.01.2013: VG Ansbach
22.11.2012: VG München
16.11.2012: VG Aachen
09.11.2012: VG Ansbach
08.11.2012: VG Ansbach
02.11.2012: VG Meinigen
24.08.2012: VG Ansbach
14.08.2012: VG Stuttgart
29.06.2012: VG Sigmaringen
30.05.2012: VG Magdeburg
26.04.2012: VG Meinigen
02.04.2012: VG Stuttgart
08.02.2012: VG Chemnitz

RULINGS DUBLIN-CASES:

19.07.2013: VG München
27.05.2013: VG Hamburg
20.09.2012: VG Stuttgart
06.08.2012: VG Magdeburg
30.05.2012: VG Trier

DECISIONS RECOGNISED REFUGEES:

15.07.2013: VG Hannover
07.12.2012: VG Kassel

MARC SPEER

is a graduate sociologist and was working for the Bavarian Refugee Council. He has been involved for many years in the issue of refugees in Eastern Europe and is active, among other things, in the Border Monitoring Project Ukraine. In addition he is on the board of the Federal Working Group 'Asylum in the Church' and in the association 'border-monitoring.eu'. He is at present studying for a Ph.D. at Göttingen University.

MARION BAYER

has been working on an honorary basis for many years in church-sponsored refugee work in the Main-Kinzig county, South Germany. Since 2009 she has visited Greece regularly and documented above all the living conditions of the refugees there who were returned under the Dublin II Regulation. Since the end of 2010 she has been to Hungary a number of times, as through her work she came into increasing contact with refugees from Afghanistan, Eritrea and Somalia who had been (or were to be) returned to Hungary under the Dublin II Regulation.

LAYOUT

MATTHIAS WEINZIERL

is a freelance graphic designer and member of the Bavarian Refugee Council. www.matthiasweinzierl.de



The charitable association 'border-monitoring.eu' was established in Munich in 2011. The focus of the association's work is on the debate about the politics, practices and events surrounding the European border regime and about migration movements. To this end the association combines scientific research, political commitment and critical public relations activities with concrete support for refugees and migrants. In this way the association contributes towards a change in the realities at the borders and in their consequences for European society.



THE INDIVIDUAL CASE COUNTS

In these times of a growing 'Fortress Europe' mentality, together with a rigorous deportation policy, the rights of refugees are in danger. PRO ASYL is an independent human rights organisation that has been fighting for the rights of persecuted people in Germany and Europe for over 25 years. More than 15,000 people are already members of the PRO ASYL supporters' association. Besides public relations and lobbying, together with research and support for initiative groups, it aids refugees in the asylum process and as part of its work offers concrete help in individual cases. At the same time PRO ASYL plays an active role in current political debates on German and European refugee policies.



 Detention centre |  Half-open camp |  Open Camp

→ WWW.BORDERMONITORING.EU WWW.PROASYL.DE