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Op-Ed Contributor

Hungary's Duty to Refugees

by Nils Muiznieks



*The Hungarian police standing guard this month along the border with Serbia as construction workers finished a border fence near Roszke, Hungary.
Credit Sergey Ponomarev for The New York Times*

STRASBOURG, France — At the recent European Union summit meeting in Bratislava, Slovakia, the divergent approaches of member countries on how to handle the influx of migrants exposed deep divisions. Among the countries most hostile to the European Union proposals on migration was Hungary. This comes as no surprise.

Hungary's disengagement from human rights protections and the rule of law is not new. In recent years, its government has put pressure on the news media, eroded the independence of the judiciary and obstructed the work of nonprofit groups. But it is on migration that Hungary's departure from human rights norms is most glaring.

Over the last year, sweeping legislative changes have made it virtually impossible for migrants to achieve refugee status in the country, weakened asylum safeguards and unjustifiably criminalized immigrants and asylum seekers. At the height of the refugee arrivals last year, Hungary built a razor-wire fence — soon to be upgraded — along its borders with Serbia and Croatia, and since then, there have been numerous reports of police violence against asylum seekers.

The Hungarian government's actions have provoked harsh critiques at home and abroad. Yet the administration of Prime Minister Viktor Orbán has shrugged off this criticism and pushed ahead with an agenda that can be described only as institutionalized xenophobia.

New legislation came into force in July that allows for the summary expulsion of migrants intercepted within five miles of the border. As a result, from the end of August to Sept. 12, more than 600 migrants — including potential asylum seekers — were detained and escorted to the border. This may have deprived these people of their rights under international law to seek asylum.

As if those violations were not enough, the police are recruiting an additional 3,000 members for what are officially called “border hunter action units,” which focus on patrolling the borders. Once these recruits have completed a two-month training course in “basic law enforcement duties,” and a further four months’ guard duties, they are to receive a pistol, with live ammunition, and other police equipment. The government seems not to care about the risks of allowing an inexperienced armed force to deal with vulnerable people like refugees and victims of human trafficking.

These worrying developments have come amid a campaign to demonize refugees that has been orchestrated by the government since 2015, when it promoted a “national consultation on immigration and terrorism” that portrayed migrants as a danger to Hungarian society. This propaganda effort has reached a new pitch of intensity in the run-up to an Oct. 2 referendum on any future European Commission proposal to relocate refugees more evenly among European Union countries. A government-sponsored poster campaign on billboards around the country is promoting deceptive messages, such as that sexual harassment of women has risen sharply across Europe since the beginning of the migrant crisis, or that the Paris terrorist attacks were committed by immigrants.

Such smear campaigns against refugees are sadly not new to Europe: The U.K. Independence Party in Britain, the National Front in France and Italy's Northern League have all exploited similar xenophobic messages. But in Hungary, it is the government itself that's pushing such falsehoods.

Hungary's government defends its policy by accusing its critics of getting their facts wrong. It invokes a duty "to ensure the safety of Europe's people" to justify its stance on migration. No one doubts that with nearly 400,000 migrants passing through the country in 2015, Hungary was confronted with a huge challenge and that it has received little help from its European Union partners. But this is no excuse to throw refugee protection out the window.

States have the right to set their own immigration policies, but those policies cannot contravene the European Convention on Human Rights and the 1951 Convention Relating to the Status of Refugees, even in times of crisis. Hungary's approach to the issue has already led to violations of human rights and unnecessary suffering. It has also undermined the values of solidarity and tolerance embodied in the Council of Europe and the European Union.

Worse, Hungary's contemptuous populist approach to migration is tempting neighboring countries to follow a similar path.

If Hungary persists in its defiant policy that flouts human rights law, it will meet with further international criticism and possible legal sanctions. The European Commission has already begun "infringement procedures" against Hungary for breaching European Union law on asylum. The commission also has the power to bring a case before the European Court of Justice, if a member state fails to conform to European Union law. In addition, citizens can bring cases to the European Court of Human Rights, which has already condemned Hungary for unlawful detention of asylum seekers.

To avoid deepening the rift, Hungary and European organizations must pursue dialogue and avoid further inflaming an already tense situation. This is why it is crucial that Hungary's political leaders stop making xenophobic statements and start addressing public anxiety about migration and asylum with facts, evidence and a commitment to human rights.

The protection of refugees has always been an integral part of the human rights project, both in Europe and worldwide. Nearly 60 years ago, that was what inspired an international solidarity movement that helped about 200,000 Hungarians find refuge abroad from the Soviet Union's brutal repression of the Hungarian revolution.

That spirit still lies at the heart of European integration, and it is our best remedy for the anti-democratic and destructive forces of nationalism that have caused so much harm in the past. It is in Hungary's best interest to preserve the rights of refugees.

Nils Muiznieks is the Council of Europe commissioner for human rights.

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