



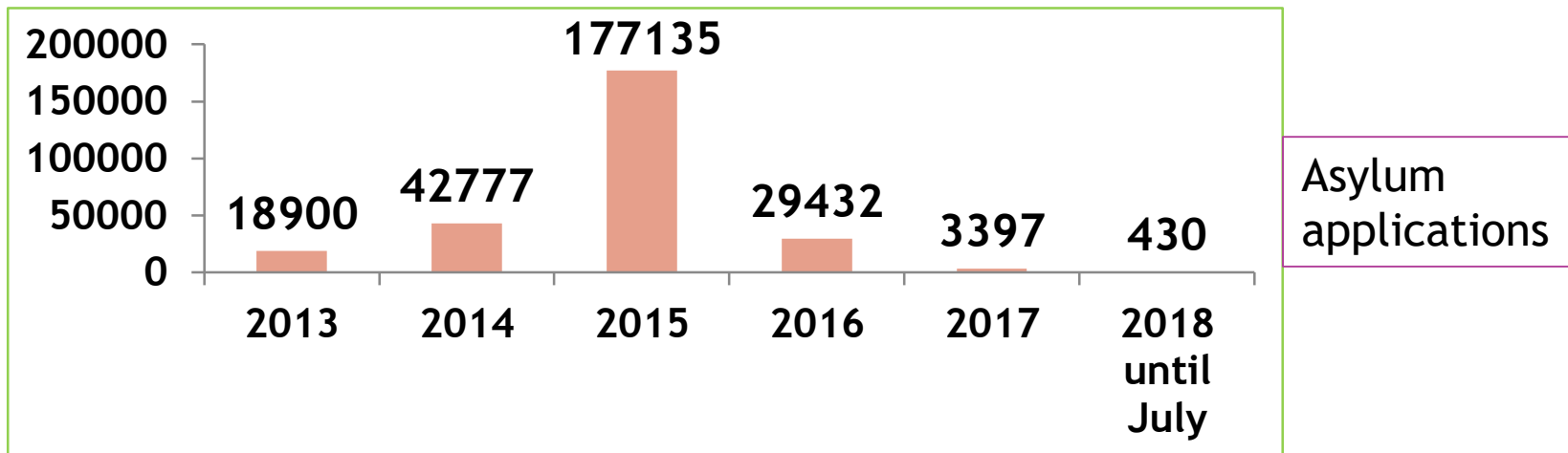
Hungarian Helsinki Committee

CHALLENGING IMMIGRATION DETENTION OF CHILDREN IN HUNGARY

Gruša Matevžič

CRISIS SITUATION IN HUNGARY

- “Crisis situation caused by mass immigration” declared since September 2015 and prolonged every 6 months”



- Several provisions of EU Asylum directives suspended

TRANSIT ZONES AT THE BORDER WITH SERBIA

You can only apply for asylum in the transit zone

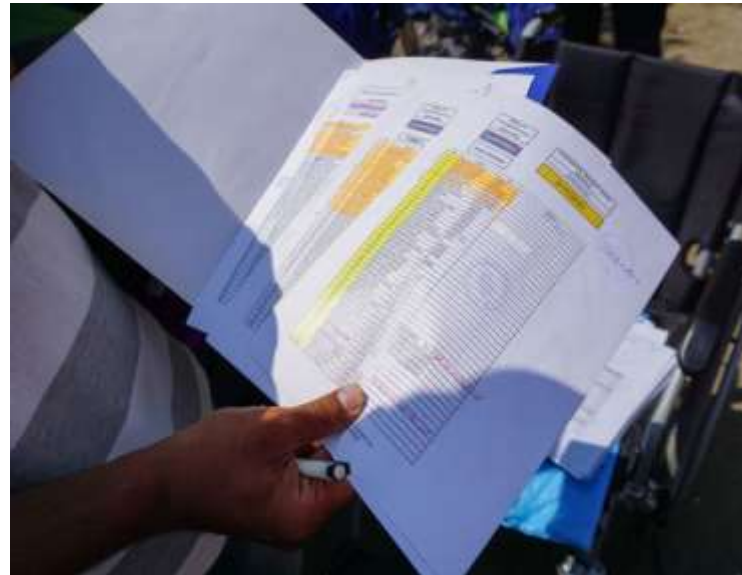


HOW TO ENTER THE TRANSIT ZONE?

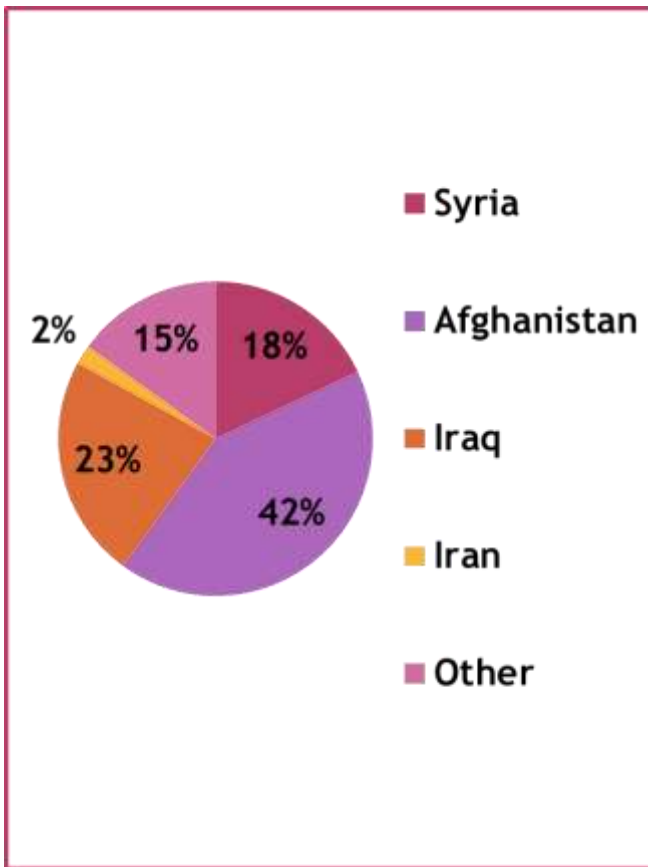
Access to asylum restricted

- One person/per transit/per day
- Entry only from Serbia
- If found illegally in the territory, you are pushed back to Serbia without any procedure

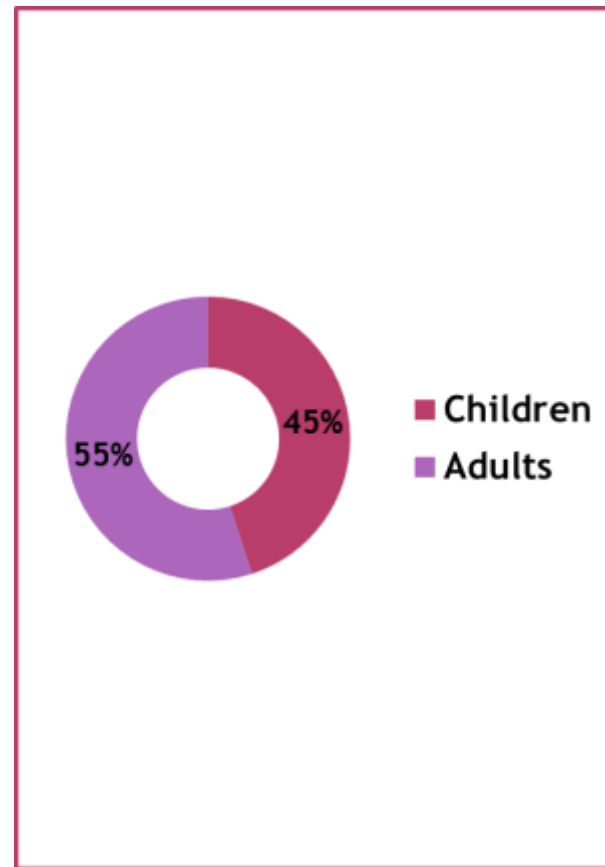
Waiting list in Serbia



IN THE TRANSIT ZONES (2017)



83% from war/terror torn countries



45% children

TRANSIT ZONES = DETENTION



GOVERNMENT: TRANSIT ZONE IS NOT DETENTION

- **No detention order**
- **No individual assessment** - automatic detention of everyone (unaccompanied minors below 14 years old the only exception)
- **No judicial review of detention**
- **No time limit**
- **UAMs:**
 - Ad hoc guardians
 - Age assessment by military doctor
- **No access for NGOs** - no monitoring reports
- **Restricted access to legal aid**



FAMILY SECTOR



CONDITIONS

- ◉ Carceral environment
- ◉ Overcrowded containers
- ◉ Limited contact with the outside world
- ◉ Not adapted for weather conditions
- ◉ Psychologist present but no special therapies
- ◉ Usual medicine - painkillers
- ◉ Education 3h/day by teachers trained to teach people with disabilities, special curriculum

HHC STRATEGIC LITIGATION

- ◉ Coordination of the lawyers' network and strategic litigation
- ◉ Strong cooperation with UNHCR
- ◉ Pro bono cooperation with legal experts in individual cases
- ◉ *Ilias and Ahmed v. Hungary*, 47287/15, 14 March 2017
 - Unlawful detention - violation of Article 5(1)
 - No effective judicial review of detention - violation of Article 5(4)
 - Referred to Grand Chamber, hearing 18 April 2018

HHC STRATEGIC LITIGATION (CONT.)

- ◉ 23 pending cases on transit zone detention
- ◉ 8 communicated (*R.R. and Others*, 36037/17, *A.S. and Others*, 34883/17, *N.A. and Others*, 37325/17, *A.A.A. and Others*, 37327/17, *M.H. and Others*, 38967/17, *M.K.B. and Others*, 73860/17, *I.A. v. Hungary*, 38297/17)
- ◉ 16+1 Interim measures granted (Rule 39)
 - ➔ not respected
- ◉ Domestic court decisions not respected
- ◉ Critical reports (CPT, UNHRC, Lanzarote Committee, GRETA, ECRI, UNHCR, CoE HR Commissionaire, Special Representative of the Secretary General of the CoE for migration and refugees, HRW, FRA, HHC)



THANK YOU!

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