

# Hungary and the Migrant Crisis

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## Abstract

The current article aims to provide an overview of the Hungarian Government's reaction to the European migrant crisis, which came to a head in 2015. It is an attempt to highlight the moments which were more relevant, along with other officials' comments on Hungary's actions. It follows events up until the end of the year 2015.

**Keywords:** Hungary, migrant crisis, refugee, Viktor Orbán, Péter Szijjártó.

THE 'HUNGARIAN ISSUE' regarding the migrant crisis is one of the matters which received much attention from the media. It is an issue which is most controversial, an which, at the same time, allowed for the Hungarian Prime Minister's fan base to grow on an international level and made Hungary out to be the black sheep in the eyes of many others. Is Hungary overreacting or is it's Government right to take a stand against European Union decisions? Does protecting the citizens of Hungary and the EU outweigh offering protection to those in need? These are the questions that will be attempted to be answered in the following article.

It is well known, that Hungary's Prime Minister is no stranger to controversy, especially when it comes to matters of the European Union. The situation is the same in the current context of the European migrant crisis. Viktor Orbán, in an effort to defend and uphold Europe's common values – among which the main pillar in his vision is Christianity – has set off on the war path against allowing migrants into his country or the EU. Seeing as Hungary is currently on the outer edge of the Schengen area, the country's officials have taken it upon themselves to play the role of gatekeepers of Christianity, channeling their medieval forefathers, even though Judeo-Christian values have been removed as constitutional basis for the Union.

However, it is also true, that Hungary has been reluctant to receive outsiders in past years, regardless of where they came from. The situation is more than somewhat ironic, as EU laws allow for easy travel, be it in touristic or work purposes, inside the Schengen area. This standpoint has been properly reinforced by the banners that popped up all

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throughout the country, seemingly overnight. The purpose of these banners, which bare Hungary's coat-of-arms, was to warn immigrants about the rules one has to play by once one finds oneself inside the country's borders. Texts such as "*If you come to Hungary you cannot take the Hungarians' jobs*" stand proof of a profoundly antagonistic viewpoint. They also fuel the 'fear-campaign' relied upon by many a politician during the course of history. The fear-campaign would of course not be complete (nor very effective for that matter) without the hate speech and antagonizing of alterity, employed with such finesse by the leading politicians in Hungary.

The anti-migrant propaganda in Hungary was set in high gear from 2014 onward, not even the official website of the Hungarian Government was exempt. The mentioned site, as many such sites do, has a news stream which serves as official communication between the Government and the public. Articles and communiqués are uploaded constantly regarding any matter of state, be it internal or external. Between September and December there was an abundance uploaded material that had to do with the migrant crisis, refugees and/or Hungary and other EU states' debates on the matter. At the same time, in seemingly every other material, there was a reference to the aforementioned subjects, be it even a hidden apropos in a sentence.

Viktor Orbán has a keen sense, when it comes to public speaking. His oratorical and debate style is mostly confrontational. He relies heavily on influencing his public by use of emotional cues. He has held his position on the migrant crisis and has developed a rhetoric that reveals a 'savior-complex' and an unwavering negative attitude towards alterity coupled with the firm belief that that he and his Government are the only ones treating the matter appropriately and lawfully.

He has taken many opportunities to express that Hungary is protecting its own borders and by doing so the European Union's border. In a speech given in Parliament in the second half of the month of September, he stated that "the migrants are not only pounding on the door, but they are breaking the door down on us" ([Kormany.hu 1](#)). The manner of expression does not only display the above mentioned negative attitude towards alterity, but also criminalizes it, by use of terminology that denotes aggression, invasion of privacy and a criminal act, fueling the fear-campaign. In the same speech, he compared the measures taken by the government to those of a person protecting their family. ([Kormany.hu 1](#)). The statement directly contrasts with that above and evokes feelings of which the human brain's primal region is responsible, those of danger and survival. To the same effect, he also described the migrant crisis as a "brutal threat" ([Kormany.hu 1](#)). After the Paris attacks on the 13<sup>th</sup> November 2015, his position and rhetoric in the migrant crisis began to gain more and more ground. Orbán held an extraordinary speech at the Hungarian Parliament on the 16<sup>th</sup> November in which he sought to make his position

on the matter clear once again, which began with the phrase ‘Europe has been attacked!’, and through which he summarized all that Hungary had done and all reactions to it. ([Kormany.hu](http://Kormany.hu) 2).

The Asylum Information Database’s Country Report on Hungary, issued in November 2015, a document bearing the logo of the Hungarian Helsinki Committee and edited by the European Council on Refugees and Exiles provides for a clearer understanding of what it takes to be considered eligible for asylum in Hungary. It contains an overwhelming amount of information, the essence of which is that there are gaping holes and inconsistencies in the country’s asylum procedure. Some of the issues seem solvable. Others, however seem to have been tailor made so as to prevent positive responses on asylum claims. Such is the case with what is known in EU law as ‘safe third country’ rule. In July 2015, the Hungarian government, amending the relevant legislation regarding asylum, created two lists: one of countries of origin, another of third countries deemed to be safe. In both instances EU candidate countries, with the exception of Turkey, are considered safe. This category includes Serbia. The United Nations High Commission for Refugees (UNHCR) set forth recommendations against considering Serbia a safe third country in 2012, on the basis of its lack of “a functioning asylum system” (AIDA 2015, 45), a viewpoint which it still maintains, and is strengthened by the opinion of Amnesty International ([Amnesty International 2015: 78](#)). The amendment to the Hungarian Asylum Act entered into force on the 1<sup>st</sup> of August. Seeing as the overwhelming majority of asylum seekers entered into the country by means of the Hungarian-Serbian border, the fact that the latter mentioned country is silently acknowledged as a safe third country means that the totality of asylum claims issued by these people have been or will be rejected. ([AIDA 2015: 44-45](#)). Furthermore, failing to take into consideration the UNHCR’s position in the aspect of safe third countries and, as such, applying the concept in an improper manner constitutes a violation of Hungary’s obligations as per EU laws. ([HHC 2015: 7](#))

Once the Hungarian Asylum Act was amended, measures started being taken in order to slow down the constant influx of migrants, which had seemingly become the sole focus of the government. The building of physical barriers, i.e. barbed wire fences at the Hungarian-Serbian border, at first and the Croatian-Hungarian border after was defended by the government, who chose to argue the need to register each and every person who claims refugee status, in order to be in accordance with EU law. ([Kormany.hu](http://Kormany.hu) 3) Compliance was impossible beforehand because of the fact that most migrants crossed the border into Hungary on the sidelines, and not at the official check-points. Thus, by means of the fences, the government could ensure the necessary conditions for the law to be enforced. In addition, Hungary’s Prime Minister, Viktor Orbán, defended these actions by stating the need to protect ‘the European lifestyle’, a choice of words which aga-

in constitutes an argument against alterity. He utilized the same frame of thought early in 2015, in January, after the attacks in Paris, France, related to the Charlie Hebdo publication, by being one of the first voices to blame migration for the onset of terrorism. In this instance, he described migration as a threat to the European way of life. (EUObserver) The act of setting a physical boundary is that more disconcerting, seeing as it is, and always has been widely known, that most of whom the fence is meant to keep out do not plan to reside in Hungary, but to move on to other, wealthier countries in Western and Northern Europe, most of which have consented to allowing them in. As they are sure to be aware of this, Hungarian officials seem not only to have taken it upon themselves to be the gatekeepers of Europe, against dangers from the outside, but seem determined to save the EU from itself.

The second list, the one listing safe countries of origin, is again viewed as another breach of international legislation, in the sense that it provides for people seeking asylum to be discriminated against on the basis of their nationality, of where they come from. People fleeing countries marked as “safe” will have a much harder task in explaining why their particular situation in that country or upon their return to that country would constitute basis for being awarded refugee status in Hungary.

The fences, mentioned earlier in the present article, went up beginning with the month of July, regarding Serbia, and September, regarding Croatia. The migrants, who up until the summer of 2015 were viewed as a severe inconvenience, now became a severe threat to the nation’s sovereignty, terminology widely utilized in propaganda articles and Hungarian officials’ speeches. Even more measures were taken, which might be described as drastic. After erecting the fence on the Hungarian-Serbian border, on the 15<sup>th</sup> of September officials amended the legislation in a way which meant anyone crossing the border irregularly would be committing a crime and as such, face legal action and be arrested. The government also thought of a way to further lessen the numbers of people crossing into Hungary, passing amendments which allow police and army personnel to use specific, non-lethal weapons, such as rubber bullets and tear gas. (Amnesty International 2015: 76) Official international reactions followed, as expected. The UN High Commissioner for Human Rights, Zeid Ra’ad Al Hussein, made a statement regarding the matter in which he expressed his views and accused Hungarian officials of violating international law:

“The package of measures brought in overnight between Monday to Tuesday is incompatible with the human rights commitments binding on Hungary, (...) This is an entirely unacceptable infringement of the human rights of refugees and migrants. Seeking asylum is not a crime, and neither is entering a country irregularly.” (OHCHR 2015)

In his statement, the UN High Commissioner for Human Rights also referred to the aforementioned poster campaign run in Hungary in 2014 and earlier in 2015, which provided another reason for Zeid Ra'ad Al Hussein to consider the Hungarian government's actions to be xenophobic and anti-Muslim. (OHCHR 2015)

When faced with criticism, being it of any kind and coming from any direction, Hungarian high officials uphold a strong front, defending the measures taken. Szijjártó Péter, the Minister of Foreign Affairs expressed disappointment regarding the UN High Commissioner for Human Rights' critique, stating that Zeid Ra'ad Al Hussein does not judge the fact that the Hungarian policemen stationed at the border were victims of prolonged assault at the hands of aggressive migrants who threw rocks and pieces of concrete at them. (Kormany.hu 4). In an interview for the Austrian *Der Standard* in early September, Szijjártó replied to criticism received from the Austrian chancellor on the issue of the fence being built on the Hungarian-Serbian border. Szijjártó stated that the chancellor's position is confusing, seeing as he had urged Hungary to register migrants and not to let them pass into Austria beforehand, and is at this point criticizing the Hungarian-Serbian fence, which was meant to do just that. (Kormany.hu 5)

Although there were conflicts between Hungarian and Austrian officials, in late September, Austria recognized the need for a border control system on the Hungarian-Croatian border. (Kormany.hu 6) Furthermore, by late October it became clear that even Austria was considering the idea of building their own physical barrier on the border. (EUObserver)

In order to assure cooperation between Hungary and Serbia, Szijjártó and his Serbian counterpart, Ivica Dacic, held talks in Belgrade, on the 18<sup>th</sup> September. The Hungarian Minister of Foreign Affairs stated that Hungary has not one, but three suggestions with regard to the migrant crisis: (a) the creation of a force within the EU which would be equipped to protect the Greek borders; (b) the EU should take over the financing of the existing refugee camps in Turkey, Jordan and Lebanon and also build new ones; (c) the EU should offer monetary support to the countries on the transit path of the migrants, Macedonia and Serbia (Kormany.hu 7). Moreover, he stated that in these instances, Hungary would be willing to accept some sort of quota agreement, seeing as the burden should be shared by all 28 Member States. (Kormany.hu 7)

At the same time, conflicts with Croatian officials came to a head, when Croatia began sending unregistered migrants to the Croatian-Hungarian border, without notifying Hungarian officials, who viewed the incident as a border violation and one that is under suspicion of multiple criminal offences. (Kormany.hu 8). Szijjártó was quick to point out that while Zoran Milanovic, Croatian Prime Minister judged Hungary on the way they treated migrants, the Croatian immigration system cracked under pressure in less than two days. (Kormany.hu 9). The outcome of the conflict was the fence set up on the border.

The lack of diplomatic rhetoric is an all too obvious characteristic of the Hungarian Minister of Foreign Affairs with regard to the refugee crisis. Referring to a statement made by the Greek Minister of Interior and Administrative Reconstruction about the fact that Greece protects its borders, Szijjártó responded in a press release by blatantly affirming that the Greek Government believes that the European people are stupid. Translating the actual quote in one of the news articles on the Hungarian Government's website, it would sound somewhat as follows:

“(...) it would be beneficial, if the Greek Government would stop considering the European people stupid, but would proceed to take meaningful steps in order to protect its borders and register the immigrants.” (Kormany.hu 10)

When prompted by a journalist at a press conference on the 19<sup>th</sup> September regarding his harsh statements, Szijjártó explained that in this case, there is no room for diplomatic finesse. (Kormany.hu 11)

However, Szijjártó's Romanian counterpart, Bogdan Aurescu, cannot be accused of having a well thought out diplomatic rhetoric either in his criticism regarding the physical barriers built on the Hungarian borders. The Romanian Minister for External Affairs at the time, stated that the erection of fences is an “autistic and unacceptable gesture” (AGERPRESS 2015). The statement is of course offensive to many and unbecoming of a state official, especially due to the fact that he used a term describing a disorder in a way for it to mean abnormal, colloquially stupid. However, Szijjártó was, again, quick to respond, saying that he had hoped for more humility from a minister under a Prime Minister who is facing criminal charges. (Kormany.hu 12) The outcome was similar to that of the conflict with Croatia, though not as drastic: the continuing of the Hungarian-Serbian fence onto the Hungarian-Romanian border was decided, however, no action was taken.

In October at the mini-summit on Western Balkan migration, Orbán reiterated that the measures taken by Hungary had the purpose of complying with Dublin and Schengen asylum and border security rules. (EUObserver, <https://euobserver.com/political/130892>) This is the same reason for which when word came of a possible mini-Schengen area, where some Western states might have reintroduced mandatory border control (a measure similar to which they had so vehemently criticized Hungary for undertaking) and Hungary would have been left out of it, Orbán voiced the following opinion:

“[It would be unacceptable for Hungary to be pushed out of Schengen] because we were the only ones out of the Member States, who truly protected the Schengen's, that is the free movement area's outer borders.” (Kormany.hu 13)

His statement came after the four states of the Visegrad Group (Hungary, Poland, Czech Republic and Slovakia), at their summit in Prague, on the 3<sup>rd</sup> December reached an agreement to form a common front against the idea of restricting freedom of movement between states already part of the Schengen area, arguing that the proposal diverts political attention without targeting the core problem. At the same time, they announced the forming of a group they named ‘Friends of Schengen’, which they intend to be a forum for discussion on the matter. ([Joint Statement of the Visegrad Group Countries 2015: 2](#)) Hungary’s Prime Minister also voiced his view on border control, stating that it is a “question of sovereignty” and “national responsibility”. ([Kormany.hu 14](#)).

After multiple negative reactions to the measures taken by them, Hungary still does not seem willing to compromise in any aspect regarding the migrant crisis, including the matter of the system of quotas. Hanging on to the firm belief that the system of quotas will not solve the main issue of the crisis, in late September the countries of the Visegrad Group decided to reject the system of quotas suggested by Brussels. ([Kormany.hu 15](#)). The Hungarian Minister of Foreign Affairs stated that debating a system of quotas is a waste of time. ([Kormany.hu 16](#)). In stead, the reaction of the Hungarian Prime Minister and his cabinet was to ask for “a world-scale answer to a world-scale problem” ([Kormany.hu 17](#)), so they suggested to the UN that the quota system should be a burden beard by all states, not only in Europe.

In their opposition to the system of quotas, Hungarian officials endorsed a petition to gather signatures of citizens in order to further oppose it. Hungary even went as far as to proceed with legal action against the system of quotas at the Court of Justice of the European Union, the plaintiff’s arrival at the aforementioned institution was announced on the 4<sup>th</sup> December on Hungarian national television. ([Kormany.hu 18](#)). This was the second such plaint to arrive at the Court of Justice, after Slovakia also handed in a similar document. It is interesting to observe that the Hungarian Minister of Justice seems to agree with a statement launched by one of the show’s hosts, regarding the fact that the system of quotas is a measure that goes against the principles of the Geneva Convention. The question posed by the Minister of Justice was if the fact that they are denied a choice of where to settle is contrary to recognition of their human dignity. ([Kormany.hu 18](#)).

The Minister for Justice cited ten arguments against the system of quotas in the 25-page long plaint, which was delivered to the Court of Justice, amongst these, the fact that the decision regarding the system is considered to lack authorization, in view of EU rules and regulations. The fact that “transitional provisions on the quotas are stipulated for two or three years, whereas legal practice earlier only allowed six months for similar provisions” strengthens their case. ([Kormany.hu 19](#)). The argument according to which a unanimous decision making rule had been broken was added as well.

Hungary has been a thorn in the EU's side in many aspects over the time it has been a member. However, in this case, against all the negative responses and negative press it has received for the manner in which its officials have chosen to deal with the migrant crisis, there are many, not necessarily in positions of power, but citizens of the EU, who stand by the actions taken by Hungary and who view it as a positive. The message boards of many related articles and that of the Hungarian Prime Minister's Facebook page stand testament. (Facebook 1) Of course, even more continue to oppose Hungary's position citing multiple treaty and convention related offences.

In any case, the debate becomes one of decoding a legal nebula in the EU framework, which provides for the existence of loopholes, which then can be exploited by anyone capable of perceiving them. Does the asylum seekers' right to benefit from international protection override the right of the state to protect its citizens and its borders, or is it the other way around? This question seemingly only has a moral answer, as in the moral obligation of states to ensure protection for people fleeing from an area in which war and conflict and insecurity are the norm, should these people ask for protection. The main fear of alterity, so profoundly exploited by politicians and media alike, in this case refers to the concern that, amongst the people who 'deserve' help (i.e. the people fleeing from conditions mentioned above), Islamic State fundamentalists are hiding, waiting for an opportunity to pounce. This idea in itself cannot be combated, because the likelihood of it is too great. In any case, European states should have been able to notice warning signs of what can only be described as a mass exodus coming their way. Theoretically, at least, they should have been able to produce an early warning system, which could recognize and assess potential terrorist threats, in an effort to stop them.

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