

Migrants in detention centres in Hungary ‘deliberately deprived of food’

Ravina Shamdasani, spokesperson for the UN High Commissioner for Human Rights has issued the following statement on the treatment of migrants in detention centres in Hungary.

We are alarmed by reports that migrants in detention centres in Hungary have been deliberately deprived of food in contravention of international laws and standards.

According to the existing laws in Hungary, migrants and asylum seekers without the right to stay in Hungary are immediately detained in transit zones during their asylum procedure, or until they can be returned. In these transit zones, they are subjected to asylum and deportation procedures, which fail to effectively assess each individual’s situation. We are concerned by the absence in these transit zones of meaningful individualised procedures, which are required to ensure deprivation of liberty is an exceptional measure and that all risks prohibiting a person’s return are taken into account.

Furthermore, if the Hungarian Immigration and Asylum Office starts a procedure with a view to expel the rejected applicant from the country, migrants are no longer provided with food. Pending the enforcement of the expulsion, adults – with the sole exception of pregnant or nursing women – are deliberately deprived of food, which can lead to malnutrition and is both detrimental to their health and inherently inhumane.

According to reports, since August 2018, at least 21 migrants awaiting deportation had been deprived of food by the Hungarian authorities – some for up to five days.

We note that the Hungarian authorities had promised to end this practice following an interim measure by the European Court of Human Rights. However, we regret that, in the absence of a clear change in the legal framework, reports suggest the practice is continuing.

We note also that the Hungarian authorities do not consider some of these migrants to be in detention as they can 'voluntarily' leave the transit zones towards neighbouring Serbia. However, we add our views that a migrant must not be subject to detention in inadequate conditions, arbitrary detention or other forms of coercion as this renders any return involuntary. Furthermore, we note that such 'voluntary' departure could put migrants at further risk as it could breach Hungarian deportation orders, and force migrants to enter Serbia irregularly in contravention of Serbian law.

The UN Human Rights Office reminds States that they have an obligation and heightened duty of care towards migrants who are deprived of their liberty, including through the provision of food. The deliberate deprivation of food is prohibited under the Mandela Rules, and violates the rights to food and to health, as well as the prohibition of torture or other cruel, inhuman or degrading treatment or punishment.

We encourage Hungary to ensure it fulfils its human rights obligations towards those deprived of liberty, regardless of whether they are in transit zones or any other place where migrants are detained and cannot provide for themselves.

We reiterate the right of all migrants to seek asylum, as well as the fundamental human rights principle of 'non-refoulement', which prohibits the return of any person to a situation where they would face a real and foreseeable risk of persecution, death, torture, and other cruel, inhuman, and degrading treatment or punishment, or other irreparable harm.

* Office of the High Commissioner for Human Rights <https://www.ohchr.org/EN/Pages/Home.aspx>

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