



**AFTER THE FENCE:**

**APPROACHES AND ATTITUDES ABOUT  
MIGRATION IN CENTRAL EASTERN EUROPE**



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# After the fence: Approaches and attitudes about migration in Central Eastern Europe

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The migration crisis in 2015 was a real game changer not just in Central Europe, but in the whole European Union and also in the United States. The crisis, the fear from refugees triggered indirectly the Brexit and it was also a serious issue during the 2016 US presidential election campaign. The pictures of refugees walking by foot on a Hungarian highway towards Austria appeared in one of Donald Trump's campaign videos as well. But not just images went viral during the crisis. Alongside of the general confusion, fear and feeling of uncertainty also the techniques and issues of the populist right intensified and diffused. After the peak of the crisis, in the 2016 it seemed that the new political cleavage will be run between globalist and sovereignists. The former club refers to humanitarian duties while the latter to national sovereignty. During the US presidential campaign became this dichotomy especially visible and crucial. For populist politicians however, not merely migration is an issue, but the assumed "background" forces, which wish to push migrants toward wealthier countries. With this narrative trick the migration can be presented not just a global challenge but part of conspiracy in which also domestic parties, that is the adversaries of the populist politician are involved. However, with the migration issue populist politicians also aim to demonstrate their willingness to act for the interests of the people, unlike the establishment. Exactly this momentum, political agency is a central point of the populist narrative: action is needed to defend national sovereignty, while action is only possible on the ground of national sovereignty and not through international institutions like the European Union.

It is hard to challenge this populist narrative for opposition parties, as Bálint Madlovics demonstrates in chapter. The narrative of the governing Fidesz party is not only about hate or xenophobia. Rather Fidesz first succeed to maintain the migration issue as a number one debate in Hungarian politics with the so called national consultations, whereby questionnaires are sent to each Hungarian citizen in order to ask their opinion on various issues. However, these questionnaires are biased and serve the government's need to create a referable multitude. In 2017 national consultations were held on EU's migration regulation and on the so called "Soros-plan". Also, the referendum on the refugee resettlement quota proposed by the Commission served the Fidesz's aim to maintain the migration issue on the agenda. According to Madlovics the supporters of Fidesz do not "hate" migrants but wishes to live

in a "safe and sovereign" country as it is put forward by the government. The opposition hopes to shift the attention from the migration issue by highlighting the bad economic situation of the country. No migrants would stay in Hungary anyway as the salaries are low and the welfare system do not work, suggests the interpretation of the opposition.

The refugee crisis triggered political debates and different measures not only in Hungary but in the European Union as well. As Andras Toth-Czifra pointed out in his chapter, there has been two concepts on mitigation the refugee pressure. On the one hand Viktor Orbán advocated to block the Western-Balkan route. This plan was later supported by countries like Austria and Macedonia. On the other hand particularly the Netherlands and Germany supported an agreement with Turkey, which would include a readmission agreement and legal pathways for migration. At the same time harsh treatment of refugees and low acceptance rate of asylum applications became a norm in the some new member states as Toth Czifra noted it. However, as István Hegedűs writes in detail in his chapter, the various EU institutions were ready to tackle the refugee challenge and to open a discussion with the member states. Institutions, like the European Asylum Support Office (EASO), the reformed Common European Asylum System (CEAS) and the new European Union Agency for Asylum (EUAA) all aims to find and put forward a common asylum policy and solution.

Nevertheless proper refugee and asylum policy is inevitable as many people are suffering during the political debates. As it is demonstrated by Helena Liberšar on the Slovenian case, asylum seekers do not get medical treatment, unless it is urgent. But since their process can last until months, even years, their health can be damaged seriously. But the refugee question is also interconnected with security issues as Katarzyna Przybysławska explains it in her chapters. In this case security may refer to border procedures, refugee status determination process and the exclusion clauses and to the safety of refugees in the host country. Creating security for registered asylum seekers involve the fight against hate speech and radical nationalism. In the chapter of Orsolya Szabó Palócz several good practices of anti-hate civil actions are presented. Finally, in the last chapter the detailed description of the Subjective Values Foundation's activities gives us an insight how to fight the negative social effects of the refugee crisis on the spot.

## Introduction

Although the refugee crisis has been a main and highly politicized issue all over the EU, the case of Hungary has some interesting peculiarities. Picking up the topic in early 2015, Prime Minister Viktor Orbán put the crisis in the center of his communication and used immense governmental resources and media power to send his messages to the people. The opposition could neither use such means nor had an effective, coherent counter-narrative to combat Orbán's own. This resulted in a dominated sphere of communication, with Hungarians receiving governmental interpretations of the refugee crisis almost exclusively. In effect, the people adopted the government's views on refugees and this yielded a huge growth in popularity for the ruling party Fidesz, securing its position as the most popular party in Hungary to date.

Political commentators, mostly in line with the Hungarian opposition's response, usually criticized Fidesz's anti-migrant communication as "scapegoating," a series of "hate campaigns" which "brought the evil out" of Hungarians by endorsing racism and xenophobia (Balogh 2015; Haraszti 2015; Rev 2015; Gall 2016; Graham-Harrison 2016). This condemning—and morally satisfying—approach however oversimplifies Fidesz's anti-migrant narrative, making it look like a one-dimensional emotive story with simple rabble-rousing on one end and unarticulated hatred on the other. Indeed, none of these are correct: Orbán's messages constitute a complex worldview with special discursive dynamics, which must be seen in order to understand its effects and durability, and the people's attitudes reflect similar complexity instead of a simple indiscriminate refusal of migrants.

In this paper, I would, first of all, like to give a detailed picture of the government's anti-migrant campaigns vis-à-vis the opposition's messages about the issue. This makes up the first part of my essay, in which I show how the government's messages were built up, what means were used to communicate them, and how they compare to the opposition's messages and occasional campaigns in the same period.

In the following part, the attitudes of the Hungarian people toward refugees are described. Using survey data compiled by Republikon Institute in December 2016 and first published in this paper, I show the people greatly correspond in their opinions with the pillars of Orbán's narrative. With a closer look to the same dataset, however, we can also find some aspects of the people's attitudes which could have been (and, potentially, could be) used by the opposition, building a persuasive set of messages or even a counter-narrative to Fidesz on them. The final part sketches two ways of argumentation along these lines. I conclude with a short summary of the essay's main points.

## Refugee crisis in the Hungarian public discourse: the dominated sphere of communication

### *A shaky start: after elections, Fidesz loses media and message*

For most of the year 2014, Fidesz was in a highly favorable position. It had been leading polls for almost a decade and it managed to secure this position confidently for the general elections, taking place that year (Györi, Bíró-Nagy, and Boros 2016). The success of the ruling party was greatly the result of the combination of two factors: a strong, uncontested message and a near monopoly of political media to spread it. The opposition could not really find an adequate answer to the enormously popular welfare measure "utility-price cuts" (which was also embedded, for more devoted Fidesz-voters, into Orbán's narrative as a par excellence "national interest" which had to be "defended against Brussels" and other hostile critiques by the government [MTI 2014]), and as Fidesz had access to state privileges such as taxpayers' money and state media, even if the opposition had had an answer, it could have only been spread on a very uneven playing field (OSCE 2014). This state with the combination of strong message and media, vital to Fidesz's political success, may be called "a dominated sphere of communication" where, as opposed to the more-or-less balanced spheres of liberal democracies, one party owns the news and most of information assets and other parties are being marginalized.

This very state of dominated sphere of communication fell apart in late 2014. The government attempted to impose, for political reasons, a blatantly unfair advertising tax on Hungary's leading commercial TV channel, RTL Klub. The channel, however, decided to fight back and became a de facto opposition

medium, reaching people who the opposition could never have reached before (Gyóri, Bíró-Nagy, and Boros 2016). And besides its media monopoly, Fidesz also lost its message. The government came up with the plan of internet tax, which riled up a youthful and previously apolitical segment of the population; started reconstructing motorway fees in a rather confusing manner; and had to face a series of scandals, including the case when six Hungarians—including the head of the tax office—were put on the U.S. travel ban list due to corruption accusations (Reuters 2014). These issues thematized the Hungarian political discourse, causing a series of street protests as well as a rapid decline of Fidesz's popularity. From October to January, the party lost 13 percentage points in the polls, falling from 37% to 24% in the total population (Török 2017).

### **Regaining message: the “wonder weapon” of migration crisis**

#### *In search of the appropriate topic*

Facing the above described problems, Fidesz attempted to regain its dominance in the political discourse. To do that, it first had to find a message—something which could later be spread by its loyal media. Several attempts were made to do that, the two most notable ones being the promotion of death penalty and the rejection of immigration in the face of the imminent refugee crisis (BBC News 2015; AFP 2015). Both topics had obvious advantages as political tools. First, they could be expected to be popular: death penalty had been supported by a relatively high percentage of the population (Mikola 2012; Kovács 2015) and Hungarians have a rather closed-minded thinking with a traditional value set, which suggests a potential refusal of Muslim migrants (Kozák 2017). Second, as both topics appeal to a law-and-order mindset, they could be expected to fight off Jobbik, Hungary's far-right party which was virtually the only opposition party which could profit from the Fidesz's popularity loss, quickly becoming a genuine alternative (Gyóri, Bíró-Nagy, and Boros 2016).

Eventually, death penalty was dropped and it was the migration crisis which became the central topic of Fidesz's communication. The reason for this decision was that the two topics had different narrative prospects: whereas the death penalty is a rather narrow issue and only a limited number of cases and topics can be associated with it, the migration crisis came as an expandable “umbrella topic.” Migration had a good chance of lasting for several years,

producing a series of ever newer events, and also had the possibility to include in its related discourse topics from terrorism through economic fears to various European leaders and their measures. This difference between the topics is important because it affects their durability and comprehensiveness. The longer a topic in which the party can take a popular position lasts, the better; and the more comprehensive the topic is, the more upcoming events can be associated with (or framed into) it, meaning it can last longer without becoming too repetitive and overwrought.

#### *The Fidesz's two-tier narrative*

For the migrant crisis, Fidesz used a two-tier narrative—the first tier being developed for the migrants and the second one adopted from Fidesz's earlier general narrative. The first tier identifies migrants as a threat to safety. By “safety,” I mean the people's wish to maintain a secure and calm life, unmolested by great changes. The government presented migrants as people who aim at making such changes, carrying potential threat to people's bodily integrity, workplace, their familiar culture, and their nation's borders. As Orbán put it in one of his first remarks on refugees, right after the Charlie Hebdo attack in January 2015: “While I am PM, Hungary will definitely not become an immigration destination. We don't want to see significantly sized minorities with different cultural characteristics and backgrounds among us. We want to keep Hungary as Hungary” (Rettman 2015). Orbán made it rather clear that the main problem with migrants is that they change the way of life as we know it, something which Hungary does not want (Orbán 2015). Later on, as the message became central and the narrative developed, he covered more of the above mentioned areas of safety and explained how the government can grant protection—the symbol of which became the fence built on the Hungarian-Serbian border against illegal refugees. In a lecture in 2016, he summarized: “Border protection – particularly when we need to build a fence and detain people – is something which is difficult to justify in aesthetic terms, but believe me, you cannot protect the borders – and thus ourselves – with flowers and cuddly toys. We must face this fact. [...] Migration poses a threat, increases terrorism and increases crime. Mass migration fundamentally changes Europe's cultural make-up. Mass migration destroys national culture. If we do not accept this view, if this does not become the European position, we will be unable to act against this threat” (Orbán 2016b). He furthermore spoke about preserving Hungary's ethnic and cultural “homogeneity” (by which he meant—as it becomes clear from the context—the current

state of diversity which should not be subject to change (Orbán 2017a)) and also about that “we’re not aware of any examples of successful integration. [...] if people with diverging goals find themselves in the same system or country, it won’t lead to integration, but to chaos” (Orbán 2017c).

While this first tier of narrative may be called nativist, which would put Orbán in the same group with Marine Le Pen and Geert Wilders, the second tier is certainly populist (cf. Pappas 2016). Here the notion of sovereignty is put in the center of the argument which stems from Fidesz’s “national-narrative,” the party’s core ideology which Orbán had built for nearly two decades and used to derive all of Fidesz’s main and most popular messages (Madlovics 2015). In its original form, the narrative starts from a peculiar understanding of democracy which asserts that a government which is elected by the majority represents the national interest per se—“doing so without constant debate, but rather representing the national interest through its own natural existence” (Orbán 2010). Consequently, Fidesz argues, those who criticize the government are against the national interest, so are those who try to restrain the government from reaching its goals. This follows the notion of the above mentioned sovereignty, that is, being independent from foreign influence in national-interest-seeking.

What makes this argument populist, and this is how it actually connects to the refugee crisis, is that in the communication sphere it perceives one single cleavage existing in the society—namely the one between the legitimate government and “imperialist nations” or various international actors such as George Soros or the European Union (“Brussels”) which “interfere illegitimately” with Hungarian national sovereignty (Pappas 2017). This argument was used against the EU’s proposed refugee quota system, saying “Hungary is a sovereign country, and we Hungarians alone shall decide who we wish to live alongside” (Orbán 2017d); it was used every time the Hungarian border-fence was criticized by the EU as an inappropriate measure (Orbán 2016a); and also such accusations were brought up against George Soros, saying he finances various NGOs to interfere with Hungarian politics in order to carry out his “Soros-plan” of resettlement of one million migrants per year (Vastagbőr blog 2017a, 2017b; Reuters 2017; Orbán 2017b). This clearly shows the logical connection between the two tiers of Fidesz’s narrative: Orbán wants to ensure the people’s safety from migrants on behalf of the Hungarians but foreign forces—as well as their internal allies, the opposition

parties (MTI 2017)—try to prevent that as they have an agenda different from protecting the Hungarians. This is the core of Fidesz’s argumentation in the migrant crisis, and this is with which virtually every topic, event and scandal has been framed by Orbán and Fidesz’s other politicians since the migration crisis became central in the government’s communication in 2015.

## Regaining media: three years of constant campaigning

### *State means, stately costs*

For Fidesz, to restore the dominated sphere of communication, it would not have been enough to develop a coherent and comprehensive narrative for the migration crisis but it had to be spread—on a larger scale than what was available to any other party or private opponent. This was achieved by the usage of governmental means including the institutions of national consultation, information campaigns, the state media, and a referendum in 2016. National consultation is a political questionnaire, introduced by the second Orbán-government in 2010. Being sent out to every Hungarian voter by mail, national consultation included loaded questions re-enforcing the governments’ narrative about certain issues—in our case, about the threats refugees posed. Still in search for the right topic to get crawl out of the trough, the government sent out 8 million mails in May 2015, inquiring about terrorism, refugees, migrants, and the European Union (Orange Files 2015). In an open statement, 58 leading migration experts claimed that the very tendentious questionnaire did not meet “any scholarly and moral criterion” (narancs.hu 2015) and private pollsters in a similar statement called the consultation “a political tool disguised as public opinion poll” (Kettős MÉRCE 2015).

The mails were accompanied by a so-called “information campaign” which, thought legally this means is devoted to spreading data of public interest, was used by Fidesz to spread messages underpinning its narrative. This first campaign featured billboards, appearing countrywide and saying, in second person singular, that if you come to Hungary, you “cannot take Hungarians’ jobs,” “must respect our culture” and “must respect our laws”—all of this in Hungarian language, underlining the fact that the real addressees were the Hungarian people, not the migrants.

In sum, this national consultation campaign cost ca. 3 million EUR (Zalán 2017). It was followed by another campaign that year, focusing on the government's achievements and only mentioning the migration crisis cursorily. The state media, however, with its several TV and radio channels, constantly dealt with migrants in its news broadcasts (The Hungarian Helsinki Committee 2015; Dercsényi and Gergely 2015). The most notorious example of this was the so-called "1 minute news," a program broadcast in every break of the 2016 Olympic games, focusing almost exclusively on negative pieces of information about refugees (M. László 2016). It would be unfair to list the ca. 260 million EUR annual budget of the state media as campaign costs, but it must be noted that Fidesz was in a privileged position to use public media to carry out excessive campaigning (Máriás et al. 2017).

The most extreme campaign spending for spreading Orbán's migrant narrative took place before the referendum of 2016, also initiated by Fidesz to thematize the public discourse with the topic of migration. The question focused on, and used the terminology of, the second tier of the Fidesz's two-tier narrative: "Do you want the European Union to be able to mandate the obligatory resettlement of non-Hungarian citizens into Hungary even without the approval of the National Assembly?" The referendum took place on 2 October, 2016, but the government started campaigning long before that—in the form of an information campaign, spreading half-truths in line with the Fidesz's narrative. When the actual (legally defined) campaign period started, Fidesz started an own, separate campaign, and also after the referendum there was a new governmental information campaign, telling the public about the landslide victory of the government-proposed "No" vote (getting 98%, but the result was invalid because of relatively low turnout—several opposition parties boycotted the referendum). For the entire referendum, ca. 50 million EUR were spent from the state budget—more than four times as much as what Fidesz spent during the general elections in 2014 (Sepsi and Erdélyi 2016). Several other campaigns have taken place around the refugee topic since, including the "Stop Brussels!" national consultation and information campaign for 13 million EUR and a series of information campaigns against George Soros and his alleged interference to Hungarian affairs for 18.4 million (Zalán 2017), and definitely more campaigns can be expected as we are approaching the general elections in 2018. All in all, what can be said about these governmental campaigns in general is that Fidesz, using state means, managed to thematize the political discourse with refugee crisis framed according to

Orbán's narrative—and to restore the dominated sphere of communication it lost in late 2014 as well. The expansible structure of the narrative has made it possible for Fidesz to use the refugee crisis basically without stopping since 2015 to date, covering a wide range of topics under the narrative from economics fears to quotas and George Soros.

### ***The effects of restoration of the dominated sphere of communication on party preferences***

In line with the expectations, Fidesz rebuilt much of its popularity with the aid of the migrant campaigns, already by the end of 2015. From the above mentioned 24% in January 2015, Fidesz reached 28% in October and 31% in the following January. Since the beginning of 2017, Fidesz's support in the total population has not gone below 33% (Török 2017).

As I mentioned above, Jobbik was the only party which was able to gain popularity during the Fidesz's downward spiral, showing a steady growth from 8 to 14 percent by April 2015. After Fidesz started exploiting the refugee crisis, however, Jobbik's growth stopped—and other opposition parties' growth did not even start (Török 2017). Besides minor changes in a few parties' support, the Hungarian political landscape seems just as obviously dominated by the ruling party a year prior the election as it was in 2013, one year before that election which Fidesz eventually won with two-thirds supermajority.

### ***Neither media, nor message: the opposition and the migration campaign***

With a few occasional exceptions, the last three years of political discourse in Hungary was dominated by Fidesz, always using one of the sub-topics of its migrant narrative. The opposition parties had little chance to fight this off, having more limited resources at their disposal. However, given the government's excessive campaigning and that migration has been on the floor for three years now, one would expect that the opposition parties have already developed effective counter-messages to Orbán's narrative. However, the case is almost the exact opposite. But certainly a variety of replies have been developed—the most important ones are briefly described, together with a few words of criticism, below.

### *The serious replies: Jobbik and the leftist parties*

Before Fidesz monopolized the topic, migration was Jobbik's issue. Although it never started large-scale campaigns with a special focus on refugees, the far-right party made several statements about—mainly African, not Syrian—refugees as early as 2013. Its views were similar in some ways to Fidesz's current opinion, although such views seemed, in contrast to other parties, a bit radical back then: “zero tolerance” against refugees who bring a “massive” amount of criminals with them, locked down refugee camps with no free leave for the residents etc. (Z. Kárpát 2014; Magvasi 2015). When Fidesz started speaking about the issue, it put Jobbik in a very difficult situation. First, as one of Jobbik's MPs noted in a parliamentary debate, it was “hard to overtake Fidesz from the right,” meaning Fidesz started expanding to the extreme right—leaving little to no space for Jobbik to differ (Dull 2015a). And secondly, Jobbik was an opposition party and Fidesz was in government—whatever idea the Jobbik could have come up with against the refugees, it would have been Fidesz which had a chance to carry it out. Consequently, Jobbik mainly remained silent, almost totally abandoning the 2016 referendum campaign. The only instance when Jobbik could effectively counter Fidesz's narrative was when it attacked the government's residency bond program—saying the Fidesz should allow neither poor nor rich migrants to enter Hungary without proper vetting, which Fidesz had apparently done with several residency bond buyers (Novak 2016; B. Nagy 2016). The program was ended in 2017, though, which made Jobbik weaponless again against the Fidesz's migration narrative.

The obvious response to Fidesz's anti-migrant campaign would have been a pro-migrant campaign—especially for someone on the left. However, although there were proposals along these lines from certain leftist intellectuals (Tamás 2016) the truly pro-migrant approach has been virtually non-existent in the Hungarian political discourse. That was because the numerous opposition parties on the left-liberal spectrum acknowledged that Orbán's opinions and measures, controversial though they were among foreign commentators, were very popular with the Hungarian people—including even leftist voters as well as uncertain ones. Given they decided that taking a pro-migrant stance would be politically suicidal, the leftist parties adopted different tactics: they either tried, similarly to Jobbik, to ignore the refugee crisis under the hardly intelligible slogan of “positive neutrality” (Dull 2015b) or they tried to change the entire political discourse. The latter—and more interesting—approach included attempts both to reframe the refugee crisis and to drop the entire topic

for ones which were more favorable to the opposition.

The reframing attempt appeared in the referendum campaign, among the messages of the two more important leftist parties, the Hungarian Socialist Party (MSZP) and Democratic Coalition (DK). They called for a boycott of the referendum, saying “Stay home to stay in Europe”—suggesting that those who participate and help the referendum become valid, risk Hungary's EU-membership. According to this argument, Orbán, by rejecting EU's migration policy and the reallocation quotas, acts as a populist hater who turns his people against the EU for short-term political gains, not unlike the British Conservative Party and UKIP before Brexit (Ara-Kovács 2016). As a Socialist politician put it, “the referendum is the government's first step to lead the country out of the EU,” so the people should not accept Orbán's views but should stay with the opposition if they wanted to stay in Europe (Ujhelyi 2016; Gyurcsány 2016).

This reframing attempted to change the discursive division between the parties from “supporters v. non-supporters of immigration” to “supporters v. non-supporters of the EU”—which puts the opposition on the right side, given that most Hungarians do find Hungary's EU-membership beneficial (Eurobarometer 2017). However the slippery slope argument remained greatly ineffective because, although the people indeed supported the EU, they did not support it indiscriminately—in fact, polls showed that they would prefer much less interference and EU-imposed duties and would rather cherry-pick the benefits of the membership (Závecz 2016). Furthermore, this argument did not say anything about the refugees themselves, which on the one hand was indeed the very point of this tactics, but on the other hand it made the condemning “hate campaign” and “bringing the evil out” rhetoric against Orbán either neutral or counterproductive. It could be neutral because even if many people agreed that the above described campaigns were excessive and often unnecessarily insulting or simplifying (Panyi 2015; Navracics 2016) they could also think—and, as we will see it from the polls, did think—that Orbán was right about calling migration a real threat and at least he offered a solution, unlike the opposition here. And it could also be counterproductive, because calling the only solution in town “evil” could easily alienate voters who wanted to think something about the refugee crisis and had no other alternative but to adopt Fidesz's narrative—which was here not refuted but offensively condemned.



The same problem arose with that approach which tried to drop the refugee topic from the discourse by simply stating the issue was a distraction “from those problems which Fidesz cannot and does not want to deal with: public health-care, public education, the economy, poverty and the theft of public funds.” (Szegő 2016). Again, this tactics built on that Hungarians did indeed perceive other problems on the listed areas, but labelling something “distraction” and something else “the real issue” is, after all, arbitrary. It is not trivial that people accept such labels—and many of them indeed did not, believing migration was too an important issue for the country which should not be abandoned from the problems to be addressed.

### *The humorous replies: the Two-Tailed Dog Party*

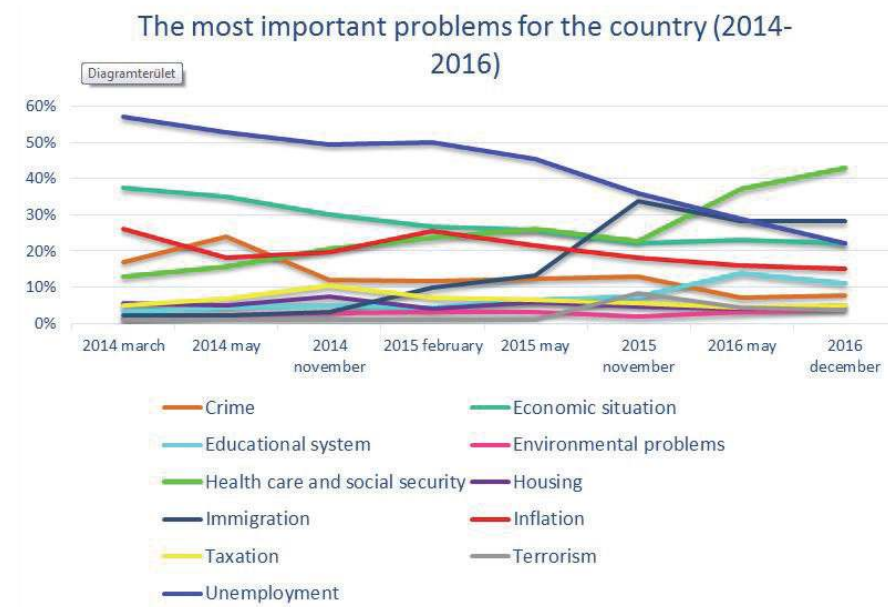
Interestingly enough, the only real counter-campaign to Fidesz’s anti-migrant “information” campaigns came from Hungary’s joke party, the Two-Tailed Dog Party. Both in 2015 and 2016 it collected ca. 100.000 EUR from micro-donations and started countrywide billboard-campaigns, depicting satirical parodies of the government’s messages. Although the financial means the Dog Party could use were only a small fraction of what Fidesz used, they still spent more than other opposition parties in spreading any of their messages—virtually taking the job of “serious” opposition parties by fulfilling their expected role of actively opposing the ruling party (Thorpe 2016; Graham-Harrison 2016).

The Dog Party, similarly to other European joke parties, does not want to win the elections so it would be unfair to criticize its campaigns in terms of vote-seeking. However, as the question of whether humor is an effective weapon against anti-migrant campaigns has been raised (Case and Palattella 2016) it is worth spending a few words on this. Although joking may be more easily and enjoyably absorbable than serious statements, argumentatively it works very much like the above described distraction-argument. Parodying a political statement implies the statement itself is absurd or, as in the Dog Party’s case, that the issue it deals with is not that real or important. And although this judgement was accompanied by actual (humorous) arguments on the billboards—claiming “an average Hungarian sees UFO more often than migrant,” for example—joking with something which the receiver believes to be very serious (indeed, potentially dangerous) may turn out to be flippant and/or insulting rather than funny (cf. Z. Nagy 2016; Madlovics 2016b).

## The effect of campaigns on the people’s mindset: the attitudes of Hungarians toward refugees

From the previous description of the migrant campaigns as well as the situation of the sphere of communication in Hungary, we can expect two things about the attitudes of Hungarians toward refugees. First, that they started dealing with the issue when Orbán introduced it in the public discourse, and second, that they adopted the views of Fidesz’s two-tier narrative about the crisis—given there was virtually no other narrative offered to them. In this part, I use survey results by the Republikon Institute and others to explore the views of the Hungarian people and see whether these two hypotheses can be confirmed.

### Getting started: restructuring threat perceptions



1. Figure: The most important problems for Hungary according to the Hungarian people (2014-2016). Source: Eurobarometer.

Eurobarometer has measured what the most important problems have been for the peoples of EU countries on a standard set of variables from crime and unemployment through education and healthcare to terrorism and immigration. Using their data collected from March 2014 to December 2016, we can see a stable confirmation of the first hypothesis (Figure 1). We can see that before 2015, the people clearly regarded unemployment, economic situation, inflation and healthcare as the main problems before the country, and immigration was ranked way below their level, as one of less significant problems. But it left that company already in February 2015, soon after Orbán's first statements about protecting the country against immigration. While in November only 3% of the population claimed migration to be an important problem, in February the corresponding number was 10%. The number kept growing as Fidesz started to put the refugee crisis in the middle of its communication, yielding 13% in May, and after the national consultation and the government's information campaign it boomed to 34%—an almost threefold growth compared to the previous number. Terrorism, although it did not reach the level of its umbrella topic of immigration, also started growing after May, from 2% to 8% in November (2015).

|                                 | December 2016 |              |        |                  | July 2017 |              |        |                  |
|---------------------------------|---------------|--------------|--------|------------------|-----------|--------------|--------|------------------|
|                                 | Fidesz        | Left-liberal | Jobbik | Total population | Fidesz    | Left-liberal | Jobbik | Total population |
| Terrorism                       | 7             | 3            | 7      | 4                | 8         | 4            | 3      | 6                |
| Immigration                     | 38            | 15           | 33     | 28               | 31        | 9            | 24     | 24               |
| Economic situation              | 20            | 18           | 31     | 22               | 16        | 18           | 23     | 18               |
| Health care and social security | 40            | 54           | 36     | 43               | 39        | 59           | 53     | 46               |
| Unemployment                    | 22            | 22           | 17     | 22               | 22        | 19           | 21     | 20               |

1. Table: Threat perceptions for the country in December (2016) and July (2017), according to which government the respondent wanted to see govern after the next elections. Source: Republikon.

It is important to note that Fidesz's campaign resonated not only in its own voter base but among other parties' voters as well. If we look at the data in Table 1, compiled by Republikon Institute, we can see that although there was a decline between December 2016 and July 2017 in the ratio of respondents who claimed immigration and terrorism were the most important problems to the country, their distribution among party groups seem steady. Fidesz voters are the most devoted in the question, they are followed by Jobbik voters and then the voters of the left-liberal camp. Compared to other topics,

these data are consistent with Eurobarometer's surveys, showing health care was regarded a more important issue by the camps than immigration—especially in July, by when the threat perception of immigration declined, and also especially for the left-liberal camp. Indeed, while in case of Fidesz voters, health care and immigration are roughly in the same magnitude, the left-liberal camp in both periods (and Jobbik voters in the latter period) ranked health care much higher than immigration.

| And what are the two most important problems that you momentarily face? (%) |               |              |        |                  |           |              |        |                  |
|---|---------------|--------------|--------|------------------|-----------|--------------|--------|------------------|
|   | December 2016 |              |        |                  | July 2017 |              |        |                  |
|   | Fidesz        | Left-liberal | Jobbik | Total population | Fidesz    | Left-liberal | Jobbik | Total population |
| Terrorism   | 1             | 1            | 4      | 1                | 1         | 2            | 3      | 2                |
| Immigration   | 10            | 3            | 7      | 6                | 6         | 4            | 4      | 5                |
| Economic situation  | 7             | 14           | 14     | 10               | 7         | 10           | 6      | 7                |
| Health care and social security   | 25            | 40           | 24     | 28               | 28        | 31           | 25     | 29               |
| Unemployment  | 11            | 6            | 11     | 9                | 7         | 8            | 12     | 8                |

2. Table: Personal threat perceptions in December (2016) and July (2017), according to which government the respondent wanted to see govern after the next elections. Source: Republikon.

The fact that these differences are communication-induced is underlined by the data shown in Table 2. When people are not asked about what the most important problems for the country are, about which they can inquire mainly from the news, but what the problems that they personally face are, which is influenced by their own experiences, the differences are less spectacular between the voter groups. Furthermore, much more people believe immigration is a problem to the country than how many say it is a problem in their lives, once again illustrating the power of influence of communication over people's threat perceptions.

### *Anti-migrant attitudes – in line with Orbán's narrative*

The data presented in the previous point suggest that people's attitudes toward migrants were shaped entirely by Fidesz's communication, following that Orbán's framing was the first (and only) one in which they heard about the issue. But before looking into some of the more important points of the Fidesz's two-tier narrative, we should first see who actually we talk about—who the "refugees" or "migrants" are according the people and who are not. Related data is presented in Figure 2.

When exposed to certain social and ethnic groups and asked whether they belong to migrants or not, almost every respondent said asylum-seekers from Africa and Syria were immigrants—92% and 90%, respectively. Interestingly enough, almost thirty percentage points less people said that Chinese shopkeepers and people from the Middle-East who run fast food restaurants in Budapest were migrants. This may suggest at first that the respondents' definition of "migrant" was influenced by the public discourse—Fidesz talks about Syrian migrants and refugees, not the Chinese. But we get a more detailed picture of the influence when we notice that a Syrian doctor working in the countryside is called by even less people, only 57%, an immigrant. The reason for the differentiation between Syrian refugees and the Syrian doctor can be explained by looking at Figures 3-4.

Figure 3 contains data about what the people think about the (economic or other) effects of immigration. The results are striking: 82% claim that immigration would have no positive effects and only 7% say that positive effects are probable. Here we arrive to the first tier of the Fidesz's narrative which asserts that migrants pose a threat to our safety: our lives, workplaces, culture, and borders. Given this assertion, it is very logical to say that the settlement of a migrant in Hungary would have no benefits at all—or, conversely, that if someone has positive effects then he cannot be a migrant. This is illustrated in Figure 4 which contains data about which peoples from the already listed ones Hungarians think are beneficial. The results are almost the diametrical opposite of those in Figure 2. Here those who were noted as migrants, listed as having no contribution to the economy—whereas the Syrian doctor jumped to the top of the list, ahead of Chinese shopkeepers, German-speaking Swabians, and even Hungarians from the Hungarian diaspora. This is probably due to that the image of "Syrian doctor" seems so absurdly idealistic for Hungarians who developed their views about migrants in Orbán's dominated sphere of communication that they regard him higher than the social/ethnic groups they more regularly see.

Similar polarization can be seen between the people's judgements about the Syrian doctor and the Syrian migrant when we ask which group could easily integrate in the society (Figure 5). Although here now the Syrian doctor is overtaken by foreign-born Hungarians, asylum-seekers—who respondents mainly identified as "migrants"—are again on the end of the list. This is very much in line with the first tier of Orbán's narrative by claiming one of the

problems with migrants is that they cannot peacefully coexist with Hungarians, thus threatening their safety.

More on the correspondence between Hungarian's attitudes and the first tier of Fidesz's two-tier narrative can be seen on Figure 6. Depicting the results of Pew Global's research from Spring 2016, this figure shows Hungarians were by the most worried about migrants among European peoples, being concerned with security and economic repercussions of the refugee crisis (Wike, Stokes, and Simmons 2016). Furthermore, Hungary has also seen a rise in xenophobic attitudes in the population. TÁRKI, a Hungarian polling firm which has measured xenophobic attitudes since 1992, pointed it out that the level of xenophobia in April 2015, soon after Orbán started speaking against immigration, jumped to a rather high level and reached its peak in January 2016 with 53% of xenophobes, 46% of "thinkers" who may let refugees in under some special circumstances, and only 1% of xenophiles (Simonovits and Bernát 2016).

Analyzing the voter bases, Simonovits and Bernát found ambiguous results. On the one hand, the data showed that being the potential voter of a nationalist/right-wing party increases the probability of xenophobia and reduces the probability of xenophilia significantly. On the other hand, left-wing affiliation had a less strong but still significant impact: MSZP voters were less likely to be xenophiles. (Non-voters tended to be xenophobes.) These results are consistent with the results shown above and they indicate it again that the assertions of the first tier of the Fidesz's two-tier narrative affected Jobbik as well as leftist voters, whose parties did not communicate a strong, firm opinion about the refugee crisis.

As far as the second tier of Fidesz's narrative is concerned, similar correspondence can be noted. Turning back to Republikon's data, shown on Figure 7, Hungarians apparently accept Orbán's sovereignty narrative as the bulk of them believes that no country can be forced to accept refugees. Only 15% of the population said that we should obey the corresponding international treaties, and even less, only 9% asserted that refugees should be accepted out of humanitarian duty.

Similar results can be found in relation to the EU's proposed migrant quota (Figure 8). The question which became the central issue of the referendum

as well as the government's campaigns thereof conjures up again a massive rejection of the quota's idea in the population. What is interesting, though, is the difference between respondents who agree with the EU cannot make such decisions (which is in line with the Fidesz's narrative 2nd tier) and those who say no countries should accept more asylum-seekers (more in line with the 1st tier). We can see that the latter one was the more popular option, with 45% as opposed to the former one's 33%. These results indicate that people like Orbán's narrative more because of its 1st tier than its 2nd. But given that those who had an explicitly different opinion only made of 16% of the respondents, and especially in the light of the previous findings, we can definitely register a strong acceptance of Fidesz's narrative as a whole in the Hungarian population—meaning my second hypothesis is confirmed as well.

## Opportunities then and now: narratives for the opposition

### *The unsatisfied demand*

Much of the opposition's communication strategy concerning the migration crisis was driven by the belief that Fidesz's messages and campaigns were enormously popular with virtually every group of Hungarian voters, leaving no room for a politically viable pro-migrant narrative. "MSZP cannot win this refugee fight, it is better to remain silent in such cases," said one of the leaders of the socialist party (Dull 2015b). However that, as it has become clear in the last three years, is not a politically viable option either. Orbán renews his narrative over and over, filling the public discourse up with migration related topics—and the people have not lost interest either. Although it has been seen a less important threat than it was in 2015 or 2016, migration is still one of the key issues for many voters. It does not seem politically ingenious or tactically correct to simply abandon the issue if it is possible to give a better answer.

But is it possible? Is there a room for a response opposing Orbán's anti-migrant stance? Figures 9-10 may hint the answer. What we can see is that, when people are asked whether xenophobia and racism have increased in the last two or three years, more than 60% say they have. What is more, roughly the same ratio of respondents claimed they were worried about this trend. If we put this together with the opinions we have seen in the previous part that suggests a number of voters who agree with Orbán's narrative in broad strokes

but do not like its xenophobic parts, its oversimplifying and unnecessarily insulting messages spread on billboards and TV studios in very plain text. In other words, there are many voters who agree with the goals of safety and sovereignty and now they also agree with that Orbán's solution is functional. But the fact they believe it also raises worrisome xenophobia, they may be interested in another solution. They may be interested in hearing something which accepts at least the strongest one of Orbán's points, safety, and offers a way to reach it in relation to immigration without the Fidesz-type aggression (cf. Ungváry 2015; Madlovics 2016a).

Such a counter-narrative was just as required in 2015-2016 as it is now—and it was similarly possible, too. To illustrate this, I will first sketch briefly a narrative which could have been used by the opposition, making a pro-migrant stance in line with the Hungarian people's attitudes. Then, I will give a similarly brief sketch about the basic argumentative idea which could be used now, in the current political discourse by the opposition.

Could have been: presenting migration not as a threat but as an opportunity  
Presenting migration not as a threat but as an opportunity is far from being a new idea. Liberals and libertarians who support immigration had developed various economic arguments long before 2015, explaining why it is beneficial for a country which relies not on natural resources but on human capital to accept, or even encourage, the inflow of immigrants (Friedman 1973; The Economist 2015). The question therefore is not what could have been said in favor of immigration but why Hungarians would have accepted it. Why would have they believed that newcomers who they knew nothing about, and who had been described to them by Orbán as dangerous barbarians, could actually contribute to the wealth of Hungary?

The answer lies in Figures 2, 4 and 5. What people think about migrants depends on who they think migrants are. If it is thought that migrants are poor, helpless asylum-seekers from Africa and Syria, barely anyone will believe "migrants" can contribute to the economy. But if we include among "migrants" such people as Chinese shopkeepers and Arab fast food restaurant owners, the economic contribution of "migrants" becomes evident for nearly 50% of the population. This is the basic reframing which the opposition could have based its economic argument on, changing the meaning of the word "migrant" in the political discourse. Leftist or liberal politicians could have

used the term “migrant” to the Chinese and the Arabs consistently, speaking about successful and fruitful integration of immigrants with very different culture from ours to the Hungarian society. Given these immigrants had been well-known to many Hungarians, using their examples to refute Orbán’s claims about “unsuccessful integration” may have sounded credible to large number of voters.

This line of argument might have also been reinforced by the fact that refugees were coming from war-zones. To a humanitarian, this fact means that we have a duty to help these people; to a utilitarian, it means that not only the lower class left the country but the middle class as well. This latter recognition could have been used to underline the economic potential of people who had left their country not because they had had no work there and decided to try their luck in Europe but because their workplaces had been destroyed. A country which needs skilled workforce, such as Hungary, should have definitely wanted these people to come and continue their work here.

The image of “Syrian doctors” was not an absurdity; they existed, and they were coming.

### ***Could be: the problem is that they go forward***

The year is now 2017; much fewer immigrants come to Hungary and Fidesz uses different topics within the framework of its migrant narrative, too. For the first tier, Fidesz now claims the upcoming election is about “Orbán or the border fence,” suggesting an opposition victory would bring about the breakdown of that symbol of defense of people’s safety from migrants (MTI 2017). For the second tier, George Soros has been attacked, saying he wants to interfere with Hungarian sovereignty by “settling one million migrants annually” according to his “Soros-plan” (Novak 2017).

We have seen that the first tier holds stronger resonates more with Hungarians than the second one, and a deeper analysis of Republikon’s data suggest that voters who have not yet chosen their parties—and thus are the main target group of the opposition—also find Fidesz’s narrative convincing for the first tier. Thus, the opposition’s response to Fidesz’s messages must build on the notion of safety—showing that they can grant it and Orbán cannot, or does not.

Just like in the previous part, this debate depends on how you define the term in question—just the term is not “migrant” now, but “safety.” The opposition here has an excellent chance of conceptual re-framing, altering the discursive definition of safety from “protection from great changes” to “guaranteeing normal living conditions to the people”—in connection to which they could criticize the government’s performance in some areas Hungarians find the most problematic, including unemployment, social security, and health care (see Figure 1). In other words, what opposition members could speak about is that Orbán, while claiming to maintain “safety” in fight with foreign enemies, forgets about his own people and fails to guarantee the Hungarian people’s safety in terms of the aforementioned areas. Connecting this argument to the topic of migrants, opposition politicians could reply to Fidesz’s above mentioned messages always with re-framings, such as: “It does not matter how many migrants Soros wants to send here—because none of them would stay in Hungary, given they earn more from governmental subsidies abroad than here as members of the lower middle class. We saw that in 2015-2016 that refugees almost immediately left for Western Europe, precisely because the country after 7 years of Orbán’s reign could not—and still cannot—guarantee safety to its residents, up to the middle class, in terms of having a job, having social security and having access to proper health care.”

## **Conclusion**

In my essay I wanted to show that the labels “hate campaign” and “xenophobia,” although they are often used by critical commentators, make considerable simplifications regarding the dynamics and effects of Fidesz’s communication in the migrant crisis. Fidesz first utilized the refugee topic as a political tool in early 2015 and later it managed to build a two-tier narrative around it. This narrative was, firstly, which helped Fidesz develop a dominated sphere of communication and keep the issue of migration on the floor for nearly three years, and secondly, which was adopted by the Hungarian people. Indeed, Hungarian people do not simply “hate” refugees but want to live, in line with Fidesz’s narrative, in a safe and sovereign country; many of them even worry about xenophobia itself.

Among other things, this worrying indicated the public’s demand for another solution to the refugee crisis—however the opposition parties failed to deliver it because they started from the false premise of that Fidesz’s campaign

was too popular among Hungarians and so it left little to no room to oppose it. The opposition's attempts to deflect the public discourse from Fidesz's migrant narrative and its sub-topics have been unsuccessful, suggesting it should try to develop, albeit on an uneven playing field, a successful attack on the narrative itself; whether this happens by the elections of 2018 remains to be seen.

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## A FORCED DEBATE: WHY THE MIGRATION DEBATE IN EUROPE IS MISSING THE POINT

ANDRÁS TÓTH-CZIFRA

At the beginning of 2016, two very different policies were simultaneously proposed, discussed and implemented to regain control over migration flows over the Aegean and in the Western Balkans. One, championed by Hungarian prime minister Viktor Orbán and supported by politicians from Austria to Macedonia, suggested blocking the way of migrants by building fences and closing borders along the Balkan route, in order to trap asylum seekers in Greece. The other policy proposal, supported by the Dutch and the German government advocated cooperation with Turkey and effective implementation of a readmission agreement in the Aegean, and to replace irregular migration with legal pathways for asylum seekers to Europe. In March 2016, both were implemented. As the EU-Turkey statement entered into force it drastically reduced both arrivals in Greece and deaths on the Aegean. The existing fences, on the other hand, were proven to be inadequate as tens of thousands of people reached Austria in the months following the border closures. Central and Eastern Europe benefited directly from the EU-Turkey agreement. At the same time, the assumption that the only effective alternative to open borders is deterrence through a combination of fences and bad treatment of asylum seekers conditions became gradually accepted in the region, and throughout the EU. It became the basis of ever harsher asylum policies. Even if the numbers tell a different story, Viktor Orbán and other leaders who peddled this approach are today shaping the EU debate on borders and refugees. For the advocates of international legal norms, including in particular the humane treatment of all asylum seekers and non-refoulement, it is vital to understand that policies based on the latter – if fully implemented – also restore control.

At the beginning of 2016, a sense of panic started to engulf political leaders and citizens in the European Union, based on a continued sense of a loss of control. In January and February, more than 2,000 people arrived in Greek islands over the Aegean Sea every day. Greek reception centres were overwhelmed. From Greece to Austria, authorities continued “waving through” people, that is, facilitating their passage through their territory towards their final destination, typically Germany or Sweden. The EU’s asylum system, based on the Dublin III Regulation of 2013, was exposed as fundamentally dysfunctional, even though it had never properly worked even before the Ae-

gean crisis. A scheme designed and adopted by the European Council in 2015 to relocate asylum seekers from Greece seemed to fail. Greece did not have either the capacity or the ability to accommodate asylum seekers on its territory long enough for the lengthy relocation procedures to be completed. A hastily drawn-up agreement with Turkey on increased border control, signed in November 2015, did not work.

By the end of February, two strategies competed for the attention and the resources of European decision-makers. Both claimed to be able to take back control over migration movements in the Aegean.

One of these strategies was based on the assumption that Greece alone was to be blamed for its inability to contain the flow of asylum seekers from Turkey. It suggested containing the flow by closing the first on-shore border along the route, between Macedonia and Greece. This strategy was advocated by the Hungarian prime minister Viktor Orbán who had, in the previous year, constructed a border fence on Hungary’s border with Serbia and effectively closed Hungary’s border with Croatia as well. As a consequence of this policy, the migration flow along the Western Balkans route did not stop: it was only redirected towards Croatia and Slovenia. Likewise, fences on the Greek border would have, theoretically, kept asylum seekers in Greece by outsourcing border control to Greece’s neighbours, namely, Macedonia and Bulgaria. Viktor Orbán advocated this solution in January 2016 in a visit to Slovenia. Sebastian Kurz, Austria’s minister of foreign affairs supported the Macedonian fence in February, even offering soldiers to help Macedonian authorities guard the border.

This strategy used the same basic principle as the Dublin system: namely, that EU member states can be held responsible for their geography. Duly implementing the Dublin Regulation, at any point, would have required member states along the external borders of the EU to take charge of nearly all asylum seekers that arrive in their territory. Sealing Greece’s northern borders would have required Greece to accommodate and process the claims of hundreds of thousands of asylum seekers. In 2015 and the first two months of 2016, an average of 2,000 people reached Greece every day. With an airtight wall on its northern borders, and no agreement with Turkey to reduce arrivals, the country’s reception system would have collapsed within weeks.

This proposal also left open the question of what should happen with international legal norms of asylum such as the principle of non-refoulement enshrined in the 1951 Refugee Convention. Human rights organisations, such as the Hungarian Helsinki Committee, argued that Hungarian policy breached this principle because it pushed those who tried to cross the border illegally back to Serbia without any assessment of whether Serbia was safe for them. However, to others who supported Hungary's strategy this question was secondary. Milos Zeman, the president of the Czech Republic said: "I am profoundly convinced that we are facing an organised invasion and not a spontaneous movement of refugees". Viktor Orban himself stated:

"It is forbidden to say that this is not accidental and not a chain of unintentional consequences, but a planned, orchestrated campaign, a mass of people directed towards us. It is forbidden to say that in Brussels they are constructing schemes to transport foreigners here as quickly as possible and to settle them here among us."

Another strategy, championed by the Dutch EU presidency and supported by the German government, was based on the principle of cooperation with neighbours of the EU. The idea was that an agreement with Turkey might break the business model of smugglers, and a Turkish commitment to take back those who reach Greece, but do not require protection there, would make the dangerous sea passage over the Aegean Sea pointless. This trip claimed 275 lives only in the first month of 2016. Following a personal interview, all those who either have their asylum claim rejected on substance or those who see the claim declared inadmissible, as Turkey is a safe country for them, would be returned. In exchange, EU member states would resettle a substantial number of recognised Syrian refugees from Turkey, lift the visa requirement for Turkish citizens and raise a significant sum through a Facility for Refugees in Turkey to improve conditions for refugees in Turkey.

This plan focused on solving the crisis where it unfolded: on the Aegean Sea. It was based on mutual interests of the participating countries. It also promised the respect of the EU's asylum-related legislation, the European Convention of Human Rights as well as the 1951 Refugee Convention. It aimed to restore control over the EU's external borders while reducing deaths in the Eastern Mediterranean.

## Policy race

Partisans of border closures acted first. Already in February, with an agreement between the EU and Turkey still elusive, countries along the Western Balkan route started closing their borders, limiting the number of migrants whom they let in. On 8 March, borders along the route were closed for every refugee, sealing Greece off the rest of the Balkans. There was barbed wire near border crossing points between Slovenia and Austria as well as between Slovenia and Croatia. Macedonia started building a fence stretching on both sides of its Gevgelija border crossing point with Greece.

### *Viktor Orban sounded triumphant to journalists in Brussels:*

"The times are over when one can travel on the Western Balkan routes without controls. EU leaders have decided that the routes of people smugglers must be closed, which means that order must also be restored at the borders (...) An era has come to an end, and from now on the migration routes leading through the Western Balkans are closed."

Six days later, the Hungarian foreign minister, Peter Szijarto, stressed that the EU-Turkey deal had lost its significance, as Balkan countries had closed their borders and "returned to the culture of honouring common duties and treaties". He suggested that the EU-Turkey deal must be "adapted" to this new situation and turned into a three-point plan, including providing help to the countries of the Western Balkans for the border fences, helping Greece with "keeping European rules" and creating more reception centres or "hotspots." A similar opinion was voiced by Sebastian Kurz, his Austrian counterpart. Kurz said that Macedonia did Europe's job for it, instead of Greece, and therefore it should be helped to maintain the border closure. "The Macedonians took the difficult task of stopping the flow over from us, while Greece is not doing so. Macedonia needs our help in the form of personnel and equipment," said Kurz. Johanna Mikl-Leitner, then the interior minister of Austria, as well as Horst Seehofer, the prime minister of Bavaria, praised the border closure.

This measure, however, did not keep refugees based in Turkey from crossing the Aegean Sea. In the ten days between the complete closure of the border between Greece and Macedonia some 11,000 people reached Greek shores. Meanwhile, according to different estimates, an estimated 10,000 people got stuck in the countries of the Western Balkans.

On 18 March 2016, the EU and Turkey presented a joint statement in Brussels. This document, based on a proposal by the Turkish prime minister, reflected the priorities of the Dutch-German concept. Turkey agreed to take back arrivals with a cut-off date of 20 March while the EU offered Turkey a total of €6 billion through the Facility for Refugees in Turkey (of which €3 billion was to arrive before the end of 2017), an acceleration of visa liberalization and the resettlement of a substantial number of Syrian refugees from Turkey. Returns and resettlement started in April 2016. By September 2017 the EU has contracted more than €2.9 billion from the Facility, of which more than 800 million have already been spent on projects such as humanitarian support and education for refugees.

Unlike the earlier border closures in the Western Balkans, the EU-Turkey agreement in March 2016 led to a sudden and significant drop in the number of arrivals. More than 150,000 crossings were recorded during the first three months of 2016. It was no more than 22,000 in the remaining nine months of the year.

| Month     | Arrivals | Totals |
|-----------|----------|--------|
| February  | 57,066   | 21,998 |
| March     | 26,971   |        |
| April     | 3,650    |        |
| May       | 1,721    |        |
| June      | 1,554    |        |
| July      | 1,920    |        |
| August    | 3,447    |        |
| September | 3,080    |        |
| October   | 2,970    |        |
| November  | 1,991    |        |
| December  | 1,665    |        |

Figure 1: Arrivals in the Aegean islands in 2016

### *Holes in the fence*

So what can one say with hindsight about the impact of the Balkan route closure? According to UNHCR arrival figures, in the first six months following the EU-Turkey agreement, more than 27,000 people were registered entering Austria illegally. They did not come from Slovenia: in the same period, Austria's southeastern neighbor registered less than 20 entries. This suggests that many entered Austria from Hungary, which was ostensibly protected by its border fences.

Based on the monthly figures provided by the Hungarian Immigration and Asylum Office, 19,231 non-European asylum seekers were registered in between the beginning of April and the end of September, that is, roughly in the six months following the EU-Turkey agreement's having entered into force. There was a sudden hike in March when 4,500 asylum seekers were registered – almost twice as many as in the two months before.

| Month     | New registrations |
|-----------|-------------------|
| January   | 397               |
| February  | 2,135             |
| March     | 4,500             |
| April     | 5,687             |
| May       | 4,722             |
| June      | 4,493             |
| July      | 1,839             |
| August    | 1,385             |
| September | 1,105             |
| October   | 1,192             |
| November  | 718               |
| December  | 624               |

Figure 2: non-European asylum claims in Hungary, 2016

The Hungarian police put the number of illegal arrivals in this period at 15,606. Since 5 July 2016 a legislative amendment allows the police to escort those caught within 8 kilometres of the border fence back to the Serbian side of the fence, without registering them. Even if one accepts that everyone who crossed the fence was arrested, 15,000 crossings in six months through a closed border is a high figure.

People who crossed did not stay in Hungary. According to information published by the Hungarian Immigration and Citizenship Office, 28,797 non-European asylum seekers were registered in Hungary in 2016. However, only 432 people got asylum or another form of protection in Hungary in 2016, 4,675 were rejected and 3,413 procedures were in progress at the end of the year. More than 20,000 people disappeared from the system. It is likely that they left towards Austria.

The story of the Kormend refugee camp supports the assumption that there were significant movements between Hungary and Austria in this period. On 28 April 2016, shortly after arrival numbers in Hungary had started growing again, the Hungarian government announced that an open reception facility with a capacity of 300 people was opened in Kormend, near Hungary's border with Austria. The first migrants – there were 1,777 in various camps all over the country at this time – arrived in the camp on 2 May. Two days later, the German daily Die Welt reported that smugglers were already present near the camp.

Austria immediately stepped up border control at two border crossing points and raised the possibility of constructing a fence. On 26 July, Viktor Orban held talks with the Austrian Chancellor, Christian Kern, in Budapest. Orban told Kern that he understood why Austria wanted to protect its border, but invited Austria to send policemen to the Hungary-Serbia border instead. A couple of weeks earlier, a legislative amendment entered into force that legalized pushbacks to Serbia within 8 kilometres of the border fence, so arrivals and the number of migrants in the Kormend camp decreased (see more on this below). Hungary continued letting 15 people per day into the country at each of two border crossing points at the Serbian border.

### ***Focus on the wrong problem***

It is not that fences never work to stop irregular movement, as some advocates suggest. Sometimes they do; it is a matter of both financial resources and maintenance. A good example of this is Israel, which completed the construction of its border fence on the border with Egypt in December 2013. The purpose of the fence was to curb the influx of migrants from African countries. The 5 (and in certain areas, 8) metre tall steel barrier includes cameras, radar and motion detectors. The full length of the border fence is 394 kilometres and it cost 1.6 billion NIS to build (€373 million). The fence worked. In 2010-12, an average of 14,100 people entered Israel illegally every year on this route. In 2013-15, the three years after the completion of the fence, this number went down to 130. This is a 99 percent drop.

In September 2013, Reuters reported that Hungary and Bulgaria had made preliminary inquiries about buying Israeli fences. Bulgarian and Hungarian officials confirmed that the discussions did, indeed, take place. Bulgaria's deputy ambassador in Israel said that Bulgaria had "taken from the Israeli

experiences" as much as they could. Reuters reported that interest was expressed for the type of fence on the Israel-Egypt border. But would this kind of fence be feasible along the borders in the Western Balkans? Industry sources said that this type of fence would cost foreign customers about 15 percent more than it did in Israel: this would be up to USD 1.9 million (€1.75 million) per kilometre, not accounting for the differences in topography, which would push the price even higher. A high-technology border fence on the Macedonia-Greece (246 km) and the Slovenia-Croatia (670 km) borders alone would cost €1.6 billion altogether. It would also be politically unfeasible: neither Greece – a member of Schengen – nor Croatia – which aspires to join Schengen – would accept the EU to fund such a barrier to block migrants.

If the politics and funding of a genuine Balkan "fence" to close the Balkan route appear elusive, another political purpose pursued by Viktor Orban succeeded beyond all expectations: to build a new political coalition. On 8 March 2016, Orban used the term "Hungarian-Austrian-Slovenian-Croatian action" to describe border closures, essentially collectivising his policy. He did this even though his policies up to this point had shown no solidarity with Hungary's neighbours. On 4 September 2015, his decision to organise the passage of asylum seekers to the Austrian border put pressure on the Austrian government. On 15 September, his decision to close the Hungary-Serbia border put immediate pressure on Croatia. On 17 October, his decision to close the border separating Hungary and Croatia directed the flow of asylum seekers through Slovenia. On 25 October 2015, he declared in Brussels that as Hungary was not part of the Western Balkan Route any more, he was but a mere observer at a migration summit.

Following March 2016, the Western Balkans did not see a migration wave similar to the 2015-16 crisis. The Hungarian border fence, by itself, could not even withstand a much smaller pressure – a couple of thousands of trapped asylum seekers – in 2016.

The core message of Orban's strategy was not about fences, however. It was about deterrence through the bad treatment of asylum seekers. In the course of the past year, this idea gained supporters in many European countries.

### *Legislative dominoes*

The Hungarian prime minister's logic, at first, spread locally. In Central Europe, this led to a gradual restriction of asylum rights and to the acceptance of the concept of bad treatment of asylum seekers in several countries along the Western Balkans route.

The series of legislative amendments started in Hungary. On 21 July 2015 the Hungarian government declared Serbia, Macedonia and Greece safe third countries. An ordinance stated that all EU member states and all candidate countries as well as Kosovo and Bosnia and Herzegovina are safe; the only exception was, then, made for Turkey. Declaring a country a safe third country does not do away with the need for a specific procedure to assess whether it is safe for any individual asylum seeker. In September the government also adopted new asylum legislation, making crossing the border fence a crime. The law amended Hungary's criminal code, making the illegal crossing of a closed border and damaging the border fence a crime and allowing the courts to fast-track judicial procedures in these cases. Foreign nationals who did this could now be expelled from the territory of Hungary, even if they applied for asylum. The changes also allowed the government to declare a "migration emergency", allowing the government to determine construction rules by decree, build or reconstruct facilities that serve purposes of national security or detention, confiscate properties to use for at most 6 months, deploy the military at the borders and broaden significantly the rights of police to search and detain people, if at least one of the following circumstances should hold true:

- If the number of asylum seekers over a month is above 500 per day on average
- If their number is, over two months, above 750 per day on average
- If their number is, over a week, above 800 per day on average
- And if the number of those in transit zones would reach a thousand
- Or "circumstances related to migration present themselves, which endanger the public safety, the public order or the public health of any settlement, especially if riots or violent acts are committed in a reception centre or in any establishment designed to accommodate foreigners, in the given locality or in its outskirts.

These changes entered into force on 15 September 2015 and the government subsequently declared a migration emergency in the six counties bordering

Croatia and Serbia. As of 15 September 2017, two years after its initial introduction, the migration emergency is still in place.

A new set of amendments entered into force on 5 July 2016. The law, amending the Asylum Act and the Act on the State Border, made it possible for the police to "escort" illegal migrants caught within 8 km of the Hungarian side of the border back to the other side of the border fence. The government called this "in-depth border control", claiming a similarity to the practice of several Schengen area member states where police perform checks on visitors coming from another Schengen country.

The law was widely criticised for its possible non-compliance with the 1951 Refugee Convention, which rules out refoulement or pushbacks. The EU's Reception Condition and Asylum Procedures directives state that member states must allow asylum seekers to stay on their territory until their claim is processed. In addition, the Asylum Procedure Directive says:

"Member States shall ensure that a person who has made an application for international protection has an effective opportunity to lodge it as soon as possible."

The new rule allows a breach of this norm. On the other hand, it did one thing: as we have seen, this practice helped reduce the number of migrants crossing Hungary to Austria. It also improved official police statistics. According to the Hungarian police, in the two weeks before the changes took effect (21-27 June and 28 June - 4 July) 832 and 937 migrants, respectively, were caught. In the two weeks that followed, the numbers were 31 and 47, respectively, and have stayed low ever since.

Since then only 15 people are allowed into Hungary daily through each of two so-called transit zones where asylum seekers are detained for the whole duration of their procedure. This practice has been criticised by the European Court of Human Rights. UNHCR has described conditions there as "absurd and unacceptable."

On 12 May 2016 the Austrian parliament adopted a new government proposal. This also allowed the Austrian government to declare a "migration emergency" for six months. The law tied this to a parliamentary mandate

and allowed the government to extend it only three times, for a maximum of two years. Under a migration emergency, Austrian authorities can immediately return asylum seekers to the bordering EU member state where they come from. Similarly to the Hungarian practice, the law requires migrants to request asylum directly at the border in registration centres, where they may be held for up to 120 hours while their application is being evaluated. Both the Austrian and the Hungarian government supported the laws by declaring that EU law allowed member states to take national measures in emergency situations.

Slovenia tightened its asylum rules on 4 March 2016. The changes entered into force on 24 April. They aimed to speed up the processing of asylum claims by stipulating that an asylum claim is automatically inadmissible if the asylum seeker entered Slovenia from a safe third country. Besides, asylum seekers whose claim was turned down had only three days to appeal the negative decision. The Slovenian interior minister quoted the need for “fast and efficient decision making”.

Based on this law, on 26 January 2017, the Slovenian parliament adopted legislation that, inspired by the Austrian and the Hungarian laws, introduced the concept of migration emergency, during which both the asylum legislation would become stricter and the police would enjoy broader powers. Slovenia decided to keep its fence, erected in 2015, on its border with Croatia.

The triggering of the special regime in Slovenia requires the government (in the Slovenian case, the Interior Ministry) to establish that migration “has become a threat to law and order or internal security” of the country. The government would then suggest that the Slovenian parliament declare a migration emergency requiring support from a majority of its members. The state of emergency could be extended, or revoked by the parliament. Under this regime, the right to asylum is significantly curbed. All new arrivals, including those who have already entered Slovenia unlawfully, may be expelled after the police’s having registered them – unless they are particularly vulnerable. The law broadened the surveillance powers of the police, including not only the use of various eavesdropping devices, but also the right to have these installed on private properties near the border – yet another similarity with the Hungarian law. This was already a toned-down version of the original plans. In particular, two opposition parties, New Slovenia and the Democratic Par-

ty (SDS), which invited Viktor Orban to hold the keynote speech at its 2017 congress, wanted stricter measures.

On 25 January, the Slovenian interior minister protested against the European Commission’s decision to allow Austria to extend border controls on the Slovenian border. The Croatian government also protested, fearing that the law could create problems for it, similar to the way that the Hungarian policy allowing pushbacks created problems for Serbia.

Croatia, at the same time, was accused by HRW of pushing asylum seekers back to Serbia. HRW interviewed Afghan asylum seekers who complained that they had been forced back to Serbia as early as November 2016 from Croatian territory. Several of them complained about police violence. In Serbia, in turn, according to a HRW report from January 2017, several thousands of asylum seekers spent the winter in decrepit buildings in the freezing cold. It was reported that many of them did not enter refugee camps, since they were afraid that Serbia would push them back to Macedonia.

### *Nauru in the Aegean?*

In the past year the weakening of the idea of non-refoulement, the acceptance of push-backs and the erosion of standards for treating asylum seekers stand out. These mimic the principles behind Australia’s offshore detention centres in Nauru and Manus Island, where all sea arrivals have been transferred since 2012.

On 4 June 2016, the Austrian minister of foreign affairs, Sebastian Kurz openly, advocated this idea:

“Those who have to stay on an island like Lesbos and have no chance to obtain asylum, will be more likely to be willing to return voluntarily than those who already moved into a flat in Vienna or Berlin. One has to look at countries that have successfully conquered such challenges. The EU should set parts of the Australian model as an example.”

Along the same lines, on 8 September 2017, both Kurz and Austria’s defence minister, Hans Peter Doskozil, agreed to support the idea of building reception centres in North Africa for migrants in order to solve the Italian migration crisis. This idea had already been embraced by Orban a year earlier at a

migration summit in Vienna in September 2016. Germany's interior minister, Thomas de Maiziere, suggested in an interview on 7 September 2017 that no one who comes to Europe with smugglers should have a perspective to stay. This echoes the Australian government's famous ad that tells migrants arriving on boats: "No way. You will not make Australia home."

But is this not what happened also after the EU-Turkey statement on the Greek islands?

Bad treatment of asylum seekers in Greece is well documented. What makes this especially shocking is that it came together with the EU's biggest ever humanitarian response scheme, and with the EU-Turkey statement asserting that "all migrants will be protected in accordance with the relevant international standards". Yet, the European Commission's progress reports about the agreement largely disregarded these problems, as they disregarded other failures in the implementation that contributed to these bad conditions.

The European Union did not insist on obtaining guarantees that Turkey was a safe country for those to be returned. As a consequence, Greek asylum case workers did not return any asylum seeker whose claim was declared inadmissible in Greece and return numbers remained low. Therefore, the number of migrants in Greece steadily grew. Conditions for asylum seekers in the overcrowded camps remained abysmal, even as Greek authorities have moved thousands of people to the mainland. Furthermore, the large-scale resettlement of refugees from Turkey envisaged by the EU-Turkey statement did not take place. Once the numbers dropped, once the Facility for Refugees in Turkey was put into use, implementing the agreement further and improving conditions on the islands became secondary.

Even though it was the imperfect implementation, not the agreement itself, that caused suffering in Greece, even though the drop in arrivals was not a consequence of the deterioration of the situation on the islands (it also occurred much earlier), the damage was done. The EU-Turkey agreement was, to many, not different from fences and bad treatment in the Balkans.

This bad treatment of asylum seekers in Greece did not only create dangerous tensions on the islands, carrying the risk of upsetting the agreement. It also strengthened Orban's narrative. In public discourse, the EU-Turkey agree-

ment became synonymous with bad treatment, often carrying an epithet like "murky" or "obscure" in the press. This is also visible from the comments on the deal by leading human rights organisations on the first anniversary of the statement. Doctors Without Borders put the two policies next to each other: On the first anniversary of the statement a leading NGO, Doctors Without Borders warned that the EU-Turkey statement was: "having a direct impact on the health of our patients, and many are becoming more vulnerable," says Jayne Grimes, MSF psychologist in Samos. (...) "European leaders continue to believe that by building fences and punishing those who still try to cross them, they will deter others from fleeing for their lives," says Aurelie Ponthieu, MSF humanitarian adviser on displacement."

Human Rights Watch also noted:

"The EU-Turkey deal has trapped thousands of people in abysmal conditions on the Greek islands for the past year, while denying most access to asylum procedures and refugee protection. (...) While the EU-Turkey statement does not explicitly require keeping asylum seekers on the islands, EU and Greek officials cite implementation of the deal as a justification for the containment policy."

Amnesty International also referred to "squalid and dangerous living conditions":

"The EU-Turkey refugee deal has left thousands of refugees and migrants in squalid and dangerous living conditions, and must not be replicated with other countries. (...) Leaders who claim the EU-Turkey deal could be a blueprint for new ones with other countries should look at the horrible consequences and be warned."

Viktor Orban and his growing number of allies did not need to attack the EU-Turkey agreement. Through the complacency of European decision makers responsible for the agreement, who stopped caring for its implementation once numbers fell, the agreement also became part of Orban's logic: all effective solutions require deterrence through bad treatment and curbing of fundamental rights; one must choose between upholding international legal norms like the Refugee Convention and protecting the EU's external borders.

### ***Needed: a liberal border and asylum policy***

Imagine that the EU-Turkey agreement fails. Instead of fixing the implementation of the EU-Turkey agreement, fences and bad treatment lead to continued tensions and suffering on the Greek islands. This forces Greece to move larger numbers of people from the islands to the mainland – something that it has been doing since at least the end of 2016. As the route is opening up again, the number of people risking their lives to cross the Aegean steadily rises again. A rising number of EU leaders blame Greece. Meanwhile, the humanitarian situation for a growing number of migrants in Greece deteriorates. The pressure on Greece's northern border increases dramatically. Greece does the only logical thing and, feeling abandoned by the EU, lets people go towards Macedonia. Here, the reception and asylum system collapses within weeks. The crisis then goes on towards Serbia and Hungary. No border fence that presently stands in the region would be able withstand the pressure of hundreds of thousands of people. Countries would turn into battlegrounds between migrants, law enforcement, soldiers, smugglers and far-right vigilante groups that already operate in Hungary and Bulgaria.

This scenario would expose border fences and bad treatment as ineffective. But this would not matter. The course of events would perfectly fit the rhetoric of far-right leaders who already envision a life and death battle between migrants and Europeans. This is a debate that responsible political forces and the supporters of the Refugee Convention cannot win. Instead, they should make the debate itself redundant.

In the past year, ESI has repeatedly made three concrete proposals to rescue the EU-Turkey agreement, and together with that, improve the conditions on the islands.

First, the EU should create conditions to be able to send an asylum support mission to Greece with at least 200 case workers, tasked with speeding up asylum procedures and improving conditions.

Second, the EU should work in cooperation with UNHCR, the UN's Refugee Agency to create a mechanism of verification, in order to spell out publicly and exactly what needs to happen in Turkey to become safe for returnees from the Greek islands. Turkey is interested in maintaining the agreement, and this would need no amendment of it, either. The EU should make this a

key condition for the second €3 billion and the visa liberalization for Turkish citizens.

Third, the EU should appoint a senior special representative: a person with enough experience and political weight – i.e. a former prime minister or foreign minister – to be able to address urgent issues and represent the agreement before various audiences. All this should be accompanied by an ambitious resettlement of recognized refugees from Turkey by a coalition of willing member states, once the main prerequisite of this – a secure external EU border – is guaranteed.

As a fourth step, the principles of the EU-Turkey agreement should be extended to Central Europe and the Western Balkans. Presently, governments like Hungary's treat refugees badly, arguing that this is the only way for them to stop a renewed migration flow. It is not. If Turkey can create conditions for returnees that allow calling it a safe third country for individual returnees, so can and should the states of the Western Balkans. Rather than declaring them safe countries by government ordinances, the EU should work together with the countries of the Western Balkans – all (prospective) EU candidates – on building an asylum system that meets EU standards. As in the case of actually implementing the EU-Turkey statement, this needs no further legal basis. Asylum legislation is already part of the EU acquis.

Viktor Orban has successfully led a large part of Europe to believe that these policies do not exist, that one has to choose between humanity and security, between principles and effectiveness.

Orban is winning the European Union's migration debate not because his solutions work but because his premise is accepted by a growing number of people: subversive groups, opportunistic politicians and even some who would call themselves Orban's bitterest enemies. Those who want to turn back this tide, reduce fatalities and suffering on the Aegean, offer a better future for a large number of people in need and preserve the norms of international law, must step out of this suffocating framework. Fixing the implementation of the EU-Turkey deal is an excellent place to start.



## DO GOOD FENCES MAKE GOOD NEIGHBOURS? KRISZTINA HEGEDŰS

The first section of the study will summarize the events and measures taken by the Hungarian government during the so called “refugee crisis” of 2015 and the measures taken by the government ever since in the field of asylum, immigration and border management. It will take stock of the international reactions and their consequences. The Fidesz-led government “discovered” the issue of immigration as a tool to counter its failing popularity, as so many far-right parties have before. The issue of “immigration” is while relatively new in the Hungarian political discourse is not a stand-alone issue that must be seen and understood as part of a bigger picture. The “war of independence” against Brussels and the rest of the “liberal world” is the result of the “revolution in the voting booths” of 2010, that made the Prime Minister and its government feel empowered to play the role of the “dear liberator” who free its people from the “evil”.

Following the multiple amendments to the Hungarian asylum, immigration and border management legislation, international protection was emptied and only exists formally. Consequently, the possibility to access asylum or be granted any form of effective international protection in Hungary is close to impossible. It is the result of the conscious decision of the government harming not only people seeking international protection, but also the reputation of Hungary, its relations with its neighbours and its place in the European Union. The actions of the government, while served the political purpose of the governing party well, are incomprehensible with regard to the geopolitical interest of Hungary.

The second section of the study will focus on the measures taken by the European Union in an attempt to address the challenges faced by its Member States amidst the sudden influx of the high number of persons seeking international protection. A comprehensive package was put on the table by the Commission that intended to cover all aspect of migration. The most contentious reform proposal currently on the table, the so-called Dublin reform, aims the fair sharing of responsibility. Contrary to the “common belief”, it would relieve Member States at the external borders of the European Union, such as Hungary, rather than burdening them.

The proposals put forward by the Commission are aiming at improving the current Common European Asylum System. The fundamental goal of these proposals is to ensure convergence of the asylum systems (qualification, asylum procedures, and reception conditions) of the Member States. For international protection to have the same content throughout the European Union, while respecting Member States sovereignty to decide on the individual applications. A transformed European Asylum Support Office (EASO) would underpin the reformed Common European Asylum System (CEAS). The tasks of the new European Union Agency for Asylum (EUAA) are to assist Member States in implementing their obligations under Union law and will have the capacity to help Member States under disproportionate pressure. The third section of this study will look at what lies ahead of Hungary and where this defiant position could lead.

### *Situation of asylum in 2015*

Prior to 2015, migration trends showed a continuous increase of forced displacements (asylum-seekers) in the world. According to United Nations High Commissioner of Refugees (UNHCR) the number of asylum seekers exceeded 50 million in 2013 for the first time since the World War II and was expected to rise further.

The armed conflicts in Syria and Lybia played the major role during the European refugee crisis of 2015. By the end of 2015 around 260000 Syrians lost their lives in the civil war, nearly 7.6 million became internally displaced and around 4.5 million fled the country. During 2015, this number further increased by 1.3 million. Among those fleeing, 2 million were children. Out of the estimated 21 million Syrian citizens, 12.5 million became dependent on humanitarian aid.

As for the European Union, in 2015 1392155 applications for international protection was recorded in the EU+ countries with Syria, Western Balkan countries, Afghanistan and Iraq accounting for 65% of the applications. The remaining six most frequent citizenships of asylum applicants were Pakistan, Eritrea, Nigeria, Iran, Somalia and the Russian Federation. Among receiving countries, Germany once again had the highest share of applicants for the fourth consecutive year, followed by Hungary, Sweden, Austria and Italy. One in three applicants lodged their claim in Germany, leading to 476510 applications. This was more than 2.5 times the number in Hungary. More than

one in 10 applicants in the EU+ applied for international protection in Hungary, reaching 177135 applicants, four times more than in 2014. While the number of applications seems to be very high, it can be misleading, since it does not necessarily reflect the reality of reception efforts and capacity needs. Many registered asylum-seeker did not stay in the territory of Hungary for more than a couple of days. The number of registered applications, for this reason, is worth also to be looked at from a different angle. In the first nine months of 2015 103 000 withdrawn applications were recorded in Hungary. According to the statistics of the Office of Immigration and Nationality of Hungary (OIN), around 80% of asylum-seekers absconded and left the country within 10 days of making an application and 30-40% already in 24 hours after making an application, which had serious consequences to other Member States. Hence, the 177135 applicants extremely overstates the impact the refugee crisis had on Hungary and its asylum system.

#### ***Hungary – No country for asylum seekers***

After securing two-third majority once again in the Hungarian National Assembly in 2014, Fidesz's popularity faded by the end of the year. The loss of popularity can be attributed to corruption scandals and plans to introduce tax on internet-traffic, which led to anti-government protests. In pursuit of restoring its popularity, the government turned to anti-immigration rhetoric. The “anti-immigration campaign” was launched already in January 2015 after the Charlie Hebdo attacks in Paris. On the day of the commemoration of the victims in Paris, Prime Minister Orbán said that the murders should make the European Union restrict access to migrants with ‘different cultural characteristics’. In the same interview he continued by stating that ‘economic migration is a bad thing, it should not be looked at as if there were any benefits in it, because it only brings pain and threat to the people of Europe; therefore, immigration must be stopped.’ The government communication became more “targeted” with strong anti-Muslim and anti-immigrant undertone, blaming Muslim communities with ‘demolishing’ the internal order of ‘Christian’ countries in Western Europe. The message was clear: Hungary is not interested in accepting ‘economic migrants’ with traditions completely different from Hungarian ones. During the parliamentary debate on 20 February, ‘demonising refugees’ was on the agenda. Migrants were accused of exploiting international law, spreading diseases, theft and violent crimes.

In order to “make an informed policy decisions”, the government launched a national consultation on how ‘Hungary should defend itself against illegal migrants’ and how it should ‘limit rapidly rising economic immigration’. The National Consultation on immigration and terrorism stressed that Brussels has failed to address economic immigration, which resulted in livelihood of Hungarians being jeopardized. It also implied that Brussels’ mismanagement of immigration is to be blamed for increased terrorist activity in Europe. In less than four months, the Hungarian government found not one, but two “enemies”: economic migrants and Brussels - although the latter (European Union) has always been a welcome guest on the government’s list of enemies even before. The deadline for sending back the questionnaires was set to 1 July. Since the return rate of questionnaires was very low, the government initiated an “awareness raising” billboard campaign amidst the consultation. The messages on the billboards echoed the government propaganda, calling upon migrants to respect Hungarian culture and laws. Government officials reiterated that the billboards did not target Hungarians but migrants, smugglers and traffickers, still billboards were in Hungarian leading many to believe the contrary. The government questionnaire was also heavily criticized in Hungary and abroad. The European Parliament denounced the public consultation on migration and the related country-wide billboard campaign and stressed that the content and language used in the consultation are highly misleading, biased and unbalanced, establishing a biased and direct link between migratory phenomena and security threats. It also regretted that the government casted blame on EU policies and institutions without acknowledging its responsibility in these areas and recalled that the Member States are fully involved in the EU legislative process.<sup>1</sup>

The questionnaire was more helpful in inciting xenophobic sentiments and fear than as a tool to poll the opinion of citizens. Given the “great interest”, the government prolonged the deadline to 15 July. Against the low return rate (ca. 10% of eligible voters returned it), the government interpreted the result as a “clear support” of its own policy initiatives, since an “overwhelming majority” of respondents agreed with them. Public broadcasting media reporting was just as biased and misleading as the questionnaire and the billboard campaign.

There were three main government messages during the refugee crisis that are worth highlighting:

- Hungary is ready to help and aid asylum-seekers. Hungary respects international law and the values of the European Union. Hungary is committed to protect asylum-seekers and those being persecuted in their home countries.
- Hungary is abiding the Schengen rules and is defending the Union
- Those arriving to Hungary are not refugees, because they paid smugglers and transited through many safe countries before entering into Hungary where they did not ask for asylum, even though these countries are safe, so they are economic/illegal migrant who are exploiting international law.

The government communication was soon coupled with adequate measures to “defend” Hungary and the Union.

On 23 June 2015 The Hungarian government announced , that it was not taking back more applicants under Dublin “due to technical reasons” . Dublin does not provide the possibility for a Member State to suspend transfers, as was pointed out in the reaction of the European Commission. The government’s action was heavily condemned by Austria. Rightly so, since it meant that the government unilaterally decided not to fulfil its obligations under EU law. The government’s announcement of its readiness to close the border with Serbia was not welcome by neighbouring countries either, but still, the works on the four-meter high fence along 175 km-long border with Serbia started. As the government pointed out on many occasions, building the temporary technical obstacle on the border was not against international law. After being pressured by the Commission and other Member States, the government resumed receiving Dublin transfers at a very slow pace.

While the fence was under construction, the Parliament amended the Hungarian asylum legislation that started to apply from 1 August. The government was tasked to compile a list of “safe country of origin” (countries which based on their stable democratic system and compliance with international human-rights treaties, are presumed safe to live in ) and “safe third country” (non-EU countries that are considered safe for people seeking protection in the sense that they have a functioning asylum system and can provide effective protection ). In accordance with the Asylum Procedure Directive, “Mem-

ber States may apply the safe third country concept” , if, among others, “an individual examination of whether the third country concerned is safe for a particular applicant” is carried out and there is a “connection between the applicant and the third country concerned on the basis of which it would be reasonable for that person to go to that country”. In case it is found that a third country is safe for the person seeking international protection, his or her claim is found inadmissible for an in-merit examination and he or she must be returned to the respective third country. The government designated the “candidate Member States of the European Union (Albania, Macedonia, Montenegro, Serbia)” as a safe third country. Given the fact that around 99% of asylum-seekers entered the territory of Hungary from Serbia, such an amendment effectively enabled Hungarian authorities not to examine the merits of a claim but to make prima facie assessments, which led many to be expelled. UNHCR and many other NGOs criticized this measure and no Member State considered Serbia as a safe third country in 2015. Not to mention that the designation itself went against the 2012 opinion of the Hungarian Supreme Court (Kúria), which stated that “the mere fact that the applicant did not try to submit an asylum claim in the third country does not per se justify the conclusion that the third country in question shall be regarded as safe in that particular case.” With the government decree designating Serbia as a safe third country, a “legal fence” was erected in parallel to the physical one under construction.

On 16 July, it was announced that the government would propose legislation that would make illegal border crossing a criminal offence and that refugee camps close to cities will be closed and replaced by tent-camps.

It was clear that the badly equipped Hungarian asylum system came under immense pressure given the number of arrivals in 2015, which peaked in late summer, where daily arrivals were often by thousands. The closure of reception facilities came as a surprise reaction. Poor reception conditions were anyways problematic. This and the xenophobic atmosphere was not conducive for integration, which made asylum-seekers trying to avoid registration. While the government was both unwilling and unable to deal with such pressure. Government spokesperson said that the government would not institutionalise an illegal situation. Thousands of people were sleeping outdoors, the authorities did not provide food and water and sanitary facilities were scarce. Little relief came from volunteers trying to help to the best of their

possibilities but later became target of government attacks.

Given the escalating situation in the Balkans, the German government announced that it will use its prerogative under the Dublin regulation (sovereignty clause) and will stop to applying the regulation to asylum seekers from Syria. The announcement came after Chancellor Merkel met President Hollande in Berlin where they discussed possible solutions to the Europe-wide asylum crisis.

The news was spreading among asylum-seekers across Hungary and more and more arrived to Budapest in an attempt to reach Germany. Most of them were stuck at Keleti train station. In order to ease the pressure, authorities allowed hundreds of Syrian and Iraqi nationals onto the train without registration. This met furious comments from Austrian Chancellor Werner Faymann who lashed out in a TV interview angrily: “That they are simply getting on board in Budapest and they make sure they travel to the neighbouring country – what sort of politics is that?” Other asylum seekers in the hope that they could also leave Hungary bought their tickets, however next day authorities cleared Keleti stations, leaving asylum seekers outside the station with no information on what was happening next for two days. On 4 September, a group of 1200 frustrated asylum-seekers started walking from Keleti station to Vienna. Given the emergency situation at the Hungarian borders Germany and Austria said they would grant entry. The Hungarian government sent buses to pick up the asylum seekers walking on the highway towards Vienna and another set of buses went to Keleti station to pick up the ones remaining there and took them to the Austrian border. Forty buses were used. The estimated number of asylum seekers transported to Austria reached 4500, while just a day before Prime Minister Viktor Orbán in a press conference with European Parliament President Martin Schulz said that the rules were clear: no one might leave Hungary without registration. He also reiterated that border control was the responsibility and duty of the Member States on the external borders of the Schengen Area, and Hungary is one of those countries. Once again, the messages and actions of the Hungarian government failed to align. The situation seemed to be “resolved” at Keleti, but the tension just simply relocated to the Serbian border, near Röszke. A very similar situation to that of Keleti station played out. Poor reception conditions and the frustration with the Hungarian authorities led a group of asylum-seekers to break loose and to start their walk towards Budapest. It came after thousands lined up for

buses, many of them having waited overnight in the cold for transport that they hoped would take them northwards towards Budapest and the Austrian border. After one bus departed it became apparent no others were coming.’ With the entry into force of the new “asylum” law on 15 September and the full closure of the border, the situation further deteriorated and got completely out of hand. Asylum seekers flooded to Hungary before stricter border laws took effect. Hungarian authorities started to bus asylum seekers from the Serbian border to the Austrian, in many cases without even bothering to register them. The closure of the border was followed by violent clashes on the border and in Röszke. Hungarian Police used water cannons and tear gas against people who were left on the other side of the fence. However, the fence at the Serbian border did little in stopping asylum seekers from entering Hungary; they simply take a detour going through Croatia. ‘An average of 6.000 people crossed the Croatian-Hungarian border every day in the first half of October, until another fence was also built there and the army employed to fully seal off the border. In the meantime, as long as people could still enter from Croatia, the Hungarian state packed them into buses and trains headed directly to the Austrian border.’

New amendments to the Hungarian immigration and asylum legislation entered into force on 15 September 2015 deteriorating the asylum system further. Amendments to the Criminal Code and the Code of Criminal Procedure made irregular border crossing and damaging the newly built fence a criminal offence punishable by imprisonment. The criminal proceeding may end with expulsion and a ban on entering the Schengen zone.

Transit zones were established where ‘immigration and asylum procedures are conducted and where buildings required for conducting such procedures and housing migrants and asylum-seekers are located.’ Amendments allowed for super rapid procedures, so called border procedure, which is basically a form of admissibility procedure based on the “safe third country” concept. The actual protection need of asylum-seekers is not even assessed. Inadmissibility leads to immediate expulsions coupled with a ban on entry. Effective remedy is not available.

New amendments also established the “mass migration crisis situation” that can be declared by a government decree for a maximum of 6 months. This state of crisis allows for police and the army to assist with the registration of

asylum claims and gives special powers to the government. State of crisis was declared in several counties bordering Serbia on day of entry into force of the legislation and was later extended to others. The state of crisis can be declared based on high number of arrivals (as set out in the Asylum Act 80/A) or in cases where “migration-related circumstance that directly endangers the security of a settlement, especially in case of a riot or violent acts committed at reception centre”. On this latter ground, the government extended the state of crisis to the entire territory of Hungary following the announcement of Serbia, Slovenia and Croatia of tightening their immigration regimes. On 5 September 2016 and on 30 August 2017 the state of crisis was prolonged. The grounds of prolongation is not known and the legality of the state of crisis has been questioned.

On 22 September, the Council of the European Union adopted a decision that would have allowed for the relocation of 54000 asylum seekers from Hungary to other Member States. However, the Hungarian government rejected participating in the relocation mechanism, both as a beneficiary and a relocation country.

The Hungarian government, along with the Slovakian, Czech and Polish, was against the emergency and permanent relocation from the moment the Commission rolled out its proposal to address the migration crisis. According to the V4, “an effective management of the root causes of migration flows” could tackle the crisis and they declare themselves ready to provide financial aid to “countries with significant refugee populations (Turkey, Jordan, Iraq/Kurdistan, Lebanon, including refugee camps, as well as the transit countries of the Western Balkans).” They were also willing to “provide experts and technical equipment” to protect EU external borders and to manage asylum procedures.

Hungary and Slovakia turned to the Court of Justice of the European Union to have the Council decision on relocation annulled in early December 2015. After the hot summer of 2015, the Hungarian government continued its war of independence against Brussels. In February 2016, they announced that a referendum would be held on whether to accept the European Union’s proposed mandatory quotas for relocating migrants. Prime Minister Orbán said it was no secret that the government was not in favour and that it would campaign against it. He argued the quota system would “redraw Hungary’s

and Europe’s ethnic, cultural and religious identity, which no EU organ has the right to do. The legality of the referendum question and thereby the referendum itself was questioned. In accordance with the Fundamental Law of Hungary, “no national referendum may be held on [...] any obligations arising from international obligations.” Consequently, the referendum question was challenged at Kúria, which allowed the referendum to be held in the end.

Four appeals were presented to the Constitutional Court but were all rejected. The date of referendum was set for 2 October 2016. True to its word, the government launched its “information campaign”. Billboard with the following questions and answers covered the country:

- “Did you know? More than 300 people were killed in terrorist attacks in Europe since the start of the migrant crisis.”
- “Did you know? The Paris terrorist attacks were carried out by immigrants.”
- “Did you know? 1,5 million illegal immigrants arrived to Europe in 2015.”
- “Did you know? Brussels wants the forced resettling of a city’s worth of illegal immigrants into Hungary.”
- “Did you know? Almost one million immigrants want to come to Europe from Libya alone?”
- “Did you know? Since the start of the immigration crisis, sexual harassment of women has increased in Europe?”

An avalanche of international criticism crashed down on the government for its conduct and the biased, leading and xenophobic nature of the campaign. The fact that the referendum was inconclusive and invalid was widely welcome. Only Nigel Farage of the United Kingdom Independence Party, and Austria’s far-right party, FPÖ “supported” the government’s approach.

While heavily campaigning against the relocation quota, the government adopted further amendments to the immigration and asylum laws with the aim of deterring people in need of international protection from seeking refuge in Hungary. “As a consequence, refugees and beneficiaries of a subsidiary protection status are now obliged to move out from the reception centre where they are accommodated, already a month after the grant of their status, and will not receive any targeted support for their integration (financial benefits, housing allowance, language course, etc.). These provisions may immediately force the few who actually get international protection in Hungary to

homelessness and destitution, thus fundamentally questioning the effectiveness of the protection status granted.” Measures entailed the termination of monthly cash allowance of free use to asylum seekers (24 euros/month) and the school enrolment benefit for child asylum seekers. Integration support for refugees and beneficiaries of subsidiary protection was also terminated. On the other hand, further “border management” measures were introduced. ‘Irregular migrants (regardless of whether or not they claim asylum) who are arrested within 8 km (5 miles) of either the Serbian-Hungarian or the Croatian-Hungarian border are “escorted” by the police to the external side of the border fence, without assessing their protection needs or even registering them. Thus, Hungary authorised the automatic pushback of persons potentially in need of international protection from the territory of Hungary to the border area of Hungary and Serbia (extra-judicial pushbacks). There they have to queue for several days or even weeks in order to be admitted to one of the two “transit zones” (Röszke, Tompa) established as part of the border fence. During this period, asylum-seekers had no access to support or basic services (not even to toilet facilities or shelter from rain and sun).’

Since November 2016, asylum claims can only be filed in the transit zones where public opening hours are observed. According to the Hungarian Helsinki Committee, an average of ten individuals were allowed to enter daily.

In February 2017 the bill, titled “On the amendment of certain acts related to increasing the strictness of procedures carried out in the areas of border management” was introduced and adopted in March. The bill further extends the scope of extra-judicial pushbacks to the entire territory of Hungary. Third country nationals apprehended anywhere in Hungary are “escorted” to the external side of the border fence and are not given access to asylum or to challenge their removal, which constitutes collective expulsion. During the mass migration crisis special rules applies to third country nationals unlawfully entering or staying in Hungary. Applications can only be submitted personally in transit zones where the number of submitted applicants decreased to five daily. Furthermore, asylum seekers including vulnerable persons and children will be detained in the transit zones.

A month later, another National Consultation was launched with the title “Let’s stop Brussels!” This time the questions were more focused on the European Union and were referring to the perceived interference in Hungarian

national affairs by the Union. Out of six questions, only two were in connection with the Union’s migration policy.

On 26 July 2017, the Advocate General Yves Bot of ECJ proposed to dismiss the quota lawsuit filed by Slovakia and Hungary. The government accused him of not coming to a legal decision but a political one. The Hungarian government perceived this decision as “standpoint that matches the exertion of political pressure that serves the enforcement of the Brussels central will that goes hand-in-hand with the Soros plan” and an attack on the Hungarian immigration policy. On 6 September, the ECJ confirmed the opinion of the Advocate General and dismissed the challenge.

The decision was met by angry and defiant comments from the Hungarian government. Minister of Justice László Turcsányi said the real battle was only just beginning and that the government would use all possibilities for legal redress in order to ensure that nobody could be relocated to Hungary against the wishes of the Hungarian people. In view of the Minister for Foreign Affairs Péter Szijjártó the Court’s decision endangers the future and security of all Europe, and runs against the interests of Europe’s nations, including the Hungarian nation. The Minister said that in his opinion the European Court of Justice has made a political ruling: ‘politics has raped European law’. Two days later Prime Minister Orbán more conceding stating in a radio interview that “Hungary is a member of the European Union; the Union’s internal affairs are arranged through treaties. And this also means that its court rulings must be respected” but also stressed he would never permit them to transform Hungary into a country of immigrants.

### *EU Crisis management*

The European Commission presented the European Agenda on Migration on 13 May 2015. The communication was a comprehensive approach for improving migration management in the Union. The measure set out in the communication were heavily influenced by the incidents in the Mediterranean, where 1700 lives were lost in 2015. Hence, the focus of the measures focused on the Central Mediterranean migratory route.

Immediate actions proposed entailed the expansion of capabilities and geographical scope of search and rescue mission in the Mediterranean Sea with the involvement of Frontex, the European Union’s border management agen-

cy and stepping up efforts to fight criminal smuggling networks by identifying, capturing and destroying vessels used by smugglers.

The Commission also announced its plan to relieve the unprecedented pressure on the asylum systems by a temporary distribution scheme (relocation) for persons in clear need of international protection in order to ensure a fair and balanced participation of all Member States. The communication also envisaged a “lasting solution” of a permanent system of responsibility sharing.

Besides relocation, the Commission also suggested the participation of the European Union and its Member States in the global resettlement efforts of displaced persons by agreeing to 2000 000 resettlement places for the EU per year by the year 2020.

To tackle the “migration upstream” the Commission proposed to support third countries bearing the burden of displaced refugees, such as countries in North Africa and the Horn of Africa and the countries in the Middle East. To ease the pressure on frontline Member States, the so called “hotpot” approach was to be set up, where Union Agencies, such as the European Asylum Support Office, Frontex and Europol would work together with national authorities to swiftly identify, register and fingerprint incoming migrants. EASO support teams would assist with processing asylum claims, Frontex by coordinating operations to return irregular migrants, while Europol and Eurojust would help with dismantling smuggling and trafficking networks. Additional emergency funding was to be mobilized in order to support reception capacity and to provide healthcare to migrants in the Member States under particular pressure.

Besides immediate actions, the Agenda set out four levels of action for an “EU migration policy which is fair, robust and realistic”.

The four pillars of better migration management focused on action in the following four areas:

- Reducing the incentives for irregular migration by addressing the root causes of irregular migration and forced displacement through development cooperation and humanitarian assistance, fighting against smugglers and traffickers and increasing the enforcement of return

decisions through urging third countries to fulfil their international obligation to readmit their nationals, monitoring of the implementation of the Return Directive and by reinforcing Frontex.

- Border management (- saving lives and securing external borders) through a Union standard for border management, by increasing Frontex’s role and capacity and that of third countries to manage their border.
- A strong asylum policy by establishing a new monitoring and evaluation system for the Common European Asylum System and providing guidelines to fight against abuses of the asylum system, by promoting systematic identification and fingerprinting, and by revising the Dublin Regulation by 2016.
- New policy on legal migration.

Numerous legislative and non-legislative proposals followed the Agenda in the course of 2015 and 2016.

#### ***Emergency and Permanent Relocation Mechanism (the obligatory migrant quota as referred to it in the Hungarian public discourse)***

On the Commission’s proposal the Council of the European Union adopted a decision that allowed for the relocation of 40000 persons in clear need of international protection from Greece (16000) and Italy (24000) on 14 September 2015, which was complemented by another Council decision (the mandatory quota) providing for the relocation of another 120000 persons. The beneficiaries of the latter, according to the original Commission proposal, were Greece (66 400), Hungary (54000) and Italy (39600). Under the emergency relocation, a prima facie examination of protection is taking place to filter those persons who are in need of international protection. Following the prima facie examination, asylum seekers are relocated to other Member States, who are responsible for conducting the asylum procedure and the determination if the asylum seeker is qualified for international protection.

The two emergency decisions are very similar in content, but while the first decision was based on voluntary commitments of Member States, the second set quotas. Similarly, both decisions provided for a lump sum of 6000 euro per person given to the relocation country, the second decision also granted a lump sum of 500 euros per person to Greece and Italy.

A proposal was put forward to amend Dublin regulation with a permanent crisis relocation mechanism that may be triggered by the Commission if a Member State is confronted with a crisis that jeopardises the application of Dublin System.

### ***Frontex- European Border and Coast Guard Agency***

On 15 December 2015, the Commission came forward with the proposal for a regulation on the European Border and Coast Guard (EBCG) as part of a package of measures aimed at ensuring the protection of the EU's external borders.

The purpose of the regulation was two-fold. Firstly, to improve migration management and secondly to ensure internal security within the Union, while safeguarding freedom of movement within the EU. The underlying principle of the proposal was that in an area of free movement without internal borders, managing Europe's external borders must be a shared responsibility. Considering the growing pressure at the EU's external border, a more integrated system with a more comprehensive involvement of Frontex would contribute to filling the gaps in the existing border control mechanism.

By 21 June 2016, a political agreement between the Parliament and the Council was reached and the regulation entered into force on 6 October 2016.

The role and capacity of Frontex was significantly expanded:

- Returns: a greater role in executing return decisions taken by national authorities while safeguarding fundamental rights of returnees.
- Scope of the activities: support Member States in migration management, the fight against cross-border crimes and search and rescue operations.
- The permanent staff of the Agency will double between 2015 and 2020. Technical equipment pool will support the Agency in carrying out its tasks; furthermore, another rapid reserve pool of 1500 will be at the disposal of the Agency to increase its ability to act.
- Monitoring and risk analysis: A monitoring and risk analysis centre will be established within the Agency that to carry out the analysis. The aim of the analysis is to monitor migratory flows towards and within the EU, cross-border crime and terrorism and to cooperate with other Union agencies and international organisations on prevention. A mandatory vulnerability assessment of the capacities of the Member States to face current or upcoming challenges at their external borders is regularly carried.

- Intervention: When deficiencies in the functioning of the border management system of a Member State are identified as an outcome of the mandatory vulnerability assessment, the Agency will be empowered to require that Member States to take timely corrective action. In urgent situations that put the functioning of the Schengen area at risk or when deficiencies have not been remedied, the Agency will be able to step in to ensure that action is taken on the ground even where there is no request for assistance from the Member State concerned or where that Member State considers that there is no need for additional intervention.

### ***The reform of the common European asylum system (CEAS)***

#### **Introduction to CEAS**

The CEAS is a legislative framework established by the EU and is based on Article 78 of the Treaty on the Functioning of the European Union (TFEU). Article 78(2) TFEU was the first provision in EU primary law, making an explicit reference to CEAS. The efforts to create CEAS were born out of the recognition that in an area without internal borders, asylum needed harmonised regulation at the EU level to avoid "asylum shopping", the lodging of new applications in different Member States following the rejection in another state. The first stage of harmonisation efforts was concluded between 2000 and 2005; however, disparities between Member States still remained significant, consequently, the European Commission proposed another set of amendments in 2013 to further harmonize the asylum systems of the Member States.

#### ***CEAS consists of the following legal instruments:***

**Dublin III Regulation (Dublin)** establishes the criteria and mechanisms for determining which Member State is responsible for examining an application for international protection (application). Key element is for a single Member State to examine applications and imposes obligations on Member States responsible to 'take charge' of an applicant who has lodged an application in a different Member State or to 'take back' applicants whose application is under examination and who made an application in another Member State. Eurodac regulation (Eurodac) aims to facilitate the application of the Dublin III Regulation. It sets up a database of fingerprints and means of their transmission between Member States and the system itself. It obliges Member States to take the fingerprint of every applicant for international protection



from the age of 14 and to transmit such data to the central system in 72 hours after the application was lodged.

**Qualifications Directive (QD)** details the standards for qualification of international protection (refugee status and subsidiary protection) but also defines the content of the protection that is granted.

**Asylum Procedure Directive (APD)** provides the mechanisms to be applied in the processing of applications for refugee and subsidiary protection status. Its purpose 'is to establish common procedures for granting and withdrawing international protection pursuant to' the QD. Whilst the purpose of the Directive is to establish common procedures, not all of its provisions are mandatory.

**Reception Conditions Directive (RCD)** aims to establish 'a dignified standard of living and comparable living conditions for applicants for international protection in all Member States' with the view to 'limit [their] secondary movements [...] influenced by the variety of conditions for their reception'. It applies to 'all third-country nationals and stateless persons who make an application for international protection [...] as long as they are allowed to remain on the territory as applicants' as soon as the individual lodges his/her application for international protection. It regulates their access to employment, health care, level of material reception conditions, free movement rights and needs of vulnerable persons.

**European Asylum Support Office Regulation (EASO):** The role of this Agency is 'to help to improve the implementation of the Common European Asylum System, to strengthen practical cooperation among Member States on asylum and to provide and/or coordinate the provision of operational support to Member States subject to particular pressure on their asylum and reception systems.'

Temporary Protection Directive is also part of the legal framework of CEAS, but will not be further discussed in this study.

CEAS is a complex system that determines the Member States responsible, establishes the criteria and content of international protection, provides for common procedure to be followed and describes the standards and conditions of living of asylum-seekers and refugees.

### ***A system failing***

CEAS, far from ever being perfect, showed its flaws under the pressure in 2015, when asylum applications doubled compared to 2014.

Dublin regulation is widely believed to be the cornerstone of CEAS; hence, it has been blamed for the deterioration of the situation in 2015. However, the inability of CEAS to deal with the increased "demand" rather lied in its original design.

The choice of legal instrument at the time of its establishment is retrospectively understandable. The policy on asylum and migration has always been a very sensitive to national sovereignty. It was not until the Treaties of Amsterdam (1999) and Nice (2003) they were transferred to the Community pillar. Hence, the majority of the asylum and migration legislations are directives. This legislative act only sets out the goal that all Member States must achieve, but it leaves it up to the individual Member State to devise their own laws on how to reach these goals. In view of the latter, CEAS is only "common" in its name. Since it leaves too much discretion to Member States, CEAS still consists of 28 different asylum systems characterized by significant divergence in recognition rates, use of protection status, reception conditions, support and prospect of integration etc. All these factors inherently trigger secondary movements thereby undermining the system itself, especially under disproportionate pressure.

Initially, Dublin was launched with the participation of 12 economically and socially very similar countries. Today it has more than 31 less heterogeneous participants. Critiques of Dublin rightly point out that it puts the lion's share of responsibility on Member States at the external borders of the Union. This sentiment was echoed in the European Commission's Communication of 6 April 2016, "Towards a reform of the Common European Asylum System and enhancing legal avenues to Europe". Commission stated, "...in situations of mass influx [...] the current system places responsibility, in law [...] on a limited number of individual Member States, a situation which would stretch the capacities of any Member State."

Strict application of Dublin rules would have resulted in Greece being responsible for evaluating around 860 000 applications, Italy and Hungary for around 170 000 in 2015. These data clearly show that "first country of en-

try” principle is unfair and unsustainable. The flawed design of Dublin led Member States most effected by the mass influx to neglect the rules allowing persons to waive through their territory without registration or security checks. The Hungarian government announced on 23 June 2017, that it was not taking back any more applicants under “due to technical reasons” thereby unilaterally suspending the application of Dublin. Germany decided to apply the sovereignty clause allowing for the assumption of responsibility for processing asylum applications of Syrians for which it was not responsible.

Due to the large scale of applications, Member States lagged behind with processing of claims as assessment of asylum claims must be carried out on individual basis. Furthermore, Member States faced difficulties in providing adequate standard of living for asylum seekers and refugees alike; thereby did not fulfil their obligation under EU law. This is very worrisome, since the lack of dignified reception conditions is the main reason for national courts and the Court of Justice of the European Union (ECJ) to suspend Dublin transfers. Accommodating vulnerable persons or persons with special needs proved particularly difficult, on the one hand because of the shortage in reception capacities, on the other hand because of the lack of mechanism for the identification of vulnerable persons. Detention of asylum-seekers is widely used practice by Member States which is also very concerning.

In the absence of a quick and unified European response, Member States started to act unilaterally to manage the pressure.

“Due to the possibility of adjusting reception conditions and rights related to the granting of refugee and subsidiary protection status according to the minimum requirements defined by CEAS instruments, EU Member States partly engaged in a race to the bottom, introducing several measures which attempted to decrease the attractiveness of the respective Member State for asylum-seekers”.

***The Communication set out the main priorities of the CEAS reform:***

Highest among the priorities was the fair and sustainable sharing of responsibility for asylum-seekers. Commission proposed three options to be used to resolve the unfair system burdening the first country of entry:

1. A corrective fairness mechanism based on a distribution key that kicks in when Member States face disproportionate pressure.
2. A new system, where first country of entry is no longer the responsible, when an application is made anywhere in the EU it would be directly allocated to another Member State based on a distribution key.
3. A long-term proposal was also made, which would entail the transfer of responsibility of processing asylum claims to EU level, where the new European Asylum Support Office (soon European Union Agency of Asylum) would be a first-instance decision maker and an EU level appeal structure would be set up.

Reinforcing Eurodac was defined as the second priority. The aim to be achieved was to expand the purpose of the system so that Member States could effectively monitor irregular entries at the external borders and facilitate the return of illegal migrants.

Achieving greater convergence and a genuine common European asylum system is also set out. As mentioned previously, CEAS is regulated through directives, with the exemption of Dublin regulation, allowing great discretion for Member States causing great divergences in the system. The Commission suggested transforming APD and QD to Asylum Procedure and Qualification Regulations. Regulations are legally binding acts that are to be applied in its entirety across the EU, where Directives are only binding in the goal they set. Commission believes that the change of legal instrument will ensure the converging systems. The change of legal instrument is strongly linked with the next priority of the reform of CEAS, namely the prevention of secondary movements in the Union. The new CEAS would sanction asylum-seekers if they fail to remain on the territory of the Member State in which they made the application. Persons who qualified for international or subsidiary protection in a Member State would be obliged to report. The new regulations would put more emphasis on the obligations of asylum-seekers, especially in cooperating with the authorities.

In order to facilitate the proper implementation of CEAS, the mandate of EASO would be expanded and strengthened. Similarly, to the enhanced Frontex, new EASO will be monitoring Member States’ asylum systems in order to remedy their shortcomings as a preventive measure and will be equipped with new capacity to provide operational and technical assistance to Member

States and would be tasked to intervene in emergency situations.

By 4 May 2016, the Commission published its legislative proposals on Dublin, Eurodac and the European Asylum Agency, two months later on 13 July 2016, the second asylum package was published, containing legislative proposals on the Asylum Procedure regulation, the Qualification Regulation and Reception Conditions Directive along the priorities laid down in its communication “Towards a reform of the Common European Asylum System and enhancing legal avenues to Europe”.

Negotiations of the asylum packages are ongoing in the Council and the European Parliament. Some of the legislative proposals are in a more advanced stage than others. Political agreement between the Council and Parliament was reached at the end of June 2017 on the European Union Agency on Asylum, while more sensitive files such as the reform of Dublin have a long way to go before their adoption.

#### ***And the last fight let us face?***

There is no doubt about the fact that Hungary became more vulnerable to the effects of migration because of its geographical position. The country was faced with the sudden influx of a high number of persons seeking international protection in 2015. Hungary, as a member of the European Union, had and still has an obligation to protect the external borders of the Schengen Area, which it repeatedly declared to be doing. However, as Chancellor Merkel pointed out it was undisputed that Hungary was right to say that external borders must be protected and refugees and asylum seekers registered but that was not the end of it. She reminded that there was also an obligation to give protection to those who deserve protection and that Geneva Convention on refugees applied in every European Member State.

While blaming the European Union for its failed policies to tackle migration, the proposals put forward by the Commission met the border management-obsessed Hungarian government's demands, as well as that of the V4 countries. A European Border and Coast Guard Agency was set up to help Member States with managing migration and support was offered to third countries burdened by a high number of refugees as the example of the EU-Turkey statement showed.

Italy and Greece accepted assistance offered by the Union. Greece put a lot of effort into cooperating with Union institutions and agencies to bring its asylum system back on foot again (Dublin transfers were suspended to Greece since 2011 following systematic deficiencies of its asylum system were identified by the European Court of Human Rights and the ECJ), while the Hungarian government refused it. The chain of events indicates that against all the “efforts” of the Hungarian government it failed to protect the Schengen borders. Asylum seekers were sporadically registered and the legislative amendments aimed at only deterring asylum seekers from asking for asylum in Hungary. While claiming to have found a solution to the migration crisis, Hungary itself became the problem. By attempting to shift “responsibility” to Austria, Germany and Slovenia, it put the functioning of CEAS and the Schengen Area into jeopardy.

The amendments to the asylum, immigration and border management make it almost impossible to claim or receive asylum in Hungary, furthermore they deteriorated the asylum system to a level where 15 Member States decided to suspend their Dublin transfer to Hungary. The most cited reason being the blanket application of the safe third country concept, which also means the risk of chain refoulement and the systematic deficiencies in the asylum system. Through changes to its national law, the Hungarian government basically excluded itself from the CEAS.

The European Commission launched two infringement proceedings against Hungary, one on 10 December 2015 following the adoption of the “asylum-related package” of 15 September 2015, and one on 17 May 2017 following the adoption of the second “asylum-related package” of March 2017.

The main concerns of the Commission were that Hungarian legislation fails to provide effective access to asylum procedures within its territory, that procedures and conditions of EU law on return of asylum seekers are not applied. Effective remedy and fair trial is not granted and that systematic and indefinite confinement of asylum seekers, including minors over 14, in closed facilities in the transit zone without respecting required procedural safeguards, such as the right to appeal, leads to systematic detentions. This means that the Hungarian government breaches APD, RCD and the European Charter of Fundamental Rights.

It is clear that government policies are not aligned with Hungary's obligation under the Union Treaties and secondary legislation deriving from them and that raises several doubts about the commitment of the Government to the European Union. In recent years, several government measures were subject to strong European and international criticism. A year after its election a new constitution was adopted in the Hungarian National Assembly without much public consultation; there were several attempts at the independence of the judiciary, like curbing the role of the Constitutional Court or the early retirement of the judges. Freedom of media has been seriously damaged in recent years, the closure of the opposition daily, *Népszabadság*, was a good example of that. Attacks on non-governmental organisations started already in 2014 with the *Ökotárs* Foundation, the fund operator of Norway Funds. Hungarian police raided their office, the home of their managers and seized documents and data, while the government accused them of distributing "foreign money" against Hungarian legislation. The pinnacle of government's war on NGOs culminated in the adoption of the NGO bill on 13 June 2017. 'The new legislation requires NGOs that "receive more than HUF7.2 million (roughly €24,000) in funding from abroad in a single year to register as "organisations supported from abroad" in their publications, websites and public materials. NGOs will also need to disclose details on large individual donors, which are then recorded in a public register.' A couple of month before, the parliament voted in favour of *Lex CEU* (Central European University) which was a politically motivated crackdown on a foreign-founded university. The amendments to the Higher Education Law only effected CEU founded by George Soros, the government's new scapegoat and the subject of the next national consultation.

In the last years, mostly "inspired" by the actions of the Hungarian government, the issue of protecting the fundamental values of the Union has been constantly high on the European agenda. The fundamental values of the European Union are enshrined in Article 2 of the Treaty on European Union (TEU) stating that „Union is founded on the on the values of respect for human dignity, freedom, democracy, equality, the rule of law and respect for human rights”. Article 7 on the Treaty of European Union was designed to protect EU's fundamental values The procedure has never been triggered given its high political nature. It has always been seen as the "nuclear option" for addressing systematic threats to EU fundamental values.

Protecting fundamental values, such as rule of law, is crucial. Rule of law is a "promise" that Member States will uphold all rights and obligation deriving from the Union Treaties or international law. It is the basis of the 'mutual trust among EU Member States and their respective legal systems' and is 'the foundation of the Union. 'The way the rule of law is implemented at national level plays a key role in this respect. The confidence of all EU citizens and national authorities in the functioning of the rule of law is particularly vital for the further development of the EU into "an area of freedom, security and justice without internal frontiers.'

On 17 May 2017, the European Parliament adopted yet another Resolution on the Situation in Hungary, the sixth since its election 2010. The latest resolution was sparked by the NGO bill, *Lex CEU* and the "Let's stop Brussels" campaign.

The Parliament stated that that the current situation in Hungary represented a clear risk of a serious breach of the values referred to in Article 2 of the TEU and warrants the launch of the Article 7(1) TEU procedure . The procedure may lead to the suspension of certain rights deriving from the Treaties, including the voting rights of a Member State in the Council. There has never been a majority to launch this procedure in the European Parliament. As opposed to the previously adopted five resolutions on Hungary, even Fidesz's political family, the European People's Party (393 for, 221 against, 64 abstentions), supported the resolution of 17 May 2017.

The adoption of the resolution affirmed that the Hungarian government had been undermining the mutual trust between Member States since 2010 and had played a major role in eroding the foundation of the European Union. The migration crisis was a conspicuous example of that. The actions of the government had grave consequences to other Member States and the functioning of the Union. The fact that Prime Minister Orbán expressed Hungary's commitment to European Union was unquestionable on several occasions will not be enough. Actions speak louder than words. The question remains, if the Hungarian government is indeed committed to the Union, why the need for a "war of independence" against Brussels and where may it lead.

As the example of the United Kingdom showed, "cherry picking" of Union

policies will never be tolerated or supported. The Brexit negotiations are indicative of how strong and united the Union can be in protecting its own interests and integrity. It leaves little or no place for Member States to manoeuvre. The Hungarian government should be aware of this. Instead, it seems to put a lot of trust in the V4 countries with a view to counterbalance “core” Member States. This alliance is fragile, however, the only issue binding these Member States is their anti-migration stance for the moment. There are fault lines dividing V4: Slovakia is the only eurozone member and is more “integrated” with the “core” Member States. Furthermore, relations with Russia is a contentious issue. In the wake of ECJ decision on the EU emergency relocation scheme (migrant quota) Slovakia was already more withdrawn and was not as outspoken as Hungary. While a stronger alliance between Poland and Hungary is forged on the “illiberal” front for now.

Once the UK leaves, the reform of the European Union is bound to happen. The Commission has already released its White Paper on the future of the European Union on the possible course of a post-Brexit Europe. In short: less Europe, same Europe, “Europe à la carte”, more Europe. It is clear that “core” Member States will not be willing to go backwards and are for further deepening the integration while the Hungarian government chases its dream of a Europe of nation states.

In view of all these, it can be concluded that the Hungarian government does not uphold Union values and policies, but defies them, while it is building its “illiberal empire” funded by the European Union and has no interest in building an “ever closer Union”. Parallely, it is striving for turning the public opinion against the Union at home.

If so, the question is, how long other Member States or EU institutions will tolerate the anti-EU stance of the government. Will the post-Brexit reform result in Hungary being pushed to the sidelines or will the Hungarian government take the “first” step in benching itself thereby sacrificing Hungary’s membership in the EU for its own political purposes. It is curious that national referendum could be held on the migrant quota but not on Hungary’s membership of the EU. Could this government propaganda aiming at turning the Hungarian public against the EU be the “first” step?<sup>1</sup>

1 The content of this study does not reflect the official opinion of the European Union. Responsibility for the information and views expressed in the therein lies entirely with the author.

## PERCEPTION OF REFUGEES’ HEALTH HELENA LIBERŠAR

### Introduction

Migrants are one of the most vulnerable groups of people regarding the healthcare. Many researches propose the necessary approaches to migrants’ health concerning the medical treatment, language barriers, mental well-being of refugees, time to assess the migrant patient etc., but unfortunately not fully appreciated by the national institutions.

Although the public discussions on migrants’ health are not scarce, there are always two opposite opinions on the matter and thus never without one-sided conclusions, which should be more multidisciplinary.

The migrants’ health, because of the specifics of the migrants and their vulnerability, needs to be considered in a wider context and not only a strictly health problem.

### The 8 NGO’s for migrants/refugees health project

Slovene Philanthropy had an opportunity to devote in a greater detail to issues of health assessment of refugees seeking asylum in Slovenia in the year 2016.

In co-operation with the international network Medecins du Monde, our organization participated in the project »8 NGO’s for migrants’/refugees’ health in 11 countries«, which aimed to serve as a reply to the arrival of larger numbers of refugees in Europe.

Participating in the project enabled the organization to get an insight into health condition of refugees, who crossed Slovenian territory, more specifically of those who applied for international protection in Slovenia.

Main objectives of the program were to ensure the newly arrived migrants, especially the most vulnerable ones, an easier access to basic and preventive medical treatment, to strengthen the capacity of the national health systems to appropriately respond to the medical needs of refugees, preventing cross-border health risks.

The project assured three components: medical, social and psychological support.

The primary objective of the project was to monitor the health condition of refugees in transit situation. After the closure of borders on 9th of March 2016, the goal was to focus on the refugees who applied for international protection in Slovenia. Our organization thus acquired an insight into their health condition and issues through a more consistent and a longer lasting health assessment.

The three-component approach enabled the teams to assess refugees' health holistically which means that the assessment of the migrants' health condition was possible from different perspectives, which showed that health assessment couldn't be done from strictly medical point of view.

### **The nature of health problems of refugees**

The findings show that normally healthy person can get sick or start to show various health problems where the cause of the illness is not necessary of medical nature.

Refugees are a specific and vulnerable group of patients and their poor health may be the result of not only illness but also many non-medical factors because of uncertain and unfavourable situation they find themselves in. Therefore, when assessing their health two aspects are important to keep in mind:

- Upon their arrival in Europe (by term Europe we refer to a broader geographic area with similar characteristics, part of which is also Slovenia), migrants are far more medically jeopardized than local inhabitants. Namely, it often happens that otherwise healthy people fall ill during their travel.
- Health condition of migrants should be considered in a broader sense, that is, from the viewpoint of their refugee experience. Many of them were forced to leave their homeland because of war and in severe conditions. Therefore, when considering migrants' health state, a broader picture needs to be taken into account not only their current state of affairs, but also their past experiences need to be considered as well: travelling by foot, in closed trucks, on ships, in harsh weather conditions (very low or very high temperatures, in rain, in snow).

### **The non-medical causes for health deterioration of refugees/asylum seekers**

In addition, the health of refugees consist of many factors that need to be taken into consideration when treating them:

**Repressed emotions:** Perils of travel, unbearable conditions during the travel, war and danger they flee from, fear and worries for their family and friends that were left behind, not knowing what happened to them and many other anxiety that accompany refugees on their way and in the county of reception do not disappear once they are safe. More often, they deepen and get even more difficult to bear. All of this greatly affects the general condition of asylum seekers and seldom start to show on their health state.

**Accommodation:** In Slovenia, asylum seekers are accommodated in Asylum centre, therefore in an institutionalised accommodation, where they get food and basic supplies. The discussion of the rightness of such an accommodation is not the subject of this article, never the less it needs to be taken into account. The fact remains that in most cases the rooms asylum seekers are accommodated in are too small for families. In addition, there are different families living in the same room, separated only by a curtain so the lack of privacy is a great issue. This is not important just form the privacy point of view but it may provoke culturally conditioned disagreements and frictions among asylum seekers.

Furthermore, the rooms in winter are usually too cold and in summer too hot to live in. All those issues, no matter how small they can appear to some, have a great influence on people's state of mind, their well-being and on their health.

**Passiveness:** Asylum seekers are entitled to accommodation, food, basic supplies, their rooms are cleaned, and with no integrational program, they are seldom left to themselves. They are deprived of the everyday tasks they normally did at home and of taking care for themselves and their families. They cannot cook for themselves, cannot work and pastime activities organized for them by NGO's don't suffice to prevent passivation of quite a large number of asylum seekers, which seldom leads to depression and has negative effects on their health.

**Long asylum procedures:** The asylum procedure should be decided in 6 months, but the reality is that asylum procedures can take up to a year or more. In this time asylum seekers get demotivated, “bright future” is not something they think of, the long wait provokes stress and anxiety and the lack of sufficient psychosocial support makes their situation even worse.

**Social exclusion:** Not only prejudice against migrants and refugees but also the location and structure of the asylum centres put asylum seekers in a position of social exclusion. There is no integrational program for asylum seekers and location of asylum centres in Logatec and partly in Ljubljana Vič are quite far from all infrastructure, access to services. The contact with local community lowers the quality of living and can present a higher risk for their health.

**Access to appropriate clothing:** The cloths for asylum seekers are mainly donated and although they are sufficient in quantity, they are not always sufficient in quality or appropriateness. Cloths not suitable for season (e.g. lack of warm cloth during winter) and size of people lead to health problems such as respiratory diseases. Also too small or too big of a cloths make asylum seekers feel ashamed and socially excluded which leads to low self-image and can in some cases lead to depression.

**Diet:** Asylum seekers are not able to cook for themselves which means that they get the food that often times is not adjusted to their dietary habits (e.g. more fish, rice, spices, black tea etc.) which can cause health problems such as constipation, diarrhea, abdominal pain, gingivitis, toothache, malnourishment, anemia.

If asylum seekers would be able to cook for themselves, this would not prevent only the passiveness but also health problems, that are cause by the food they are not accustom to.

**Information and communication:** The lack of information they get, not just about their family and friends but also about their own situation and asylum procedure lead to fear and stress as they don't know what future awaits them. They feel frustrated and helpless. In some cases, this may also lead to anxiety to the extent that people are not able to function properly in everyday life anymore and even need help with basic tasks.

Furthermore, asylum seekers have insufficient information on how to access health services, possibilities of infections etc. that would significantly help to prevent additional health issues.

**Negative public opinion:** Public opinion in general is not in favour of migrant and this public image of asylum seekers provokes fear among local population as well as among asylum seekers. This leads to social exclusion of asylum seekers and has negative effect on asylum seekers' general and health state.

**Dental problems:** Problems with teeth have proven to be a great problem and cause of other health problems such as infections, digestion problems and pains. If they would get a proper dental treatment (asylum seekers have only access to urgent dental treatment that comprises opening the tooth without filling it or pulling it out) other health issues, caused by teeth problems, would disappear too.

Needless to say that the project's findings also show a positive effect on asylum seekers' general and health condition and its amelioration when the non-medical causes that provoke deterioration of their health are removed or addressed in more suitable way.

## Conclusion

Asylum seeker (except from children and pregnant women) have only the right to urgent medical assistance, which makes it harder for them to access the health services and care for non-urgent health conditions. Furthermore, the long asylum procedures make people stay in the country for long period of time (several month or even years) without proper health care, which can worsen or deteriorate the health of normally healthy people.

In terms of health care, adult asylum seekers and other migrants are in the most difficult position, since they are entitled only to urgent medical treatment and there is no alternative status for them to acquire in the Republic of Slovenia, which would enable them supplementary healthcare treatment. According to definition and legal basis, health care of asylum seekers is often regarded as non-urgent. Furthermore, the definition of urgency is interpreted in very different ways. From a perspective of their overall health condition,

their past health conditions and most of all of their refugee experience (travel, traumas, fear, flight, life-threatening danger), treating those patients is necessary even in non-urgent cases. It is also necessary to provide them with an appropriate medical treatment, which would not make their lives difficult or deteriorate their health condition. Even a simple common cold should be treated as if it was a case of emergency, because nobody knows what affliction a certain individual had to endure on his/her way here and what might develop out of a seemingly non-threatening condition.

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Medical treatment of asylum seekers, 2106, published by Slovene Philanthropy with the funding of EU, authors: Helena Liberšar and others.

## THE INTERFACE BETWEEN SECURITY AND ASYLUM KATARZYNA PRZYBYŚLAWSKA

In today's world it is impossible to talk about refugee protection without addressing the topic of security. These two themes are in the common perception inextricably linked. Although it is true that the unprecedented mass inflow of refugees and migrants into Europe has various security implications and creates numerous challenges when it comes to identification, registration, processing of cases, assistance and integration, it is one of the biggest and most harmful lies of our times that refugees are responsible for the terrorist attacks.

It is the terrorists who are responsible for terrorists attacks, and them alone. It is a simple truth that needs to be repeated every day. But fear is a powerful weapon, and as one of the great thinkers once said: Fear is the path to the dark side. Fear leads to anger. Anger leads to hate. Hate leads to suffering. These words gain a new meaning in our present, European reality, which has become determined by fear.

The rise of the risk of terrorist attacks in Europe coupled with political and social turmoil surrounding the refugee crisis have reshaped the asylum framework, shifting the focus from protection-driven approach to prioritizing effective security screening algorithms. The mixed nature of today's inflow of migrants and refugees into Europe further complicate the already complex setting.

From the legal point of view there are at least three major themes where the interface between protection and security play a pivotal role. These include: 1) Border procedures, 2) Exclusion clauses within refugee status determination process and 3) Ensuring safety of refugees in the host country.

### Border procedures

Accepting asylum seekers at the border is the first potential point in time, when the often confronting interests of protection and security clash. There are various factors that may influence the practice of accepting refugees at borders. It has to be made clear that it is absolutely essential that states adopt a practice of scrupulous registration and identification of all those appearing at the border.



Without it, all further steps in managing the incoming flows are compromised from the point of view of security standards. At the same time it has to be ensured that registration and identification are carried out in a manner that does not infringe on the foreigner's dignity and that the carrying out of these procedures takes into consideration the specific situation of vulnerable persons, including unaccompanied minors, victims of violence, torture, trauma and SGBV, as well as a broader, cultural background of the applicant.

It should be stressed that though primary security screening may be carried out during border control and it is not unlawful under the human rights and refugee law framework – the resulting security concerns may not be used to justify summary returns of pushbacks of persons who want to submit an asylum claim, without allowing them to go through a fair refugee determination process.

Mere suspicions of security issues are not enough to exclude person from the possibility of receiving protection under the 1951 Geneva Convention. This legal document lays down detailed norms regarding security which provide, inter alia that even in the situation of mass influx, these guarantees may not be suspended as they are the core of the non-refoulement principle. It should be also mentioned that the border control typically only allows for a several minutes of the initial screening and thus it is impossible to make an informed judgment about such risks during this very short time span.

Not allowing a person to file an asylum application in such circumstances amounts to a severe violation of the 1951 Refugee Convention and the non-refoulement clause.

### **Refugee status determination process and the exclusion clauses**

Security concerns may also have a decisive role during the refugee status determination process. It is evident that the new challenging reality of the refugee crisis brought about political and ideological divisions within the EU and in many ways reshaped the states' approach towards protection for refugees. Threats of terrorist attacks, in common view often associated with the unprecedented inflow of refugees to the EU, are the reason why governments now more than ever are concerned about addressing security risks within protection/asylum procedures. Governments are now trying to find new, more effective tools

to eliminate any threats that may be brought by the wave of refugees.

Proper registration and identification are a first step towards achieving that goal. These measures also serve asylum seekers themselves, especially when it comes to ensuring dedicated support to vulnerable persons – unaccompanied minors, victims of violence, disabled persons, separated members of families. In their cases, proper identification should allow for ensuring that they receive adequate assistance and that their special needs are attended.

Second – one must bear in mind that the 1951 Refugee Convention already has within its legal framework a precise mechanism dedicated to eliminating security threats during the refugee status determination procedure. These instruments include the so called exclusion clauses, consisting of an exhaustive list of conditions, that disqualify the applicant from receiving international protection.

Additionally the second paragraph of article 33 of the Convention, provides for an exclusion from the non-refoulement clause in situations where the person in question posts a threat to the security of the state and its community.

It is therefore evident that one does not have to reinvent the wheel: sound legal mechanisms of addressing security concerns within the asylum process already exist and simply need to be applied whenever needed. The authors of the Conventions did believe that protection and state security are not mutually exclusive and this belief is still valid today. It is however of utmost importance that all these mentioned provisions are applied in a fair and scrupulous manner and that the asylum seeker has a possibility of free legal assistance throughout the procedure to avoid any arbitrariness during the decision making process. The application of exclusion clauses must be always duly reflected in the written decision, which can be subject to a legal challenge in the course of appeal. In such cases, the applicant enjoys the benefit of the doubt and the burden of proof lies with the state taking a decision on exclusion.

### **Safety of refugees in the host country**

In relation to the interface of security and asylum it is also important to make a brief reference to an issue often overlooked during the present heated debate surrounding the migration crisis. As it is one of the priorities of European states

to ensure that terrorist attacks do not happen, and they tend to focus on security measures and screening mechanisms that are primarily applied to refugees and migrants, one should not forget that very often refugees are facing various risks connected with their safety.

First – the prevailing negative perception of refugees, especially in the Visegrad region, make refugees extremely vulnerable to instances of hatred-driven violence. Especially in the aftermath of terrorist attacks refugees may be targeted, as part of a collective punishment for the crimes of terrorists.

Cases of attacks on refugee centers, apartments or even random foreign-looking persons are recorded now more often than ever before. We must be aware of these risks and make sure that proper reporting and reaction mechanism are in place so that victims of these attacks are not left helpless. Moreover, such attacks must be strongly condemned by the authorities, as there should be absolutely zero tolerance to racism.

Secondly, there are certain security concerns which are valid even inside refugee centers. In the Polish context, the Halina Niec Legal Aid Center for many years has been involved in a referral mechanism in Poland which deals with cases of SGBV – sexual and gender based violence, including domestic violence and violence against children. In the scope of the network established by UNHCR, Office for Foreigners, the Police and NGOs, cases of SGBV are dealt with by specially trained staff from the involved institutions. It is an example of good practice of cooperation between state and non-state actors, tackling a very serious problem.

This article provides merely a brief outlook at the relation between security and protection, aiming to underline the multidimensional character of their mutual correlations. On a more general level it can be concluded contrary to common belief we do not have to choose between security of the state and protection to refugees as achieving these two goals is not mutually exclusive. There exist sound legal mechanisms we can use to ensure high security level while not infringing on human rights standards. This understanding seems to be the key to mitigating fears and anti-refugee sentiments of the general public.

## REFUGEE CRISIS AND RADICAL NATIONALISM IN CENTRAL AND EASTERN EUROPE

ORSOLYA SZABÓ PALÓCZ

Even though many international organisations previously warned Europe about the possibility that the Syrian civil war, the crisis in Iraq and other difficulties in some sensitive zones in Africa might cause humanitarian crises serious enough to put serious pressure on multiple European countries, they warnings were mostly ignored by politicians and decisionmakers, especially in Central and Eastern Europe until huge groups of refugees began to turn up on the European Union's continental borders – or, more precisely, at the borders of the Schengen Area.

The true measures of the crisis remained unveiled however, until the pressure on the Baltic migration route became heavier. In the summer of 2015, thousands of people tried to cross Turkey, Greece, Macedonia, Serbia and Hungary, heading to Western Europe which became overwhelmed by the chain of events, and could not offer a solution to the problem.

This inability to act adequately not only resulted in a protracted humanitarian and political crises, but also in shifting political attitudes and preferences related to migration in Central and Eastern Europe. The scientific importance of this phenomena lies with the region's already specific historical experiences in which intolerance is closely tied to groups viewed as existential threats. This attachment – understandably – greatly effects trends of public attitudes such as racism or xenophobia. As for the present situation, studies have shown shifting tendencies in the respect of regional public perceptions for instance, whereas in the region migration became seen as a major challenge throughout Europe. As many researchers pointed out this dramatic shift in the case of Hungary took place over a relatively short time, presumably due to the co-occurrence of factors like the Hungarian government's summer anti-immigration campaign, the rising numbers of refugees, and asylum seeker's visibility.

Additionally, as the initial crisis escalated quickly some governments, being unable to handle the situation tried to take advantage of it. Among them, the case of Hungary appears to be unique since in the Hungarian public discourse the interpretation of the refugee crisis was strongly shaped by politics as – ac-

ording to analysts – Hungary suddenly became a frontline country with its exposure comparable to Greece’s and Italy’s while regarding all other migration indicators, remaining similar to other Central and Eastern European countries. The Hungarian government used its residents’ natural fear from the unknown, which is a socially understandable phenomenon (especially since the Hungarian population has little first-hand experience with actual migrants) to achieve political gain. As a consequence of turning to populist techniques and fuelling nationalist sentiments, the demonization of refugees also began, presenting the government – and prime minister Viktor Orbán personally – with the golden opportunity to appear in the role of “the Defender”. While citizens can hardly be blamed for their negative social attitudes on the issue, the responsibility of political actors is undeniable – especially when considering how the state neglected its fundamental humanitarian commitments and done nothing to prevent the humanitarian breakdown. As a result, radical nationalist tendencies emerged and found their easy target in refugees, frequently viewed as “aliens” or “intruders” with their different culture, strange clothes and unintelligible languages.

The already existing negative attitudes towards refugees was increased further when the government started launching targeted full-scale propaganda campaigns – the most infamous of them being the billboard campaign that was set in motion in response to the European Union’s plan to resettle refugees among its member states. The campaign used well-known rhetorical devices to make refugees seem more of an intruder than a victim: its messages – composed exclusively in Hungarian – suggested that their main goal is to jeopardize our ways of living and endanger our culture while also aiming to “steal” our jobs. Additionally, some “informative” messages were also included, just as: “Did you know? Brussels wants to settle a city’s worth of illegal immigrants in Hungary.” Driven by this anti-immigrant sentiment the campaign was able to ensure relatively wide support within the Hungarian society and therefore, to boost the domestic political support of the ruling party. As it carried on with its migration policy the government also started to stigmatize and differentiate the masses by distinguishing between “real” refugees from war-stricken areas and/or fleeing from ISIS or other terrorist organisations and between “economic migrants” supposedly only aiming to try their luck by switching their economically not-so-well-developed, but peaceful homeland to a more prosperous new home. Additionally, after making the distinction the government also emphasized that – at least in the Hungarian context – there are no real refugees, since those would have stayed in Serbia, only economic migrants.

While further examining the communication of the Hungarian government, analysts argued that based on its techniques and “defined by the specific role of the state and the specific features of the group it has targeted” the anti-immigrant campaign can also be described as a form of hate speech. As for these techniques the most typical one might be the frequent usage of facts taken out of their context, usually mixed with some lies or at least unconfirmed information in order to blur the line between “migrants” and “terrorists”. As a consequence, the already mentioned general fear from the unknown have been replaced by a very specific enemy image: the tangible image of an asylum seeker which has become associated with even more specific fears, such as the threat of terrorism and crime. It is also worth mentioning that while in the past, the target of radical national and xenophobic tendencies, just as general distrust has been aimed at potential future arrivals, as a relatively distant threat which has been switched to a more tangible, present focus.

According to a research report by the Hungarian polling institute Tárki, focusing on shifting trends of public attitudes “the public support for the immigration policy formulated in the spirit of ‘law and order’ is highly correlated with the perceived threats, both realistic (volume and irregularity) and symbolic (cultural and religious aspects).” The research have concluded that the perceived level of threats are equally (and extremely) high both in the European and the Hungarian context, with the levels of the realistic threats being somewhat higher than levels of the symbolic ones.

Despite the undeniable emergence of far-right political extremism the Hungarian society’s response for the refugee crises was rather polysemic. As more and more refugees arrived with an urgent need for food, water, clothes, care and information while the government still turning a blind eye, thousands of Hungarian civilians volunteered to provide humanitarian aid for those in need. These grassroots movements and ‘charity groups’ were organized in the fields of social media, appearing in and also being shaped by the digital sphere while lacking any formal institutional support from the state.

Forming the Hungarian pro-refugee counter-public opposing the hegemonic discourse that turned up in the heat of the refugee crisis despite the widespread and dominant anti-immigrant attitude, one would expect that the members of these groups would be those with political affiliations. This assumption seems even more realistic when considering the nature of the politics-dominated ref-

ugee-discourse itself with its complex international scope and with all the symbolic values it calls into question. Researchers aiming to explore the social and political-ideological consistency of the newly emerged counter-public reached the conclusion however that the vast majority of pro-refugee individuals have no political ties in social media at all. Furthermore, their findings also shown that those with definite political affiliations, therefore presumably seeing the refugee-crisis as a political issue, are more likely to engage only in low-cost activities (liking posts on Facebook, for example), while those without it prefer to engage in higher-risk activities (such as attendance of Facebook events, membership in groups etc.). Consequently, it is safe to state that the Hungarian pro-refugee counter-public had a high heterogeneity factor being divided not only in terms of political affiliations but also following different activity patterns defined by them.

The job of these volunteer aiding groups became even more difficult however, when on 15 September 2015, the Hungarian government closed the Hungarian-Serbian border and made crossing it illegal under criminal law. Therefore, hundreds of people got stuck without legal information – only later aided by the members of Migrant Solidarity Group (MigSzol). As the situation got increasingly tense a spontaneous protest escalated into the police excessively using tear gas on the protesters while the protesters throwing stones at policemen. Under such circumstances the infamous and exemplary tale of a young refugee named Ahmed H. began as he participated in the protest against the border closure by acting, with the aid of a megaphone, as a channel of communication between the police and the crowd. Along with several others he was randomly arrested and faced charges of “terrorism and other crimes” along with potential lifelong imprisonment. According to MigSzol, trial hearings have brought only biased questions and selection of testimonies by the court aiming to establish Ahmad H. as a leader of the protest, even without convincing evidence.

As this case demonstrates Prime Minister Viktor Orbán’s hard-liner position had its effects both on Hungarian legislature and jurisdiction while not only gaining support within the Hungarian society, but slowly becoming point of reference for the anti-refugee discourse all over Europe. Right-wing extremist attitudes appeared and spread even in Germany, not only among extremist groups, but also among people otherwise seeing themselves as democrats – as the rise of the Alternative for Germany (AfD) indicates. This tendency was only increased further when some of the traditional democratic parties have tried

to adopt AfD’s divisive and rejective views on immigrants in order to win back some of their supporters, and loosing even more of them as a consequence. In Poland the government’s responses given to migration crisis were so similar to the Hungarian ones that they generated some grassroots responses within the civil society even despite the widespread nationalistic attitude mostly driven by lack of information and misconceptions. The explanation given by the Polish government for their refusal to take in any refugees stated that Muslim migrants would cause problems for Poland’s homogenous Christian society while volunteers argue that helping refugees is indeed what Christianity would demand. Although Slovenia’s first response raised some concerns about its abilities to handle the situation, as the authorities adapted a relatively well-functioning asylum system was established while the cooperation among governmental and non-governmental actors seemed rather exceptional in the region. The installation of the border barrier between Slovenia and Croatia however seems rather similar to Hungary’s razor-wire fence on its southern border. According to Slovenian analysts the public attitude in Slovenia can be described as “We do not want them, but we do not understand why they do not want to stay either” mixing a little xenophobic attitude with the resentment towards refugees only aiming to pass through the country.

Nevertheless, there are also some positive examples and entirely innovative project developed in the Central and Eastern European region dedicated to battle political extremism and to create counter-narratives to it. First of all, the P2P (Peer to Peer): Challenging Extremism Project attempts to counter violent extremism by a community-based approach that aims to bring students from different cultural backgrounds together by “giving young people the opportunity to be part of the solution rather than just being part of the problem”. The programme reached twenty-three universities around the globe and gave them the task to create digital projects to counter violent narratives mainly by education, debunking myths and also by focusing on dialogue-based methods instead of simply using passive media to pass through messages.

„Dosta je mržnje“ (roughly translated as „Enough with the hate“) is a Croatian project developed jointly by Human Rights House Zagreb and GONG whose website ([dostajemrznje.org](http://dostajemrznje.org)) serves as a platform for reporting hate speech and hate crime. While offering a simple tool for involved citizens it also helps to find a way of creating counter-narratives by encouraging dialogue.

Finally, although it is not strictly a project but being “the only pan-European anti-racism network that combines advocacy for racial equality and facilitating cooperation among civil society anti-racism actors in Europe” the European Network Against Racism (ENAR) also deserves to be mentioned in this section as it also has a significant role in designing and ameliorating monitoring tools, launching campaigns and publishing reports in order for its mission to reach more people, therefore to achieve a broader impact.

## NEW APPROACHES TO INTERCULTURAL YOUTH EDUCATION

### MÁRTON SZAKONYI

A few years before, in 2013 a document has been prepared for the European Commission on educational support to newly arrived migrant children. With some exceptions, NAMS, on average, have weaker education outcomes at all levels of education. They often have more restricted access to quality education, are less likely to participate in pre-primary education, more prone to drop out before completing upper secondary education, more likely to have lower academic scores and to attend schools that mainly serve students with less advantaged social backgrounds. That's why policy makers, schools, local communities now face urgent questions on how to better accommodate the needs of this category of students through education policies and practices.

Answering these questions can be hard, because who are willing to facilitate integration of immigrant children into general education systems should take into consideration the heterogeneity of immigrant population itself. Different ethnic groups succeed differently within the same educational framework.

The study identified four types of educational support policies that facilitate the integration of NAMS' in their education systems: linguistic support, academic support, outreach and cooperation and intercultural education. Taking the mix of these policies along with general characteristics of education systems the mix of these policies along with the general characteristics of education systems provides the basis for distinct educational support models. After analysing the educational systems, and the and delivery of educational support measures for NAMS helped to identify five distinct types of educational support systems.

The first and most successful one is the comprehensive support model. In Denmark and Sweden school develops not only language skills but also gives opportunity to follow first language classes, supports integration and communication. These schools provide continuous support to development of linguistic skills, teaching support and assistance in transferring students to higher levels of education. Also, the decentralised education and high school autonomy goes together with strong focus on outreach to parents and local community. Countries pay a lot of attention to creating a positive school environment through trained teaching staff and various intercultural initiatives.

Countries attributed to the non-systematic support model, like Italy, Cyprus, or Greece have no clearly articulated policy on the national level to support the integration of newly arrived migrant children or such policy exists, but is not effectively resourced and implemented. Refugees and migrants have to find a way how to integrate by themselves. The model is characterised by randomness of the support provided: local and/or school level is highly fragmented as teachers, parents and local communities are largely left to their own devices

Belgium and Austria with their compensatory support model correct differences: school supports integration according to intercultural differences and abilities. The model includes all types of support policies with only academic support being a rather weak aspect that is further undermined by early ability tracking and streaming systems. Parents of NAMS are encouraged to cooperate with schools through the provision of resource persons and interpretation services. The support provided is essentially compensatory - aiming to correct the 'differences' between immigrant and native students, rather than tackling the initial disadvantage.

In Ireland the integration model supports intercultural classes, integrates new teaching methods. The intercultural learning is integrated into the curricula. However linguistic support is not a central focus of this model as it stops after several introductory years and no mother tongue teaching or teaching English as a second language is offered continuously throughout the schooling process. Particular strengths of this model are well developed outreach and cooperation and intercultural education policies.

In France or in Luxembourg the centralised entry support model divides students into special classes. Both countries provide a centralised reception desk, assessment of prior schooling and welcoming arrangements for NAMS. Targeted support programmes for underachieving students are well developed. Linguistic support and outreach to migrant parents/communities are also rather well developed

### **Main problems of education**

Some studies point out, that second generation migrants outperform newly arrived or first generation migrants, mainly due to the higher language barriers, culture shock, different educational experience in their country of origin. On the other hand, there are also studies demonstrating that first-generation

migrants do better at school: they performed much better because they were motivated learners and had favourable attitudes towards school, whereas second-generation immigrants were less positive.

If we take the native students as well, the first hardship that would probably come into our mind, is the language barrier. It is the most common obstacle for migrant integration and educational success, also poor language skills limit migrant parents' opportunities to support their children in their learning. For the teachers and the schools it poses difficulties for assessing the children's knowledge level, and thus it makes hard to put the child into the right level of education. For example, who was a very good student in Afghanistan might become one of the worst in France, because it does not understand the questions. This will lead to frustration due to the inability to present own abilities and skills. It has to be noted, that the country of origin has an influence on integration and on the „grades“: Chinese and Indian pupils tend to outperform their white British peers in GCSE exams in the United Kingdom, whereas Somali students usually lag behind the average achievements of the majority of their peers. Harris Hermione suggests that social invisibility of Somali people is one of the main reasons for this continuous underachievement of Somali pupils. There are many reasons that can lead to this kind of social isolation, such as feelings of isolation, exclusion, or prejudice. The outer-school experiences can affect the children's performance: if it experiences for example racism or prejudice at its neighbourhood, it might take it into the school. Not just the migrant children, but the native one as well. Unadapted forms of psychological and speech therapy support for migrant students should be exchanged with transitional classes, language training after school or early (pre-school) language learning. Another challenge that migrant students and their parents face is accessing education that could give better chances of succeeding later on. There are two aspects to access: access to education in general despite one's status in the host society as an exercise of the universal human right and access to quality education that could mean both enrolling into schools providing high-quality teaching and landing onto more promising educational tracks. Sometimes migrant children are turned down due to their (il)legal status (access to general education), other times segregation and early ability tracking cuts them from quality education. The latter terminus is a selective method, when students are put into different groups based on their abilities. However it is very beneficial for the brighter students, it may further disadvantage immigrant children, e.g. when the language barrier comes in the way of identifying their abilities adequately. The

earlier the selection, the more children could get into bad classes, and from there they won't be able to get into a better high-school: on average, migrant children have a significantly lower level of academic achievement. Besides the early ability tracking, residential segregation, native flight, and accumulation of migrant students in schools for children with special needs are mainly responsible for segregation.

Residential segregation is a very good example of alienation: „urban ghettos of immigrants” not only can make newly arrived migrant children overrepresented in some schools and underrepresented in others, but they cut the parents and the community from meeting the natives – and vice versa. This could lead to some bad attitudes, prejudice. For example, poor interaction with peers, through being isolated or bullied, also contributes to early school leaving. School segregation in urban areas can be higher, because parents have a wider choice of schools: native parents very likely choose ‘prestigious’ schools, while migrants don't have the information about which schools should they choose, or they can't choose at all. The overcrowded classes and schools can also cause serious problems.

Just as Roma children in Hungary, some migrant groups are more likely to be diagnosed as having ‘special needs’ which results in them being placed into separate education institutions. In Western Europe, pupils with a migrant background (e.g. black pupils in the UK) are more likely to end up in special educational facilities.

The latter one is just one example of the badly chosen or implemented policies of a country. Sometimes, however the policy is very bright and developed (e.g. in Greece), the implementation fails. Mainly it can be attributed for insufficient resources and knowledge: very often schools lack special teachers, who understand the migrant children better, or at least, they speak their language. Teaching the native language as a second one, and doing it on the language of the child can make wonders, but it is also very hard to do. Sometimes this language support only lasts for one, or two years, which is not enough: these classes are often insufficient in number and are badly organised.

It happens, that the teachers don't get the most basic intercultural training, not to say how to educate a second language. They lack of procedures on how to integrate the child in the educational environment. The small offer of training on

migration issues will lead to misunderstandings, frustration, rejection. Teacher expectations (and stereotyping) can contribute to the difficulties encountered at school. For example, Maresa Sprietsma explored if teacher expectations in Germany were biased by the names of their pupils. The authors systematically changed the names of essays written by fourth year primary school students, and found that a small group of teachers graded the essays submitted by allegedly Turkish students significantly lower, and also issued fewer recommendations for a Gymnasium if a student had a Turkish name. If there were more intercultural education in the core curriculum, it might affect the native peers attitude to newly arrived migrant children. Bullying mentioned above or „ex-communication”, isolation could be avoided with this type of education.

Involving migrant communities is an important way to provide support for children with a migrant background. Effective communication with parents through information about the education system in their heritage language and active involvement of parents in Parent Teacher Associations (PTAs), as well as offering them host language courses are measures that can motivate immigrant students to learn and stay in school. Parental involvement policies should include sensitively understanding the idea of ‘involvement’, publications on the school system in the mother tongue of immigrants – parental support is limited or sometimes even impossible for the child because of their own language limitations. Schools and institutions should provide adequate information through various communication channels using interpreters. Also, the legal support is very important, and immigrant families should be informed on how to choose schools for their children. With a different educational background the understanding of the new system could be very hard: the school have to help, assist parents with this. Also, the labour market requires some basic education from the adults, and the needs changes rapidly, so some schools should be able to produce educational materials for parents as well among with systematic information on supporting institutions. Social workers can inform about governmental policies and regulations, this can be incorporated into parental meetings. Naturally the staff should be responsible for the reception and orientation of immigrant pupils.

A lack of system support at pre-school level for children with migration background is a first step to accumulate problems later. Participation in early childhood education and care institutions tends to facilitate the integration of immigrant students into education and prevents their early school leaving. In some

countries, however, participation gaps between native and immigrant children are the largest specifically in early childhood education. This can be stopped with early language training, for example.

Schools often ignore those problems, teachers takes no “problem strategy” and neutral attitude to the children with special educational needs while they need attention and support. To develop intercultural education and improve teacher’s attitude to foreign students first of all it is important to organize forums, meetings, lectures, trainings for teachers to make them see existing problems and be able to solve them. Migrant students need to get more local language classes and their parents need materials with information about certain educational system.

There is one more crucial problem which causes bad attitudes to foreign students is the lack of information about different cultures in a school program. As a result we can see growing xenophobic moods nowadays especially towards Islam. As an example we can see the attitudes to Muslim in polish society where educational system have a visible lack of facts about Islamic history, culture and religion and media don’t give any positive information about Muslims.

To reduce xenophobic moods in society it is necessary to teach about Islam at the same time not only showing differences of cultures but also similarities. Contact model, and information model are two psychological models concerning refugees which could help to reduce the xenophobia in a society and change attitudes to refugees. The first points out, that it is necessary to create spaces for communication and sharing, to develop intergroup cooperation with the common goal: integrated schooling cooperative learning, bilingual education etc. This could help to understand each other better by participating in the same activity. According to the information model, it is very important to overcome ignorance and reduce information lack, to provide facts and numbers concerning refugees. Institutions could create norms of acceptance by teaching.

If we want to develop an open, diverse society, the non-governmental organisations, and institutions have to support intercultural dialogue and social integration. It is a very hard task, but they have to challenge discrimination, increase knowledge and developing tools that strengthen social integration and equality. Social minorities, migrants and migrant communities in need have to be em-

powered. For the majority, they should organise trainings and workshops. Public administration, schools, teachers, students and other NGOs can learn from these meetings, they can share their thought, experiences. The institutions and organisations should consult and advise on equality policies, from the planning to the implementation phase, and also, develop and share educational tools.

### **Experiential education and creative workshops**

The importance of workshop and education was mentioned above. We don’t have to emphasise the possible positive effects on the majority. For the refugees they also have benefits. It is an active leisure time utilizing art. They have space for meeting and practising the language (for example the Czech). These workshops can provide a safe space to talk about heavy topics (such as war experiences, traumas from countries of origin). Also, it is an expressive therapy: people who may have no experience with art develop their ideas at the same time. The Art Education students can exchange experience, meet clients with different intercultural background. They can interconnect art with social issues, while they are realising the importance of their practice in a socially disadvantaged environment. The workshops contributes to the public as well: they can combine art with talks and presentations about refugees, moreover, they can meet them during the exhibition openings in public spaces, or renowned galleries. This will start an intercultural dialogue, and also, art will be presented to the public via gallery education.

### **Identity and diversity picture book collection (IDPBC)**

Have you ever thought that we, human beings, are like birds, we are migrating and migrating? And that’s why IDPBC aims to equip teachers with the necessary knowledge, attitudes and competences to successfully manage and support diversity in their classrooms, and help them make teaching and learning more inclusive. Also, the IDPBC project strives to empower children from disadvantaged backgrounds to see themselves in the curriculum, enable all children to function within diverse / multicultural educational environments, and prepare teachers to teach diverse learners. Their target groups are children between 4-12 years, teaching communities (pre-service and in-service teachers), parents, stakeholders, teacher trainers, teacher training centers, instructional designers and curriculum developers, and school staff, librarians, researchers, NGOs, policy makers, educational authorities.



## **Organizations**

### **Foundation for Social Diversity (Poland)**

The FSD works in the following three activity areas: contribute to research that increases knowledge about social diversity, integration and inclusion, and develops concrete tools to support social integration and inclusion. It fosters public debate on issues broadly related to social diversity. Create space for exchange and cooperation between social leaders and institutions working to support individuals and social groups who are at risk of social exclusion or discrimination as a result of their race, religion, nationality, ethnic background. They provide support to individuals and communities, such as migrants, multicultural schools, representatives of public administration working with migrants. The foundation have a program called 5 Codes of Equal Treatment. In this they „demand” (1) Equal treatment for all and every person in school, (2) A broad understanding and involvement of school community (by teaching staff, management, school personnel, parents and legal guardians, students and pupils), (3) Sustainable framework for equal treatment at school which means: equal treatment is a standard, not an exception / result of personal competence or decision. Also, they are supporting (4) (Live) process, not (rigid) documents- the development and implementation of the CET should serve the school - respond to real needs, lead to action and change. Last, they support (5) Increasing school autonomy and accountability.

They believe, the school itself creates the content of the CET, plans all the activities. The aim is to support leadership and the expert role of the management and staff of the school (not to make them dependent on external support)

### **Polish Humanitarian Action (Poland)**

For PHA development assistance and humanitarian aid is very important. They assist the most vulnerable populations affected by conflict, natural disasters or poverty. Also, they are focusing mainly on water and sanitation projects and local communities' empowerment initiatives (food security, education/training). By education the organisation tries to shape the common awareness related to humanitarian aid and global development. It contributes to the process of building tolerant and globally responsible society through educational programmes and campaigns in Poland. They assist refugees and repatriates by providing basic social and legal aid for refugees and repatriates who seek assistance or intend to settle down in Poland. They are fighting malnutrition among pu-

pils in Polish schools by providing funds for supplementary meals for children suffering from malnutrition in Poland.

### **Subjective Values Foundation (Hungary)**

The primary aim is to tackle racism and discrimination. One of the main objectives of the foundation is to provide a platform for young individuals, to identify and transfer those values and ideas to other young people, which play an important role in their life. This is why SVF is able to implement projects connected to cultural diversity, art, antiracism, poverty or environmental protection.

### **Slovenian philanthropy (Slovenia)**

Organization provides assistance to refugees, children and young migrants, aid for the homeless and other persons without health insurance in access to health services, advocacy of rights of migrant workers, establishment of inter-generational cooperation. Also organizes various workshops on intercultural education.

### **Center for peace studies**

Non-governmental and non-profit organisation promoting non-violence and social change through education, research and activism. The organization main activities include trainings for teachers, presentations on migration, refugees and specific issues regarding their inclusion in education and schools - for schools: for teachers, headmasters and parents council. Their teacher forums gathers teachers that work with refugee children, during the meetings the teachers can discuss problems, approaches, exchange good practices – this is a base for advocacy and development of activities. Center for peace studies also develops plans for inclusion of refugee children, it is working with headmasters and school expert teams on steps for integration; prepares info packs (legal frame, rights, possibilities), and cooperate with Pedagogy Department. Some students assist schools involved in integration of children (assistance in classes, workshops for pupils, workshops for teachers).

Their school activities involves parents and children as well. They try to cooperate with the community via public community discussions, mapping actors and support, joint activities. At their workshops pupils presents Croatian African Society and Taste of Home cooperative. Also, they have many publications.

## Schools for Future Youth

Schools for Future Youth is funded by the European Commission to build the skills and capacity of teachers and young people to use global citizenship to improve learning both in and out of the classroom. Schools for Future Youth has been designed to support teachers, young people, school leaders, policy makers and civil society organisations as well. They urge teachers to make their curriculum more engaging, to develop youth centred teaching approaches, to bring civic engagement into the classroom, and to set up and run a Youth Ambassador Group encouraging young people to take action on issues they feel passionate about, outside of the classroom. Young people are motivated to learn about global issues, while developing their critical thinking and participation skills. They say, that youngsters should be more motivated to take civic actions about globally relevant issues, plan and lead their own actions, participate in and lead activities within a Youth Ambassador Group, and also, they should connect with young people across Europe. School leaders have a very important task, they have to motivate and develop staff, engage young people in school, and help develop the school ethos. Policy makers and civil society organisations must understand the benefits and educational outcomes of global citizenship and youth participation across Europe, and consult national and European recommendations to support the implementation of a global citizenship approach to education

## Based on conference participant's reports:

Katarzyna Oyrzanowska, UNHCR Poland

Małgorzata Pamuła – Behrens, Pedagogical University of Cracow – Education and Integration Lessons from Research for Policy and Practice

Anna Wilczyńska, arabist – Islam and Islamophobia

Joanna Grzymała – Moszczyńska, Institute of Psychology, Jagiellonian University – How to effectively teach about the refugees? Science of evidence-based antiprejudice intervention

Agnieszka Kozakoszczak, The Foundation for Social Diversity (Poland)

Tadeusz Szczepaniak, Polish Humanitarian Action (Poland) – “Schools For Future Youth” as an example of creating global citizenship among young people and supporting their actions towards refugees and migrants

Bálint Jóna, Subjective Values Foundation (Hungary) – EduChange: diversity based non-formal ways in formal education

Eva Kaličinská, Organization for Aid to Refugees (Czech Republic) – Experiential education and creative workshops as tools for preventing racism and xenophobia

Karolis Zibas, Director at Diversity Development Group and Researcher at Lithuanian Social Research Center - Innovative approaches of education in diverse environments: identity and Diversity Picture Book Collections

Jaka Matičič, Urška Živkovič and Vahida Huzejrović, Slovene philanthropy (Slovenia) - Venus Jahanpour, Brilliant Stars International School (Slovakia) – Character building and embracing diversity

Lovorka Bačić, Centre for Peace Studies (Croatia) – Diverse and complementary approaches in working with schools and other education stakeholders

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