

CHINESE POLICE DEPLOYMENTS IN EU-MEMBER HUNGARY

**AN ANALYSIS OF POTENTIAL CONSEQUENCES FOR HUMAN
RIGHTS, SCHENGEN DATA AND EU SECURITY.**



On 16 February 2024, a Chinese-Hungarian law enforcement summit was held in Budapest, where China's Minister of Public Security, Wang Xiaohong, and the Hungarian Interior Minister, Sándor Pintér, signed agreements on strengthening law enforcement cooperation and joint patrols. The text of the agreement is declared a state secret for the next 50 years. This publication analyses the potential consequences for human rights, Schengen data and EU security.



INTRODUCTION

On 16 February 2024, a Chinese-Hungarian law enforcement summit was held in Budapest, where China's Minister of Public Security, Wang Xiaohong, and the Hungarian Interior Minister, Sándor Pintér, signed agreements on strengthening law enforcement cooperation and joint patrols¹.

This means that Chinese police will formally and openly cooperate with Hungarian police in Hungary and patrol the streets as well. It is important to note that the Hungarian government has confirmed this publicly². The background is the fact that around half a million workers from China (and likely other states such as Bangladesh) will be brought into Hungary to work in the new battery factories built and run by Chinese companies^{3,4}.

This raises very serious security and human rights concerns that will be highlighted in this memo.

THE FOLLOWING CONCERNS HAVE BEEN IDENTIFIED WITH THE HELP OF CHINA EXPERTS.

1. Access to Schengen systems and data by the Chinese police deployed in Hungary.
2. Access to NATO/EU security data.
3. Human Rights of EU citizens, especially related to the right to privacy
4. Human Rights of Chinese citizens in Hungary.

The above order does not imply an order of importance.

Before proceeding regarding these four areas of concern it is crucial to state some (obvious) facts. The Orbán government is attempting to compare the deployment of Chinese police in Hungary to the exchange of police officers within the EU. This comparison however does not hold in light of the following facts.

China is controlled by a Communist regime, which fails to respect even the most fundamental human rights⁵. The most notorious example is the slow genocide that it is committing against the Uyghur people⁶. It is a clear fact that China

1. <https://www.telegraph.co.uk/world-news/2024/03/09/chinese-police-patrol-alongside-hungarian-officers/> & <https://www.welt.de/politik/ausland/article250367428/Ungarn-Wenn-die-chinesische-Polizei-in-der-EU-patrouilliert.html>

2. <https://dailynewshungary.com/appalling-chinese-police-officers-to-soon-patrol-in-hungary/>

3. https://hvg.hu/360/20230615_hvg_asziai_vendegmunkasok_idegengyulolet_menekultek_migransok_akkugyar

4. <https://euobserver.com/opinion/158021>

5. <https://www.hrw.org/world-report/2024/country-chapters/china>

has established a near total surveillance state through technology. For that reason China is now seen as a state based on techno-authoritarianism that it is trying to expand globally⁷. The latter is the key issue in understanding the gravity of the consequences for the security of the EU and NATO as well as the human rights of EU and Chinese citizens in Hungary and Europe. Based on these realities we can assess the four points listed above.

Thanks to the efforts of Ákos Hadházy MP, some elements of the agreement have become public, regardless of the intention of the Orban government to maintain secrecy over the most contentious elements of this cooperation with the Chinese police⁸⁹. The elements of the agreement that did become public confirmed the concerns that were already shared with Sallux by relevant experts and will be included in the following considerations over the points listed above.

1. ACCESS TO SCHENGEN SYSTEMS AND DATA BY THE CHINESE POLICE OFFICERS DEPLOYED IN HUNGARY.

Hungary does not have a separate border police organization since 2008. That

means that the cooperation between Hungarian police and Chinese police will easily expand to the border duties of the national policing organization. One point in the agreement (which Ákos Hadházy MP made public) is that it allows ‘other forms of cooperation proposed by either party’. This means that Beijing can demand border control to be included in the cooperation without any legislative process or otherwise that will be subject to public scrutiny.

This means that there is no legal guarantee that the cooperation between the Chinese and Hungarian police will not give Chinese police officers access to all Schengen system and data¹⁰. Quite the reverse, there is an in-built legal loophole that could allow Chinese access to Schengen systems.

The verbal reassurances by the Hungarian government in this regard can only be seen as political statements without any real value.

It is of critical importance here to underscore the following fact about the SIS (Schengen Information System). The personal data are stored in a central database maintained by the European Union Agency for the Operational Management of Large-Scale IT Systems in the Area of Freedom, Security and Justice (eu-LISA).

6. <https://www.ushmm.org/genocide-prevention/countries/china/chinese-persecution-of-the-uyghurs>

7. <https://www.hrw.org/news/2021/04/08/chinas-techno-authoritarianism-has-gone-global>

8. https://nepszava.hu/3233373_kina-magyarorszag-belugy-rendorok-jarorozesek-megfigyelesek

9. <https://www.facebook.com/share/dEkM4cDw1iw6UTRE/>

10. https://home-affairs.ec.europa.eu/policies/schengen-borders-and-visa/schengen-information-system_en

11. <https://tietosuoja.fi/en/when-your-personal-data-are-processed-in-the-schengen-information-system-or-the-visa-information-system>

The data are then available to the law enforcement and border control authorities of the Schengen countries¹¹.

This means that as Chinese and Hungarian police officers will collaborate, there is no physical, IT or organizational ‘wall’ that will guarantee that Chinese officers will not access Schengen data.

One specific issue that has been emphasized by experts to Sallux is that it is almost unthinkable that China will not send some of its best intelligence officers within the Chinese police force deployed in Hungary. In simple terms: China will almost certainly send spies to work with the Hungarian police. . Research done by Hungarian media outlet hvg360 indicates that this is already happening¹².

This means that China will have unfettered access to the data of hundreds of millions of EU citizens and will likely be able to send these data to China.

One specific group that is in immediate risk are the EU citizens of Chinese descent. It is an established fact that China tries to control Chinese communities abroad, regardless of their actual citizenship¹³ ¹⁴ One typical example is the establishment of illegal Chinese secret police stations in Europe¹⁵. As ethnic descent cannot be allowed to play a role in EU policy regarding GDPR and the protection of EU citizens, this is an issue that demands immediate and serious attention.

Overall, it is obvious that the EU has the duty to take action to protect the data in the Schengen systems against Chinese interference. Moreover, it is clear that this demands fast action by the EU before the agreement is implemented.

2. ACCESS TO OTHER EU AND NATO POLICE AND SECURITY DATA.

Given the high likelihood that spies will be deployed by China within the implementation of this agreement, there is a clear risk that also other systems that Hungary has unfettered access to may be compromised.

On top of this list is the Europol Information System (EIS)¹⁶. As with the Schengen Information System, there is no physical, IT or organizational guarantee that China will not access that system as well. This may disrupt any operation that involves Europol. Especially where Chinese organized crime is involved.

A 2023 report by ProPublica highlighted the cooperation between the Chinese regime and Chinese organized crime overseas (including in Europe)¹⁷. Other reports have underscored the same mechanism of ties and mutual protection¹⁷ ¹⁸ ¹⁹. Within that described reality it is a safe estimate

12. https://hvg.hu/360/20240430_vang-tocsing-wang-deqing-kungfu-magyarorszag-rendorseg-oktatas-kinai-rendorsok-politikai-kapcsolatok-befolyasolas-ceghalo

13. <https://freedomhouse.org/report/transnational-repression/china>

14. <https://www.swp-berlin.org/10.18449/2022RP10/>

15. <https://www.politico.eu/article/illegal-china-police-station-netherlands-safeguard-defenders/>

16. <https://www.europol.europa.eu/operations-services-and-innovation/services-support/information-exchange/europol-information-system>

that China will use its access in Hungary to disrupt or influence any European operation against Chinese organized crime when it would be convenient to the Chinese regime.

Moreover any other form of exchange of security related data that is also accessed by Hungary has a high risk to be compromised. This likely includes NATO. It is clear that there is no immediate relation between NATO and policing. It does however not mean that there are no points of contact¹⁸. At any point where there is a convergence between NATO, policing and Hungary, there will be a high risk of access by China.

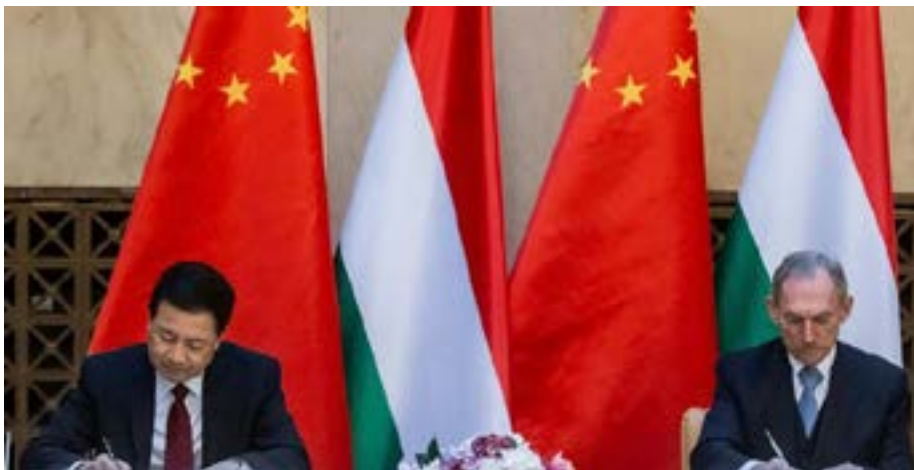
In general it is clear that having Chinese police formally being active in a NATO Member State with embedded espionage

activities will pose a risk for NATO related security data.

3. HUMAN RIGHTS OF EU CITIZENS, ESPECIALLY RELATED TO THE RIGHT TO PRIVACY

Article 45.1 and 2 GDPR state: „1. A transfer of personal data to a third country or an international organisation may take place where the Commission has decided that the third country, a territory or one or more specified sectors within that third country, or the international organisation in question ensures an adequate level of protection. 2 Such a transfer shall not require any specific authorisation.”

China fails to meet nearly all conditions laid out in Article 45 (2) of the GDPR (if it did not, it would have adopted an



17. <https://www.propublica.org/article/how-beijing-chinese-mafia-europe-protect-interests>

18. <https://pulitzercenter.org/stories/gangsters-money-and-murder-how-chinese-organized-crime-dominating-oklahomas-illegal-medical>

19. <https://www.brookings.edu/articles/chinese-crime-and-geopolitics-in-2024/>

20. <https://www.jpolarisk.com/chinese-communist-party-cooperation-with-gangs-and-politicians-in-canada-book-review/>

21. <https://www.nspcoe.org/>



adequacy decision), which raises the question whether and how the police officers employed by the Chinese state will be able to comply with the GDPR's provisions, and how they will understand the fundamental human rights generally accepted in Hungary, specifically including the personal rights and freedoms.

Under its own Article 2(2)d), the GDPR does not apply to the processing of personal data, if such processing is conducted by competent authorities for the purposes of the prevention, investigation, detection or prosecution of criminal offences or the execution of criminal penalties, including the safeguarding against and the prevention of threats to public security. Thus, even the European Union does not regulate how Member States manage and process data in relation with law enforcement, which raises yet another question, i.e., how China will interfere with Hungarian law enforcement and the related processing of personal data

of Hungarian and any other EU citizen residing or traveling through Hungary?

Given the facts outlined before, it is clear that having Chinese police operating within the Hungarian police creates a serious risk for the human rights of EU citizens, especially related to the right to privacy. Especially if these are EU citizens of Chinese descent. It is at this point that the Chinese surveillance state expands to EU citizens.

The Hungarian government stated that the Chinese police would not get access to the camera systems of Budapest or elsewhere in Hungary. However in light of the elements of the agreement that became public, it is clear that this statement cannot be seen as any guarantee at this point. The political leverage that China clearly has in Hungary will likely force Hungary to cede the use of the camera systems etc at the moment Beijing demands it. Especially given the fact that what has become public

regarding this agreement shows that it is open-ended and even includes 'exchange of best practices'. In light what is practice in China, this could (per agreement) open the door to Chinese access to anything that is available for the Hungarian police (such as camera systems). Moreover it implies the possibility that Hungarian police will adopt the standard methods of the Chinese police.

In addition one may expect that Chinese police will attempt intervene if Hungarian citizens protest against China (for example regarding Chinese human rights violations such as the treatment of Uyghurs or Christians in China). There is equally no clarity whether Hungarian police would indeed prevent Chinese police to violate human rights of EU citizens.

4. HUMAN RIGHTS OF CHINESE CITIZENS IN HUNGARY.

Given the appalling record of China regarding the human rights of its own citizens, it is clear that the Chinese police will not respect the human dignity of the Chinese citizens residing in Hungary. Given that there is no clarity at all on the specifics of the agreement between Hungary and China, there is no established legal guarantee that Hungarian police officers will have the possibility to intervene when Chinese police will violate human rights of Chinese residing in Hungary.

If for example a Chinese citizen in

Hungary would attend a Hungarian Church, this person might be at risk of human rights violations by the Chinese police in Hungary given the treatment of Christians in China. Or if a Chinese citizen would try to apply for asylum in Hungary, this person could then get arrested in Hungary by the Chinese police.

There is also a high risk that the Chinese police would conduct man-hunts in case Chinese citizens would try to escape oppression by attempting to go to a neighboring EU Member State.

These are examples of how human rights of Chinese citizens can be violated in the EU by the Chinese regime. The simple fact that China would be able to openly perpetuate human rights violations within EU territory is deeply disturbing.

In addition there is a possibility that these human rights violations will be perpetuated against other non-EU workers in the Chinese battery factories. Aside from the fact that it would be appalling enough in its own right, this could also lead to complaints and calls for help to the EU by countries such as Bangladesh. The EU could then be forced to become part of a very complicated situation.

Given that China considers all Chinese living abroad as Chinese (even if they are EU citizens), EU citizens of Chinese descent are at risk as well. For example there is a risk of kidnapping in Hungary of such EU citizens by the Chinese regime as Chinese police will carry out orders from Beijing.



From the examination of the four points listed in this overview, it should be clear that there is a serious risk to human rights of both EU and non-EU citizens as a consequence of the mentioned security agreement between Hungary and China.

In addition there is a serious risk to the security of both EU due to the fact that Chinese police officers will have unfettered access to EU systems (especially the Schengen system). Moreover the highly likely deployment of Chinese intelligence officers within the Chinese police sent to Hungary poses a risk to NATO as well.

The EU Member States as well as the EU Commission and Council need to take serious action to deter Hungary from following through on this security agreement with China. The EU and EU Member States have a duty to protect their citizens, the data of their citizens as well as human rights in Europe.

The very fact that China may get unfettered access to all Schengen data and have the ability to sent these data to China must be a compelling reason for all involved to act as soon as possible.

Johannes de Jong
Managing Director
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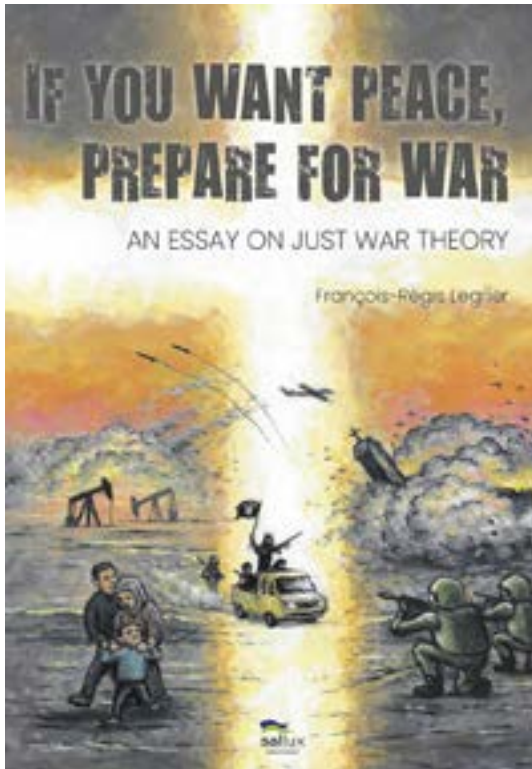


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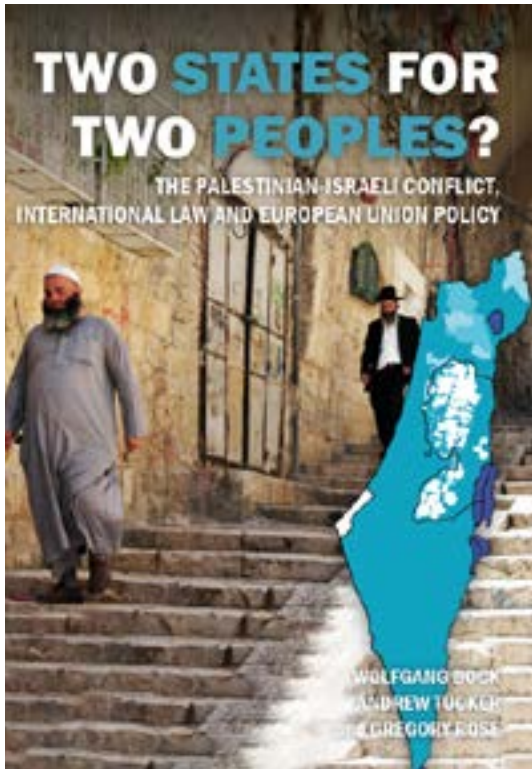


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