



MINISTER OF JUSTICE
HUNGARY

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**His Excellency
Søren Pind
Minister of Justice**

Copenhagen

Dear Minister,

Please allow me to call your attention to the following issue. In the administrative and judicial practice of several European Union Member States, including your own, decisions have recently been taken stating that Hungary fails to qualify as a safe country.

According to the statements and reasoning provided with these decisions, the asylum system of Hungary, due to overburdening and defects in its procedures and accommodation system, shows systemic deficiencies that are liable to result in inhuman or degrading treatment in violation of Article 4 of the Charter of Fundamental Rights and Article 3 of the European Convention on Human Rights. The other issue raised against Hungary by these administrative and judicial decisions argues that, in classifying Serbia as a safe third country, my homeland is in violation of the principle of non-refoulement.

Dear Minister,

While continuing to fully respect the independence and right to discretion of the courts, principles that Hungary also holds to be essential, I consider the above statements and reasoning as contained in these decisions to be unfounded and erroneous.

It cannot be disputed that Hungary is a safe country that upholds its international commitments and respects its international and European Union responsibilities. Our Fundamental Law, our complete legal system and our laws governing the asylum procedure are founded on respecting human and civil rights and our international commitments and guarantee these without condition. The Hungarian asylum system is effective and reliable in appropriately accommodating and processing asylum seekers, access to a fair process is guaranteed and procedural safeguards are upheld. The relevant public bodies carry out their

tasks in a structured and effective manner, with their actions and decisions subject to legal remedy.

Equally, I find arguments that the principle of non-refoulement and therefore human rights are endangered by the decision taken by Hungary (among several other Member States) to classify Serbia as a safe third country. On the basis of the Dublin III Regulation and Directive 2013/32/EU, Hungary considers Serbia to be a safe country as an EU candidate country that has fulfilled the Copenhagen criteria, signed and accepted all relevant international legal agreements and EU requirements and incorporated these into the legal and institutional framework of its asylum system. Serbia fully respects the principle of non-refoulement and guarantees access to asylum procedure. This was reinforced by Matthias Ruete, Director General of the European Commission's Directorate General for Migration and Home Affairs, in a letter to the Hungarian Government dated 28 August 2015 and addressed to the Permanent Representation of Hungary in Brussels¹.

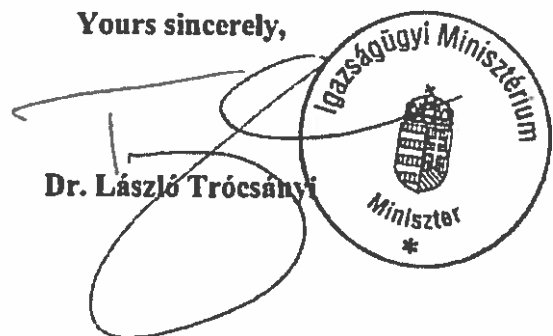
I also wish to remind you that the implementation of the EU-Turkey statement signed on 18 March 2016 has created an entirely new situation. If the European Union considers Turkey to be safe for refugees – in both statements made and practice – by allowing return of asylum seekers from Greece to Turkey, arguments that another candidate country such as Serbia, or Member States such as Hungary and Greece, cannot be designated safe third country status are invalidated.

I have no doubt that, as Ministers of Justice, we can and do have a role to provide up-to-date and precise information to support the decision-making of the authorities and courts without casting doubt upon the principle of independence of the courts. I would therefore greatly appreciate your support and engagement concerning this issue.

Budapest, 2 May 2016

Yours sincerely,

Dr. László Trócsányi



¹ "While these checks [concerning the refoulement] need to be carried out on a case-by-case basis, the Commission considers that Serbia offers sufficient guarantees."