

UNHCR-NGOs Dialogue in Europe

Ad hoc dialogue meeting on the Hungarian Law T/10748 – 26 August 2020

Introduction

On 6 July 2020, UNHCR, the International Council of Voluntary Agencies (ICVA) and the European Council on Refugees and Exiles (ECRE) organised a regional dialogue between the UNHCR Regional Bureau for Europe and civil society organisations in Europe, providing an opportunity to identify topics of common interest to sustain their cooperation.

It was agreed to maintain regular interactions through (i) quarterly regional dialogues as well as to explore the option of establishing (ii) ad hoc dialogue meetings on specific themes as a flexible modality between the quarterly regional dialogues and with the purpose of exploring potential for joined up, complementary and consecutive action, in particular advocacy on and monitoring of issues of common interest.

Background

UNHCR, ICVA and ECRE are suggesting organizing a first ad hoc dialogue meeting to discuss actions and advocacy taken on the recent legal developments in Hungary.

On 22 May 2020, UNHCR publicly called on Hungary to ensure access for people seeking asylum, following a decision of the Court of Justice of the European Union ruling that Hungary's detention of asylum-seekers at two transit zones near its border with Serbia was unlawful.

On 16 June 2020, the Law T/10748 on the transitional rules and health preparedness related to the cessation of the state of danger was adopted by the Hungarian Parliament. It (i) requires persons irregularly entering and wishing to seek international protection at the Hungarian border or inside Hungary to first declare their intent to seek asylum at a diplomatic representation before they are admitted to the territory and the asylum procedure and (ii) allows for the detention in closed reception facilities for an initial period of four weeks of asylum-seekers who have been provided with travel documents to enter Hungary legally, pending the assessment of their claim.

In line with its supervisory responsibility, UNHCR officially and publicly took position on the law in June 2020 through a public legal position followed by a press release. UNHCR's concerns focus on access to territory and asylum, the principle of non-refoulement, the non-penalization of unlawful entry of refugees and the lack of adequate safeguards against arbitrary detention. UNHCR therefore urged the Government of Hungary to initiate the withdrawal of the act and review its asylum system to bring it into conformity with international refugee and human rights law as well as EU law.

Rationale

The rationale of this ad hoc dialogue meeting is to understand perspectives on this legal development, share information on actions already taken, and explore possibilities for further advocacy or other activities to address this development.

Participants

Participants will include: •Members of the UNHCR Regional Bureau for Europe (Protection, Communications and External engagement), Representation for EU Affairs and Regional Representation for Central Europe; •Representatives of ECRE and ICVA; •Representatives of NGOs with expertise and ongoing work on Hungary, interested in the theme of this ad hoc dialogue meeting

Modalities

The meeting will take place under the Chatham House rules.

Agenda

The ad hoc dialogue meeting will be launched by a short briefing on the Law T/10748.

1. Positions and perspectives on Law T/10748

Tour de table presenting interpretation of as well as perspectives and positions on the law, share information on whether and how the law is being implemented ,inform about actions taken or envisaged, and exchange views.

Outcome: Perspectives and actions on the legal development are identified.

2. Planned and potential next steps and joined up action on Law T/10748 and related measures

Identification of further actions that are already considered or could be taken to address this legal development, including monitoring the situation and developing advocacy. Presentation of opportunities to support or join planned initiatives, discussion and input into new ideas.

Outcome: Actions, modalities, roles and timeframe are identified. Of note and in parallel to concluding these discussions, potential topics of common interest may be suggested by participants for future ad hoc dialogue meetings.

[Date and venue](#)

Date: 26th August, 14.00-16.00 Venue: Online –WebEx platform

UNHCR Regional Bureau for Europe, ICVA and ECRE, August 2020