



Hungarian Helsinki Committee

## THE HUNGARIAN HELSINKI COMMITTEE IN 2017

As a leading Hungarian non-governmental human rights organization with a globally recognized reputation, we continued to work towards a world in which everyone receives protection against human rights abuses. As in previous years, we focused our efforts:

- 1) To defend the **rule of law** and a **strong civil society** in a shrinking democratic space;
- 2) To defend the **right to asylum** against inhuman government policies and increasing xenophobia;
- 3) To defend the **rights of detainees** and **fairness in the criminal justice system**.

## WHAT DID WE ACHIEVE IN 2017?

### 1) We remained a leading civil society actor and a role model for a courageous NGO

We remained a leading voice among the NGOs opposing the Lex NGO and the further democratic backsliding of Hungary. Our efforts contributed to triggering actions such as the infringement procedure launched by the European Commission.

We persistently stood up against state injustice by protecting others who challenged the illiberal state. We provided legal assistance in several strategic cases and we demonstrated that it was possible to courageously challenge the state and hold it accountable for its unlawful and oppressive actions. Examples:

- ✓ We successfully represented a 19-year old student who participated in a spontaneous demonstration and against whom a procedure was launched for "unlawful organization of a protest".
- ✓ In 2017, the court established that the police violated the rights of our clients when impeding their demonstration in front of the venue of the Prime Minister's annual speech.
- ✓ With our legal assistance the arbitrarily closed Auróra community centre (a base to several independent NGOs) could re-open.

### 2) We stood up in defending democratic checks and balances

The Hungarian Helsinki Committee successfully continued to raise the general public's and stakeholders' awareness domestically and abroad to the fact that the Hungarian government continues to weaken democratic checks and balances. We remained a major source of information and an objective and reliable reference point for international organizations when assessing the human rights situation in Hungary.

### 3) We remained one of the strongest public voices of civil society in Hungary

We further increased both our online and offline visibility in 2017. We undoubtedly were the strongest Hungarian NGO voice in the media, with 758 registered appearances during the year. From 2016 to 2017, the visits to our website grew by 50%, the number of our Facebook followers by 25% and our offline outreach through events by 50%. The HHC's human rights blog garnered over 360 000 visits throughout the year.

### 4) We stayed the only organization providing legal assistance to asylum-seekers, refugees and stateless persons in Hungary

As a key implementing partner of the UN Refugee Agency (UNHCR), we provided free-of-charge legal assistance in as many as 1 679 cases to asylum-seekers and other forced migrants in 2017, remaining the only organization offering such crucial help in Hungary. 234 HHC-represented clients received refugee status or another form of international protection in 2017, despite a massively hostile political and legal environment. Our clients had much higher chance (50%) to be granted protection than the average (30%). 77% (!) of our asylum appeals were successful at court.

### 5) We challenged the massive arbitrary detention of asylum-seekers

As a major strategic litigation success, we won the landmark case of *Ilias and Ahmed v. Hungary*, in which the European Court of Human Rights (ECtHR) ruled for the first time that confinement in transit zones in Hungary amounts to unlawful detention. By obtaining interim measures from the ECtHR, we saved several asylum seeking children from being deported to and detained in the transit zones, in inadequate conditions. In lack of effective domestic remedies, we took several cases of unlawfully detained asylum-seekers to the ECtHR.

### 6) We stepped up for special safeguards for particularly vulnerable refugees

In 2017, we assisted 269 unaccompanied minors and 78 torture survivors in their asylum procedures. We published first-of-the-kind reports on the treatment of asylum-seeking children in Hungary and demonstrated the gaps in legal safeguards for torture victim and traumatized asylum-seekers in Eastern EU Member States. Due to our efforts, a Hungarian judge turned for mandatory guidance to the EU Court of Justice to clarify whether or not psychological testing of sexual-emotional orientation is admissible in asylum procedures. As a result, in January 2018 the EU Court

banned this humiliating and scientifically dubious practice, representing a major HHC victory after decade-long advocacy and strategic litigation work.

### **7) We helped refugees to be reunited with their loved ones**

With our help, 11 refugee families could be reunited in Hungary in 2017 (meaning the safe arrival of 30 family members). Thanks to our strategic litigation efforts, Hungarian jurisprudence started to gradually address unlawful policies – such as the non-acceptance of religious marriage or unduly restrictive approaches regarding evidence assessment – that prevent refugees from bringing their loved ones from danger to safety in Hungary.

### **8) We remained the only voice constantly and publicly denouncing human rights violations against forced migrants in Hungary**

As the main source of first-hand public information on asylum in Hungary, we published 30 information updates and 12 statistical summaries, which were downloaded more than 15 000 times in 2017. Our joint advocacy efforts with key international actors led to a complete halt on asylum-seekers' return to Hungary from other EU Member States, as well as the opening of infringement procedures by the European Commission for non-compliance with EU asylum law and the EU relocation scheme.

### **9) We continued to be a globally reputed promoter of inclusive and innovative training in the field of forced migration**

In 2017, the HHC Refugee Programme's staff trained over 760 asylum and migration professionals, in 5 languages from over 50 countries. We continued to bring sustainable refugee law education to Latin America and the Maghreb through dedicated training events and building regional academic networks. We remained a global promoter of the rights of the stateless through training, and we are proud to be probably the only refugee-assisting European NGO whose innovative training services are often requested by state and judicial authorities.

### **10) We advocated for everyone's right to a fair trial and equality before the law**

We successfully promoted the use of plain language in criminal procedures across Europe; enhanced suspects' access to effective legal assistance by revealing practical deficiencies and training attorneys; and contributed to a better realization of suspects' right of accessing case materials in criminal procedures. The HHC remained the leading NGO in Hungary in terms of advocating for the enforcement of the procedural rights of defendants and for the adequate implementation of the related EU directives.

### **11) We protected the right to liberty and we challenged the overuse of incarceration**

By 2017, we became the ultimate independent source of information on Hungarian prison conditions both in Hungary and for the international public. We successfully challenged prison overcrowding and unjustified pre-trial detention using strategic litigation and, as a result, a new complaint mechanism on the conditions of detention was introduced. We advocated to suggest the decriminalization of certain petty offences and to uphold the rights of members of vulnerable groups in the procedure.

### **12) We challenged impunity for torture and ill-treatment in Hungary**

We continued to build our reputation as a leading voice on challenging impunity for torture and ill-treatment in Europe. We advocated with domestic stakeholders to introduce safeguards against torture and ill-treatment and worked towards improving the effectiveness of the national torture prevention mechanism. We litigated successfully before domestic and international courts for accountability for police brutality.

### **13) We pushed for a rights-respecting and fair petty offences procedure**

We continued to raise our concerns that the petty offences procedure violates human rights and the Ombudsperson called on the government to amend the law on various points. Our campaign for a more human rights-friendly petty offences system reached more than 1 120 000 people through Hungarian media.

### **14) We continued to challenge the impunity of hate crime perpetrators**

We – together with other member of the Working Group against Hate Crimes – remained the unique actors supporting hate crime victims before domestic and international courts. We provided professional input for criminal justice actors to enable them to protect victims of bias violence and condemning its perpetrators. We successfully litigated before the ECtHR, which found in the case of our clients that the police had failed to protect them from racist abuse during a far-right demonstration and to properly investigate the incident.

### **15) Our work received outstanding international recognition in 2017**

In July 2017, the HHC was awarded one of the world's most prestigious privately founded human rights prizes, the Calouste Gulbenkian Prize. The HHC was also among the three finalists for the 2017 Václav Havel Human Rights Prize of the Council of Europe Parliamentary Assembly. The Hungarian Bar Association and the Public Interest Law Initiative honoured HHC attorney Tímea Kovács with the Public Interest Lawyer of the Year awarded in 2017.