



Hungarian Helsinki Committee

HUNGARIAN HELSINKI COMMITTEE

ANNUAL REPORT 2015

The Hungarian Helsinki Committee (HHC) is a human rights NGO founded in 1989. It monitors the enforcement in Hungary of human rights enshrined in international human rights instruments, provides legal defense to victims of human rights abuses by state authorities and informs the public about rights violations. The HHC strives to ensure that domestic legislation guarantee the consistent implementation of human rights norms. The HHC promotes legal education and training in fields relevant to its activities, both in Hungary and abroad. The HHC's main areas of activities are centered on monitoring the human rights performance of law enforcement agencies and the judicial system, as well as protecting the rights of asylum seekers and foreigners in need of international protection. It particularly focuses on access to justice, the conditions of detention and the effective enforcement of the right to defense and equality before the law.

Main achievements in 2015

- In March 2015 the European Court of Human Rights delivered a **pilot judgment** in the *Varga and Others v. Hungary* case, which concerned the severe **overcrowding and the detention conditions in Hungarian penitentiaries**. The judgment concluded that the detention conditions of the six applicants – three of them clients of the HHC – violated the prohibition of inhuman or degrading treatment enshrined in Article 3 of the European Convention on Human Rights. Furthermore, the European Court of Human Rights (ECtHR) set out that the overcrowding of penitentiaries in Hungary constitutes a structural problem, and Hungary should produce within six months a plan to reduce overcrowding. The pilot judgment echoes the concerns raised by the organization repeatedly in the past, and proposes solutions that the HHC has been advocating for.
- In March 2015 the **Ombudsperson of Hungary requested the constitutional review of a provision** in the Code of Criminal Procedure **allowing for unlimited pre-trial detention** pending a first instance judgment in certain cases. The request was **based on a submission of the HHC and the Eötvös Károly Institute**.
- In June 2015, a **final judgment** was reached in the HHC's lawsuit against the governing party and its spokesperson. The court concluded that by stating at a press conference that NGOs including the HHC regularly attack the Hungarian government's actions in return for "American money", the **governing party and its spokesperson had violated the HHC's right to good reputation**.
- In June 2015 in the *Devecser* case, the court imposed a suspended prison **sentence for committing a hate crime on a member of a far-right extremist group**, which in 2012 marched along the streets of the village of Devecser mainly inhabited by Roma people and threw stones at the houses and courtyards of Roma, leaving one person injured. The **HHC provided legal representation for the Roma victims** in the procedure.
- In the first half of 2015, the **HHC joined the JUSTICIA European Rights Network**. JUSTICIA is a non-profit trans-European network with 19 prominent member organizations based in 17 EU Member States, focusing on procedural rights of defendants and victim's rights throughout Europe, particularly in the light of the respective EU Directives.

- In 2015, the HHC provided **legal assistance** to 1893 migrants, among them 1431 asylum-seekers. The HHC **represented** 229 asylum-seekers in the administrative and 87 asylum-seekers in the judicial phase of the asylum procedure, as well as 40 asylum-seekers in challenging their unlawful detention.
- In 2015, clients represented by the HHC had **three times higher chances to obtain a protection status** (34%) in the administrative phase of the procedure than asylum-seekers in general (12%). In the judicial review phase, the effectiveness of legal representation by the HHC was even more spectacular: **in 77% of the cases represented by the HHC the appeal against the incorrect first-instance was successful**. Altogether, minimum 68 clients of the HHC were granted international protection.
- **In 21 cases, assisted by HHC lawyers, immigration or asylum detention was successfully challenged and terminated by courts.**
- In 2015, the HHC **assisted 94 refugees** with their family reunification. In the cases of a known result, **15 family members** represented by the HHC were granted a Hungarian residence permit on family reunification grounds.
- With the asylum crisis and the government-led multilevel attack on the Hungarian asylum system the HHC strengthened its position as the **primary, indispensable source of information** for the domestic and international media, as well as other international stakeholders, including the EU and its member states, as well as partner NGOs. This resulted in an unprecedented media presence for the organization, namely **385 appearances in Hungarian media in connection with asylum and migration** (including regular, sometimes daily appearances on the main commercial TV channels' news programs and the five most followed online news portals), together with at least **182 appearances on international media** (including globally relevant leading news-providers).
- As a **major advocacy success**, our information contributed to the launching, by the European Commission, of an **[infringement procedure](#) against Hungary for the violation of asylum-related EU law** in December, after a record fast preparatory process. The Commission's assessment of the situation entirely reflects the HHC's concerns and is **based in great part on the information provided by the HHC**. The Council of Europe Commissioner for Human Rights also issued a particularly critical **[report](#)** in July, and an equally critical **[statement](#)** in November echoing the HHC's position to a large extent.
- As a result of the HHC's nearly two years of advocacy efforts, **the European Commission officially launched a "pilot procedure"** against Hungary in December, based on an apparent breach of EU law in various aspects, in connection with family reunification rules (thus agreeing with the main legal arguments put forward in the HHC's 2014 complaint). This procedure is expected to result in an infringement procedure in 2016.
- In an important **court case about statelessness** where the HHC intervened, the Constitutional Court ruled favourably, quashing the requirement of lawful stay for statelessness determination, establishing the breach of international law, in line with the HHC's arguments.
- In January 2015, the HHC co-hosted with the UNHCR an international **Expert Roundtable on Credibility Assessment**. The meeting's **[summary conclusions](#)** will serve as basis for the UNHCR's guidelines on assessing credibility (to be published in 2016-2017), thus the HHC could significantly **contribute to shaping globally applicable guidance** on a key issue of asylum.

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1. Improving respect for human rights by law enforcement agencies

1.1. Preventing ill-treatment: human rights monitoring of penitentiaries

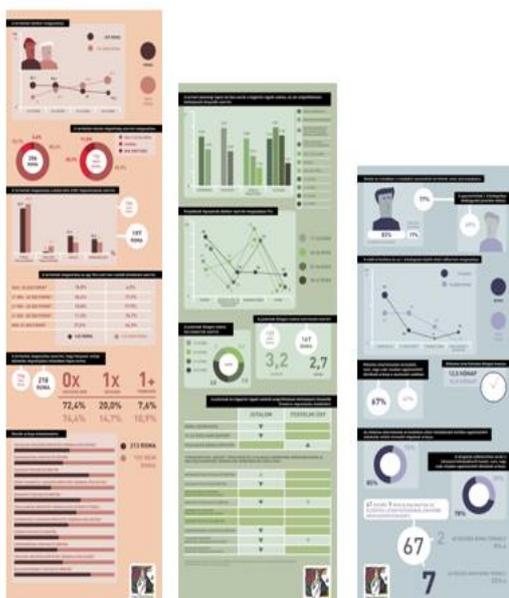
Penitentiary institution	Findings and results
Central-Transdanubian National Penitentiary Institution	On 9 March 2015 the HHC paid a monitoring visit to the Central-Transdanubian National Penitentiary Institution, mainly with the aim of monitoring the detention conditions of those in petty offence confinement. As shown by the monitoring report , the visit affirmed the HHC's assumption that an increasing number of indigent people unable to pay the fine are placed into the overcrowded penitentiary institutions under degrading detention conditions. Problems include that no special programs are organized in the penitentiary, and the vast majority of petty offence detainees cannot work, about 60-80% of them being homeless people having a chronic health condition. Penitentiary staff members also articulated that petty offence confinement is an inefficient sanction, the incarceration requires massive human resources from, and it constitutes a serious administrative burden.
Government Office of Budapest – District 11. Petty Offence Point – Detention Centre	On 27 April 2015 the HHC paid a monitoring visit to the so called Petty Offence Point maintained by the Government Office of Budapest. The facility serves as a petty offence center for homeless persons in Budapest who committed the petty offence of "infringing the rules of residing on public premises for habitation", i.e. rough sleeping, the criminalization of which was subject to severe criticism by NGOs. The monitoring report points out that the Petty Offence Point's occupancy rate is 0%, so it is an expensive tool in the hand of the state, especially considering the fact that confinement has no effect on the recidivism rate regarding the above offence.
Hajdú-Bihar County Penitentiary Institution	The HHC monitors carried out a visit to the Hajdú-Bihar County Penitentiary Institution in May 2015. The visit revealed on the one hand bad physical conditions (overcrowding, bugs), the lack of meaningful activities, the humiliating practice of making inmates hunk naked without adequate privacy, and signs of sporadic verbal abuse. The absence of psychological treatment was also detected as a serious problem. On the other hand, the HHC monitors did not receive any complaints about physical abuse, and learned about the promising plans of the prison's new governor. The concerns and recommendations of the HHC's monitoring report were in general accepted by the penitentiary institution and the National Penitentiary Headquarters.
Állampusztá National Penitentiary Institution	On 8 June 2015 the HHC paid a monitoring visit to the Állampusztá National Penitentiary Institution, and examined the detention conditions of petty offence detainees, the majority of whom were incarcerated because of begging. The vast majority of these detainees spend 2-10 days in the institution, but about 2-5% of them are there for more than 30 days. The HHC's monitoring report also pointed out that most of the petty offence detainees were sent to prison because they could not pay their fine imposed for minor traffic violations and begging.
Metropolitan Penitentiary Institution Unit II	On 24 and 25 November 2015 the HHC paid a monitoring visit to Unit II of the Metropolitan Penitentiary Institution. The report on the monitoring visit is not public yet. The most important preliminary finding of the HHC is that the newly implemented system of cell phones in the penitentiaries gave rise to unexpected problems. The tariffs for calling relatives increased significantly, and as the inmates may use their mobile phones only in their cells, they can consult their relatives and lawyers only in the presence of other inmates if they are held in a regime where the cell doors are closed all day.

Monitoring visits were co-funded by the Oak Foundation, and the Open Society Foundations in the framework of the project **Not Even as a Last Resort – Fair Procedure and Proportionate Sanction for Petty Offenders** (see Section 1.6). In Autumn 2015 the HHC also visited units of several penitentiary institutions where immigration detention was carried out.

1.2. Follow-up activities to reduce inequalities and enforce the right to fair trial in penitentiaries

In late 2014, the HHC commented on the draft ministerial decrees aimed at the execution of the new Penitentiary Code, including the draft ministerial decree on disciplinary proceedings, building largely on the results of its former project "Improving the Fairness of Disciplinary Procedures in Penitentiaries". The adopted

decree did not address all the concerns raised by the HHC. Therefore, the HHC compiled a **list of concrete suggestions** on the basis of the experiences and results of the above project, which was **submitted to the National Penitentiary Headquarters** in January 2015.



As part of its former project **Towards the Equality of Roma Defendants before Courts and in Penitentiaries**, the HHC prepared **anti-discrimination guidelines**, designed for penitentiaries and prosecutors supervising detention with the aim of supporting them in combating discriminatory practices. In April 2015, the HHC was invited to **present the guideline at a training session for the heads of the penitentiary departments of Hungary's penitentiary institutions**. In addition, the HHC also prepared a related **action plan** for the National Penitentiary Headquarters, outlining the present situation and the possible further steps and measures. The anti-discrimination guideline was submitted to the **NPM of Hungary** and the department of the **Chief Prosecutor's Office** responsible for the supervision of detention, with the latter replying in March 2015 that the aspects and risk situations outlined in the guideline will be taken into account when the respective internal document on the aspects of supervising detention by prosecutors will be reviewed. Furthermore, **infographics** presenting the above project's results were produced with the aim of widening the project's outreach. Both

the original projects and the above follow-up activities in 2015 were funded by the Open Society Foundations.

1.3. Promoting the Reform of Pre-Trial Detention in CEE-FSU Countries – Introducing Good Practices

In the course of the HHC's above project it became clear how difficult it is to determine the costs of excessive detention, although that could be a useful tool in advocating for applying alternatives to detention. Therefore, the HHC – in cooperation with the Budapest Institute (a policy think tank) and the Hungarian NGO K-Monitor – started to work on obtaining accurate information on the **actual costs of detention**, which resulted in a **comprehensive scientific study**, available also in a **summary** format, published in late 2014. The study's findings were **presented to domestic stakeholders** on 28 May 2015 at a **session** of the Hungarian Society of Criminology, and the study was published in the **journal of the Hungarian Academy of Sciences**. The study was also translated into English and was disseminated internationally. The outcome of the study was also visualized: a **short animated film** was produced to explain the arguments for the use of **non-incarceration alternatives to pre-trial detention**, which was **published** in February 2015 on the prominent news portal **vs.hu**, was made available through the HHC's social media channels, and will be subtitled in English for international dissemination. The above activities were financed by the Open Society Foundations.



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1.4. The Practice of Pre-Trial Detention: Monitoring Alternatives and Judicial Decision-Making

In 2014, the HHC launched the project **The Practice of Pre-Trial Detention: Monitoring Alternatives and Judicial Decision-Making** as an implementing partner of **Fair Trials**, with funding from the European Commission. This project aims to provide a unique **evidence-base about how pre-trial detention is being used in practice across the European Union**, in altogether 10 countries. In 2015, the HHC gathered data on the decision-making process related to pre-trial detention and the use of alternatives in Hungary through **surveying over 30 defense practitioners, monitoring hearings, reviewing over 100**

case files at seven research sites, and conducting interviews with prosecutors and judges. A **country-specific report** on the use of pre-trial detention was produced in 2015 both in English and in Hungarian, comparing Hungarian practice with domestic law and international standards. In 2016, a regional report will be produced by Fair Trials to be used for advocacy targeting the European Union.

The outcome of the country-specific research was also used for domestic advocacy. For example in December 2015 **the HHC submitted its [comments](#) on the maps of problems prepared for the envisaged new Code of Criminal Procedure.** In November 2015 the HHC also submitted **a reasoned suggestion** (referring extensively to the above research results) to the Curia (the Hungarian Supreme Court) **regarding the issues to be covered by** the Curia's so-called **judicial analysis groups in 2016.** As a response the **HHC was invited to a related meeting at the Curia** on 4 December 2015.

1.5. Not Even as a Last Resort – Fair Procedure and Proportionate Sanction for Petty Offenders

The project **Not Even as a Last Resort – Fair Procedure and Proportionate Sanction for Petty Offenders**, launched by the HHC in 2015, primarily aims at challenging the deficiencies of the petty offense procedure in Hungary by revealing systemic problems through mapping, monitoring visits to penitentiaries, strategic litigation and advocacy activities. In 2015 the HHC conducted related **interviews with key stakeholders**, including police officers, judges, prosecutors, penitentiary staff members and NGOs, and conducted **massive data collection.** The HHC also paid **monitoring visits to three penitentiary institutions** in order to examine the detention conditions of those in petty offence confinement (see Section 1.1. of the present report). The project is funded by the Open Society Foundations.



1.6. Decriminalizing Petty Offences in Hungary Task Force

The HHC launched a project in December 2015 **aiming at decriminalizing petty offences** in Hungary, funded by the Open Society Foundations. The project will be carried out with the participation of several Hungarian NGOs and coordinated by the HHC. The project **focuses on three vulnerable groups especially affected by the discriminatory nature of the legal framework and the practice of the authorities: homeless people, Roma people and sex workers.** The participating NGOs will carry out research tasks, advocacy activities and a media campaign. The preparatory works of the project started in December 2015.

1.7. Regional research into the effective prosecution of ill-treatment

In 2015, the HHC launched a two-year long international research project financed by the Open Society Foundations with the aim of offering possible explanations as to the reasons of similarities and differences regarding the prosecution's success rate in cases of ill-treatment committed by official persons under comparable and different legal regimes. The HHC aims to reveal through the research whether there are any specific legal provisions that prove to be significant factors in the success of investigations and whether any, primarily non-legal factors play an important role in this respect. Eight country studies will be produced on the basis of a questionnaire and other background materials, along with a comparative study summarizing the results. Key findings will be discussed at an international workshop, and in the framework of the project it will be possible for experts from a maximum of three countries to carry out intensive, targeted "campaigns", calling the attention to the problems and the potential solutions identified locally. In 2015 the HHC launched the pilot phase of the research, covering Hungary and the United Kingdom, and prepared the necessary research tools (a compilation of international standards related to the prevention and prosecution of ill-treatment, along with a questionnaire and a hypothetical case for the purposes of the country studies) with the professional supervision of the board set up for the project. The six other project partners have been selected from Germany, Northern Ireland, France, the Czech Republic, Belgium and Bulgaria. The **pilot studies on the situation in the United Kingdom and Hungary** have been prepared; the other country reports are under preparation. In 2016, a final comparative study will be produced on the research results and a closing conference will be held, accompanied by domestic advocacy activities.

1.8. APT international research project on torture prevention



Since January 2014, the HHC has been engaged in a three-year long research project, led by the Association for the Prevention of Torture (APT), which is carried out in 12 countries to assess the effectiveness and impact of torture-prevention work. The international research project [Does torture prevention work?](#) aims to identify the key factors leading to a reduction in the risk of torture and other ill-treatment. In the framework of the project, the HHC evaluated various international reports on Hungary, analyzed the evolution of domestic law, and examined the practice by conducting interviews with stakeholders related to torture and its prevention. Based on the research the HHC drafted a **country report on the Hungarian situation and**

developments in English. The international academic monograph summarizing the results of the whole research will be published in 2016. Findings were also summarized in Hungarian and were presented and discussed on 21 April 2015 at a **national roundtable**, which was attended by representatives of the prosecution and the judiciary, attorneys, penitentiary and ministerial officials and representatives of the academic sphere, who commented on the findings of the report which has been amended according to the reflections. The [summary reflecting on the most recent and interesting parts](#) of the research report has been presented at a press conference on 13 November 2015. The editorial committee of the Journal of Internal Affairs (*Belügyi Szemle*) requested an article on the main findings and recommendations of the report. Project results were also widely referred to when submitting a reasoned suggestion to the Curia **regarding the issues to be covered by** the Curia's so-called **judicial analysis groups in 2016**.

1.9. OPCAT-related advocacy activities

Since the ratification Optional Protocol to the UN Convention against Torture (OPCAT) by Hungary in 2011, the HHC's efforts focus on its proper implementation and ensuring that an effective National Preventive Mechanism (NPM) is put in place to prevent human rights abuses in places of detention. In 2014, the HHC became a **member of the Civil Consultative Board (CCB)** of the NPM (the Ombudsperson of Hungary). In September 2015 the HHC **organized a two-day advocacy visit for the Subcommittee on the Prevention of Torture (SPT)**. The chair of the SPT and the SPT member responsible for Europe met representatives of the civil society, ministries and the Ombudsperson's Office. The HHC **recommended various leaps forward in order to improve the effectiveness of the monitoring carried out by the NPM and the substantive inclusion of the civil society**, its expertise in the work of the NPM. Using its entitlement as member of the CCB, the HHC requested the NPM to visit detention places for migrants in October 2015. In December 2015, the HHC initiated the **establishment of a working group** composed of members of the **CCB** for the **systematic evaluation of the reports** issued by the NPM.

1.10. Third party intervention in actual life sentence cases

The HHC has been advocating for years for abolishing life imprisonment without the possibility of a parole (actual life sentence) in Hungary, related efforts including a third party intervention submitted to the ECtHR in the *László Magyar v. Hungary* case. The judgment in the latter case was followed by legislative changes, but the HHC is of the view that **the new review mechanism introduced** by the Hungarian legislator **for actual lifers still does not comply with the standards set by the ECtHR**. Therefore, in July 2015 the HHC submitted a third party intervention in the cases *A.T. v. Hungary* and *T.P. v. Hungary* pending before the ECtHR, since the applicants in these cases were sentenced to actual life sentence under the new rules.

2. Right to asylum – preserving the institution of international protection

2.1. Strategic adaptation to radically new challenges

The operational context for the HHC's refugee programme **radically changed** in 2015, presenting **new and multiplied challenges**. By the beginning of the summer, **the Serbian-Hungarian border section became the most important entry point** towards the North-Western part of the EU for undocumented migrants, most of whom lodged an asylum claim upon arrival (source: [FRONTEX](#)).

Detected irregular border-crossings, 2015	
Western Balkans route (through Serbia to Hungary until October, to Croatia from October)	763 958
Eastern Mediterranean route (through Turkey to Greece and Bulgaria)	880 820
Central Mediterranean route (to Southern Italy and Malta by the sea)	157 270
Western Mediterranean route (to continental Spain by the sea and to Ceuta/Melilla)	14 078
Eastern Borders route (to Eastern EU member states from/through Ukraine, Moldova, Russia or Belarus)	1 764
Western African route (to the Canary Islands by the sea)	690

As a consequence, the **increase in the number of asylum-seekers** arriving in Hungary, started in 2013, has reached unprecedented dimensions in 2015, with **over 177 000 asylum claims** registered in the country. Throughout most of 2015, the majority of asylum-seekers came from the world's **worst conflict zones**, namely Syria, Afghanistan and Iraq. The vast majority of asylum-seekers continued to **abscond** during the asylum procedure and continue their travel in an irregular manner towards Austria and Germany. By the summer, the HHC witnessed rapidly **growing numbers of asylum-seekers outside the reception infrastructure** (mainly around railway stations).

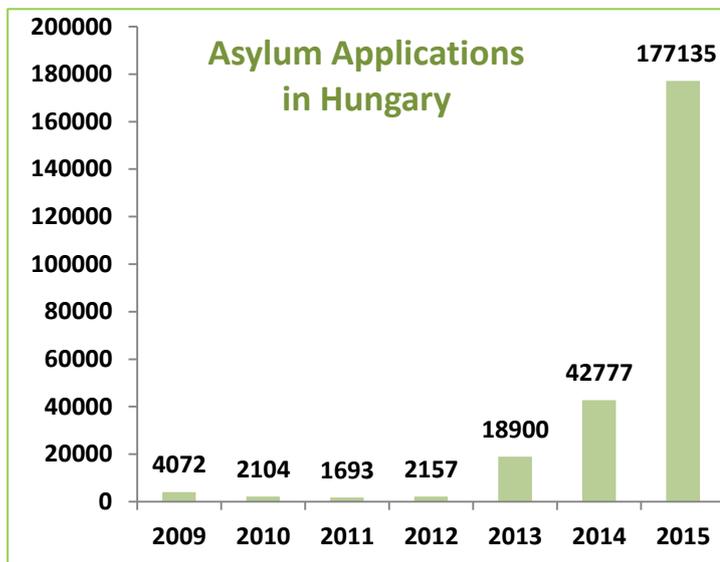
In February, the government initiated a publicly financed [xenophobic propaganda campaign](#), targeting both immigrants in general and refugees/asylum-seekers. This continued with the so-called "national consultation on immigration and terrorism", a politically motivated propaganda action, subject to a wide range of condemnations, including by the [European Parliament](#).

By September, **the government basically dismantled the Hungarian asylum system** through a number of [legal amendments](#) and non-legal measures, such as:

- Closing the entire Serbian and Croatian border section with a **border fence**, together with a policy of denying access to many refugees approaching the border with a protection claim;
- Introducing **unfair procedural rules** and new types of admissibility, border and accelerated procedures which operate with unreasonably short deadlines;
- **Eliminating key safeguards** such as an effective judicial remedy against first-instance decisions;
- Considering **Serbia as a safe country for asylum-seekers** despite the clear guidance by the UNHCR and the Supreme Court, resulting in a blanket authorisation to reject most asylum claims at first sight, without even looking at their content;
- Applying a **harsh detention policy**, including arbitrary detention in so-called "transit zones" on the border;
- A [massive criminalisation](#) of illegal border crossing through the border fence.

As a consequence, **genuine refugees are denied access to a proper asylum procedure and to the mere possibility of finding protection**. The new framework constitutes an **unprecedentedly massive violation of EU and international law**, as indicated by the [infringement procedure](#) the European Commission initiated against Hungary in December.

By the end of 2015, the operational context changed once again, with a **radical drop** in the number of asylum-seekers (approximately 600 asylum-seekers arriving in the country in the last two months), with the “Balkans route” forced migration flow diverted towards Croatia and Slovenia. In parallel, the number of **detained asylum-seekers – for the first time in history – started to outnumber those in open reception facilities**. The Debrecen refugee camp, together with the Debrecen asylum jail, was closed down by the end of 2015. The number of “**Dublin returnees**” also appears to be on the rise, as well as the number of asylum-seekers “**stranded**” in Hungary (thus somewhat slowing down the previously extremely accelerated turnover and secondary migration towards Austria and Germany).



The HHC’s asylum-related activities continued to focus on the following issues in 2015:

- Improving the quality of asylum and statelessness determination procedures through high-quality, effective **legal counselling and representation services** for those in need;
- Challenging the **detention** of asylum-seekers through legal advice, strategic litigation, training and advocacy;
- Promoting **access** to mechanisms of international protection in Hungary (access to territory, access to in-merit status determination procedures);
- Defending the **right to family life** through advocacy and legal assistance to refugees and other vulnerable migrants applying for family reunification;
- Closely **monitoring the performance** of the Hungarian asylum system and inform – as an effective means of advocacy – the national and international public and key stakeholders about main findings;
- Improve national asylum systems and the international/EU frameworks of international protection (asylum and statelessness) through implementing **innovative and sustainable training initiatives**;
- Pay particular attention to the most **vulnerable groups** (such as torture victims, unaccompanied minors, persons with disabilities, LGBTI persons, etc.) in all these efforts.

While its strategic objectives remained unchanged, the HHC Refugee Program had to effectively respond to an unprecedentedly massive refugee crisis and an equally unprecedented political attack against the institution of asylum in Hungary in 2015. Against this complex challenge, the HHC represented the **main – and sadly often the only – loud public voice** criticizing the Hungarian government’s unlawful anti-refugee policies and hate campaign. In response, the HHC adopted the following **adaptation strategy**:

- With the weakening of domestic possibilities for litigation or legal advocacy (before the Ombudsperson, Constitutional Court, etc.) more emphasis was put on **international remedies** (litigation with international courts, lobbying with the EU, reporting to UN bodies, etc.);
- The HHC increased its **public communication and media presence**, allocating additional human resources to these activities. In parallel, the HHC refreshed its communication style of a highly professional and accurate, non-partisan expert of refugee law and forced migration, with also **more easy-to-understand messages and style**, to attract a wider non-professional audience (e.g. #bevandorlovagyok campaign);
- The HHC began to put increased emphasis on **constituency-building**, with the aim of increasing and mobilizing volunteers, media allies, opinion leaders in the social media, regular supporters and private donors to help us achieve our goals;
- From the usual policy discourse arena, in 2015, the HHC was **pulled into the arena of public and political debate**. This means that – while rigorously sticking to our human rights standards – the key HHC messages had to be put in a clear and concise way, and our staff who appear in the media have to be aware of and deal with the pains of increased exposure in the public sphere.

- The refugee crisis in summer 2015 has shown that in protest against the massive xenophobic campaign of the government, many people in Hungary are proud to help if there is an urgent need. These **mobilized thousands of volunteers** in Hungary, and **micro-donations from ordinary citizens** helped boost the effort to help refugees. The HHC itself also benefited from an unexpected surge in micro-donations from individuals as well as many new contacts with volunteers.

2.2. Effective legal assistance to asylum-seekers and refugees – overview

After over 17 years, the HHC remains **the only independent provider of free-of-charge, highly professional legal assistance** to foreigners in need of international protection in Hungary and the only implementing partner of the UN Refugee Agency (UNHCR) in this respect. Without the HHC's dedicated services applicants for refugee status, stateless status or family reunification, as well as irregular migrants in detention would remain without any appropriate legal support. Therefore, legal counselling, together with strategic legal representation in selected cases has remained the **solid fundament** of the HHC Refugee Program's activity.

In 2015, the HHC continued to be **present at basically all venues where asylum-seekers and foreigners under return proceedings were detained or accommodated**. HHC legal officers and attorneys provided free-of-charge legal counseling on a weekly or bi-weekly basis in open reception centers, so-called asylum jails (where asylum-seekers are detained under a specific regime [introduced in July 2013](#)), as well as in immigration jails (where foreigners under return proceedings are held). In the largest reception center in Debrecen, the HHC employed a full-time legal advisor, a part-time legal advisor and a contracted attorney-at-law in order to deal with the increased number of asylum seekers within the facility. Free legal counseling was also available at the HHC office in Budapest every day.

Total number of foreigners assisted by the HHC Refugee Program:	1 893
...among whom asylum-seekers:	1 431
...among whom migrants in an irregular situation under an expulsion procedure:	368
...among whom refugees assisted in family reunification:	94

In line with general trends in the country, most of the HHC's asylum-seeking clients came from the world's **worst conflict zones**, many of them belonging to particularly **vulnerable groups**, such as torture victims or unaccompanied minors:

Main countries of origin				Gender and specific profile	
Afghanistan	505	Iran	100	Male	1 773
Syria	345	Nigeria	93	Female	120
Iraq	159	Kosovo	74	Unaccompanied minors	115
Pakistan	101	Somalia	70	Torture survivors	72

In order to challenge unlawful, legally incorrect or unfair practices at a strategic level, the HHC continued to provide **formal legal representation to asylum-seekers in selected cases**:

Asylum-seekers provided with legal representation – total number of cases:	331
...among which representation in the administrative phase of the asylum procedure:	229
...among which representation in the judicial phase of the asylum procedure:	87
...among which representation in challenging a detention order:	40
...among which representation in a criminal procedure (for illegal border-crossing):	5

Legal representation significantly contributed to asylum-seekers' access to the appropriate protection status. In 2015, clients represented by the HHC had **three times higher chance to obtain a protection status** (34%) in the administrative phase of the procedure than asylum-seekers in general (12%). In the judicial

review phase, the effectiveness of legal representation by the HHC was even more spectacular: **in 77% of the cases represented by the HHC the appeal against the incorrect first-instance was successful.**

Impact indicators in HHC-represented asylum cases (where result is known)					
Administrative phase			Court phase		
Refugee status	19	12%	Successful review – protection granted	14	30%
Subsidiary protection	35	22%	Successful review – new procedure ordered	22	47%
Rejection	106	66%	Rejection of review request	11	23%

2.3. Focus on the right to family life – refugee families reunited in Hungary

Through representing individual cases, strategic litigation and complementing advocacy activities the HHC **proactively advocates for a more effective, flexible and humane family reunification policy** for persons who had been granted international protection. In these efforts, the HHC focuses on the following **challenges that *de facto* prevent** the majority of refugees from reuniting with their families who are outside of Hungary:

- Unreasonable and legally unfounded conditions introduced by Hungarian law (such as the obligation of *lawful* stay in the country where she/he the family member submits the application);
- The persisting refusal of using alternative solutions (e.g. one-way *laissez-passer*, Red Cross travel document, etc.) in cases where the family member abroad does not hold a travel document accepted by Hungary (such as the Somali passport);
- Beneficiaries of subsidiary protection are unjustifiably treated less favorably than refugees with regard to family reunification;
- The unpreparedness and arbitrary practices of certain consular representations; etc.



In July 2014, the HHC submitted **a formal complaint to the European Commission** with detailed reference to the non-compliance of Hungarian regulation and practice with various provisions in EU law concerning family reunification. Following an advocacy meeting with the Commission’s experts on this matter in Brussels in February 2015, the HHC submitted additional information in April and continued its efforts toward an EU-level intervention on this matter. As a result of the HHC’s nearly two years of advocacy efforts, **the European Commission officially launched a “pilot procedure”** against Hungary in December, based on an apparent breach of EU law in various aspects, in connection with family reunification rules (thus agreeing with the main legal arguments put forward in the HHC’s complaint). This procedure may result in an infringement procedure in 2016, unless the Hungarian governments amends the problematic regulation or provides sufficient arguments against the Commission’s legal standpoint.

The HHC continued to provide legal advice and representation in family reunification cases. In 2015, the HHC **assisted 94 refugees** with their family reunification. In the cases of a known result, **15 family members** represented by the HHC (linked to 7 refugees) were granted a Hungarian residence permit on family reunification grounds.

Due to the support received at the end of the year from the Unitarian Universalist Service Committee, the HHC has become able to provide **financial and emergency assistance to those families who benefit from HHC’s legal assistance** during their family reunification procedure, and whose family reunification is impeded by insurmountable financial obstacles.

2.4. Focus on detention – denouncing unlawful practices

HHC attorneys continued to carry out weekly visits to detention centers where asylum seekers or foreigners under return proceedings are detained. Such visits include **free-of-charge legal counseling** to detainees regarding the legal procedures on detention, asylum and/or removal as well as **monitoring detention conditions**, striving to ensure that the detained migrants are able to exercise their rights and be informed about the legal ground of their detention. Given the multiplied needs (see Section 2.1.), and thanks to the additional support received from the UNHCR and the Open Society Initiative for Europe, the frequency of these visits could be increased in the last months of the year. HHC attorneys provided legal counseling in immigration and asylum detention centers to **796** detainees and undertook legal representation in detention procedures in more than **40** cases. **In 21 HHC-assisted cases immigration or asylum detention was successfully challenged and terminated**, out of which cases bail was applied on 5 occasions.



In addition, the HHC also paid **12 monitoring visits** to asylum jails (Nyírbátor, Debrecen and Békéscsaba) and a temporary detention facility holding asylum seekers right after crossing the border with Serbia in [Szeged](#) and Rösztke. The HHC carried out detailed interviews with detainees and the management of detention centers in order to gather information on conditions as well as allegations of verbal and physical abuse of detainees. On some of these visits, the HHC was accompanied by colleagues from Médecins Sans Frontières, or the Cordelia Foundation for the Rehabilitation of Torture Victims, in the framework of a project focusing on torture victim asylum-seekers. An additional monitoring visit was carried out to the immigration jail in [Kiskunhalas](#), as well as **5 monitoring visits to penitentiary institutions** in October 2015 (Nagyfa, Állampuszta, Pálhalma, Martonvásár, Szombathely) where foreigners were held awaiting to be deported to Serbia under the new criminal provisions penalizing irregular entry (see Section 2.1). Each visit resulted in a **brief report** to the authority managing the detention facility, with concrete observations and recommendations. Regular monitoring missions provided otherwise unavailable **first-hand information that strengthened our advocacy and litigation efforts**. Thus the HHC remained **the only independent civilian actor** capable to report in a credible manner on human rights violations occurring in asylum and immigration detention in Hungary.

Throughout the year the HHC continued to receive complaints relating to the **unlawful detention of asylum-seeking unaccompanied minors** detained together with adults due to wrong age assessment. Both attorneys present at the asylum jails of Nyírbátor and Békéscsaba reported that they regularly assist visibly young, underage Afghan, Syrian and Pakistani asylum-seekers in detention. Besides **petitions to terminate asylum detention**, HHC lawyers identified several dozens of potentially underage detainees in 2015; **in 29 cases the HHC lawyers initiated an age assessment examination**.

2.5. Focus on access – challenging physical and legal fences



In 2013-2015, the Serbian-Hungarian border section became one of the **most important entry point of irregular migration** to the EU. As part of its agenda to dismantle to Hungarian asylum system, the government closed the Serbian and Croatian border section with a **razor-wire fence** between August and October. The physical fence was completed with a “legal fence”, i.e. the introduction of unfair procedural rules and new types of admissibility, border and accelerated procedures which operate with unreasonably short deadlines, **considering Serbia as a safe country** for asylum-seekers, resulting in a blanket authorization to reject most asylum claims at first sight, and even a form of arbitrary detention in so-called **“transit zones”** on the border and a massive criminalization of illegal border crossing through the border fence (see more information in Section 2.1.).

During the most crucial periods, especially around the physical closure of the Serbian-Hungarian border on the night of 14-15 September,

HHC staff members were **directly monitoring the situation on both sides of the border, reporting “live”** to international and Hungarian media and to the European Commission, as well as providing legal assistance to those stranded on the external side of the border fence and those “expelled” from the transit zones towards Serbia. The HHC continued to monitor and provided assistance on a regular basis in the transit zones following their construction, thus the first civilian human rights actor who could enter the newly built transit zones and monitor what is happening inside was the HHC’s attorney Tímea Kovács. The HHC’s rapid response to the situation largely contributed to immediate international criticism, and **some arguments brought forward by the HHC in public were later on – at least tacitly – accepted by the government** (such as the absurdity of the transit zones’ extraterritoriality or the unlawfulness of immediate expulsions from the transit zone, without observing the right to contest the OIN’s decision, as set forth by EU law).

Despite these radical changes, the HHC continued to carry out regular monitoring activities under the **tripartite agreement** concluded with the UNHCR and the Border Guard in 2006. In the framework of 12 monitoring visits at various facilities on the Serbian-Hungarian border section, the HHC monitor **gathered first-hand information** on access to asylum procedures and protection, aiming also to identify individual cases of persons in need of international protection, as well as those who may be or may have been affected by measures that could amount to *refoulement*, and to **provide legal assistance** to such persons. Based on these findings, the HHC, in cooperation with the UNHCR Regional Representation for Central Europe and the National Police Headquarters, will publish its 2015 annual report on its border monitoring project in the first half of 2016.

Besides struggling with physical fences, the HHC also made significant efforts to **tackle legal mechanisms** that were put in place throughout the year to prevent asylum-seekers from having access to an in-merit examination of their asylum claim. In particular:

- The HHC prepared a 2-page standard document summarizing all relevant legal and factual arguments against the application of the safe third country concept with regard to Serbia, and widely disseminated among asylum-seekers on the border, as well as NGO workers and volunteers working with them (including through the HHC website). This document **allowed several asylum-seekers to contest the OIN’s unlawful decision** both in the administrative procedure and in the form of an appeal, with proper arguments, even without receiving individual legal assistance.
- The HHC **successfully litigated** this issue in a number of cases. For example, the Debrecen Administrative and Labor Law Court regularly overturned the OIN’s decisions based on the safe third country concept, in great part due to the HHC’s effective intervention.



2.6. Primary source of information on the Hungarian asylum situation

With the asylum crisis and the government-led multilevel attack on the Hungarian asylum system the HHC – given its **unique role, expertise and access to crucial sites** – has quickly become an **indispensable source of information** for the domestic and international media, as well as other international stakeholders, including the EU and its member states, and partner NGOs. During several months, the HHC was the **primary information provider for the media**, resulting in an unprecedented media presence for the organization. Throughout the year, the HHC **appeared on Hungarian media at least 385 times in connection with asylum and migration**, including regular, sometimes daily appearances on the main commercial TV channels’ news programs (RTL Klub, TV2, ATV, Hír TV), the five most followed online news portals (index.hu, origo.hu, hvg.hu, hir24.hu and 444.hu), as well as several popular newspapers and government-critical radio channels. On the same topic, the HHC was **interviewed at least 182 times by international media**, including regular presence on globally



relevant news-providers, such as the New York Times, Euronews, Aljazeera, Washington Post, BBC World, Radio France Internationale, Le Monde, EU Observer, as well as national TV, radio and online press from dozens of countries including most EU member states, the US, Canada, Australia and Japan. The HHC held **4 press conferences**, attended on average by 20 journalists and press workers.

The fact that according to [opinion polls](#), **xenophobia did not increase significantly in Hungary during 2015** is at least in great part due to the HHC's communication efforts, which created an important counterweight to the government's propaganda machinery. Also, the HHC's outstanding presence in leading international media largely contributed to **increasing international criticism**. In this context, the HHC filled the gap left by the (non-extreme-right) opposition, larger churches and major charity organizations which mostly remained silent in this debate.

NO COUNTRY FOR REFUGEES –
New asylum rules deny protection to refugees and lead to unprecedented human rights violations in Hungary

Information Note
18 September 2015

On 9 September 2015 at a press conference held in Brussels, Prime Minister Viktor Orbán said: "We have one message for refugees: Don't come!"

The Prime Minister's statement has now been turned into a set of unprecedented measures and legal changes designed to keep refugees out of Hungary. On 25 September, the 275-km long fence on the Serbian-Hungarian border was completed. Also on 25 September, amendments to Hungarian legislation entered into force that fundamentally reduce the Hungarian asylum system and prevent refugees from having access to international protection in the country. The legal changes create a system in which most refugees will be denied access to the territory of the EU at the border, regardless of the circumstances they are fleeing from and regardless of the protection need, as nearly all asylum claims will be automatically rejected as inadmissible in an extremely accelerated procedure.

Several elements of the new legislation and policy are in clear breach of EU law and/or go against the clear principles established by the European Court of Human Rights or UNHCR guidance. The Hungarian Helsinki Committee (HHC) is deeply concerned with this situation, which is likely to lead to the de facto self-exclusion of the country from the Common European Asylum System.

1. BUILDING A PHYSICAL AND A LEGAL FENCE – THE FRAMEWORK

In 2015, the Hungarian-Serbian border section has become one of the most dangerous areas for irregular migrants and asylum-seekers into the EU. By mid-September, Hungary registered over 170 000 asylum claims. Two-thirds of the applicants fled from war and terror in Syria, Afghanistan and Iraq. At the same time, most of them have moved onwards to Western Europe in a couple of days, with it happening in Hungary with regard to asylum is a crucial challenge to the Common European Asylum System, and therefore has direct impact on the entire EU and all its Member States.

During the summer of 2015, Hungary constructed a fence on the 275-kilometre long border with Serbia, with the explicit aim to divert refugee and migration flows from the border section elsewhere. The fence, which was completed on 25 September, consists of two lines of fence: a smaller barbed wire fence and a 3-metre tall fence right next to each other.

In July 2015, Hungary amended its asylum legislation in various aspects (including the Hungarian Asylum Act, its implementing Asylum Government Decree¹) and issued a National List of Safe Countries.² These changes, which entered into force on 1 August, have already started a highly worrying trend, with the ability to dismantle the entire Hungarian asylum system. The most problematic amendments include:

- Considering Serbia as a safe third country for asylum-seekers (in contradiction with the clear position of the UNHCR and the Hungarian Supreme Court), resulting in the quasi-automatic rejection at first glance of

¹ Act LXXX of 2015 on asylum – asylum act
² Government Decree 262/2015 (VI. 30.) on the implementation of Act LXXX of 2002 on asylum – Asylum Government Decree
³ Government Decree 119/2015 (VI. 30.) on the national list of safe countries of origin and safe third countries

The HHC published four information notes in English during the year, providing an **update in real time** on the government's [xenophobic campaign](#) in April, on fundamental asylum-related legislative and policy changes in [August](#) and in [September](#), as well as on the [criminalization of illegal entry](#) in September. Under extreme time pressure, the HHC decided to use an **innovative hybrid style** for these publications, making them short, understandable and user-friendly enough for the press, but also sufficiently referenced and concrete for legal professionals. In addition, in February and October the HHC contributed to a **comprehensive information update** in the framework of the AIDA project (coordinated by the European Council on Refugees and Exiles) on the Hungarian asylum system. As the only sources of information on crucial changes, these publications were **widely used and quoted** not only by press and NGOs, but also by national courts, the UNHCR, the European Commission and the Council of Europe. The HHC was requested to personally meet and provide information to experts of the European Commission twice, the Council of Europe Commissioner for Human Rights twice, as well as several representatives of foreign embassies in Budapest on numerous occasions during the year.

As a **major advocacy success**, the European Commission launched an [infringement procedure against Hungary for the violation of asylum-related EU law](#) in December, after a record fast preparatory process. The Commission's assessment of the situation entirely reflects the HHC's concerns and is **based in great part on the information provided by the HHC**. The Council of Europe Commissioner for Human Rights also issued a particularly critical [report](#) in July, and an equally critical [statement](#) in November echoing the HHC's position to a large extent.

In 2015, the HHC responded to **65 information requests regarding Dublin returns to Hungary** sent by NGOs or law firms based in other EU Member States, or the asylum-seekers concerned. When the transfers were actually carried out, the HHC followed up with the asylum seeker and provided legal assistance. The HHC also wrote a detailed report on the situation of Dublin returnees in Hungary, presented as evidence before a German court in Düsseldorf and a British immigration court in London. In December, the HHC wrote a detailed report on the situation of Dublin returnees in Hungary for UK-based law firm Duncan and Lewis, which represents several cases of Dublin returnees to Hungary.

2.7. International initiatives in the field of asylum

2.7.1. The Refugee Law Reader – enhancing refugee law education to where it is most needed

Since its creation in 2004, the HHC has been the engine behind the world's **only comprehensive online model curriculum** for the study of international refugee law, created by some of the most renowned academic experts in the field. The [Refugee Law Reader's](#) four language versions (English, French, Spanish and Russian) have served as a basis for several refugee law courses in recent years and its user base in 2014 already exceeded **100 000 individuals worldwide**. A new edition of all language

Promover la Educación del Derecho Internacional de los Refugiados en América Latina - 2º Curso Regional
Universidade de Brasília,
5-9 de diciembre de 2015

The Refugee Law Reader
www.refugeelawreader.org

IRE/UnB
ACNUR
La Agencia de la ONU para los Refugiados

versions were published in the first half of 2015 on the new, user-friendly website of the Refugee Law Reader.

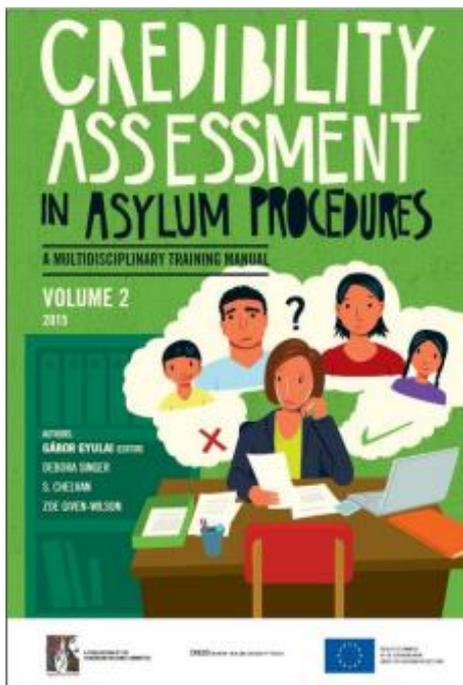
In 2015, the HHC continued its joint initiative with UNHCR's Global Learning Centre to convert the Reader into a **global capacity-building tool**, with special emphasis on the former Soviet Union region, North Africa and Latin America. In December 2015, the HHC held its **second Latin American regional course** in São Paulo, Brazil, with nearly 40 professors attending from the entire continent. The initiative contributed to the start of new refugee law courses and initiatives envisaging the creation of legal clinics in 2015.



An HHC expert was also invited to train attorneys and law professors from Morocco and Tunisia at the International Institute of Humanitarian Law in Sanremo, Italy, in May 2015.

2.7.2. CREDO – Improving credibility assessment in asylum procedures

Most asylum claims in Europe are rejected on the grounds that the decision-maker does not believe what the asylum seeker claims about her persecution. Experience shows that such decisions are taken in a non-structured manner (“gut feelings”) and based on erroneous presumptions concerning human behavior, running against up-to-date scientific knowledge. This phenomenon is currently seen as **one of the most serious flaws** in European (and other) asylum systems, affecting the life of hundreds of thousands of asylum-seekers worldwide.



Since 2011, the HHC has been the leader of the pioneering **CREDO initiative** aiming at **improving credibility assessment practices**, in partnership with the UNHCR Bureau for Europe, the International Association of Refugee Law Judges (IARLJ) and others. The EU-funded initiative constructed the previously missing legal and methodological framework of credibility assessment and related guidance, introducing the innovative concept of a **multidisciplinary approach**, applying it to practice on the occasion of several training seminars. It also produced long-lacking empirical information about state practices and dedicated training methodologies.

Concluding the initiative, the HHC and the UNHCR organized in January 2015 an [expert roundtable](#) in order to lay down the fundamentals for the upcoming global UNHCR guidelines on credibility assessment (expected for 2016-2017). The event was attended by 33 leading experts from Europe, North America and New Zealand. Thus, as a unique opportunity for a relatively small NGO, the HHC could have **important impact on future doctrine that will shape asylum policies globally**.

After a number of successful training events in the previous years, as a further sign of **growing global impact** of this initiative, the HHC's expert was invited in 2015 to train:

- 50 Belgian lawyers in March in Brussels;
- 20 Greek NGO workers in September in Athens;
- 20 Cypriot asylum professionals (state and NGO) in October in Nicosia;
- 40 judges from all around Europe at a conference of the European Judicial Training Network in November in Lisbon;
- 30 state and UNHCR officers of various South American countries in December in Santiago de Chile.

The HHC's [multidisciplinary training manual](#) on credibility assessment was used in an increasing number of national and regional training contexts on various continents (including Africa and the Americas), as well as

it was translated into [Russian](#) (plus UNHCR Brazil made a decision about a translation into Portuguese in December).

2.8. Relying on a strong international network in crucial times

Beyond its own international initiatives, the HHC continued to be a **very active refugee-assisting national NGO at the international level** in 2015. The HHC is an active member of the **European Council on Refugees and Exiles (ECRE)** and its Asylum System Core Group and contributed to the identification of policy priorities for ECRE. The HHC continued to provide the Hungarian and Slovenian national coordinator for the **European Legal Network on Asylum (ELENA)**, functioning under the aegis of ECRE. Until the end of the year, the HHC remained the regional focal point and an advisory board member of the **International Coalition on the Detention of Asylum Seekers, Migrants and Refugees (IDC)**, which aims to raise awareness of detention policies and practices and to promote the use of international and regional human rights standards and principles as they relate to the detention of refugees, asylum seekers and migrants.

The HHC, as lead organization, launched the **ACESO project** in April 2015. The project is co-funded by the European Commission. The initiative is centered on giving asylum-seeking torture victims access to psychological rehabilitation and legal services. The HHC leads a consortium of NGOs from Hungary, Bulgaria, Greece and Croatia. Besides legal and psychological rehabilitation services, the project seeks to increase the capacity of organizations assisting torture survivors in the South-Central Europe region through training and advocacy, and developing research-based tools to measure compliance with EU law. In 2015, the HHC conducted a fact-finding and training mission to Greece and to Croatia together with the Cordelia Foundation for the Rehabilitation of Torture Victims. On the peak of the refugee crisis, the visits provided important first-hand information on the functioning of the asylum system in these two crucial states, as well as it helped the HHC establish contacts with local actors (including state authorities) for future cooperation and training initiatives.

Together with ECRE, the HHC embarked on the **No Longer Alone** project. The project is co-funded by the European Commission, and is aimed at improving the reception standards for unaccompanied minors seeking asylum in the EU. As part of the initiative, the HHC hosted a group of 20 practitioners from 11 Member States (mainly representatives of the authorities, working in the reception facilities for unaccompanied minors) and led a visit to the childcare facility for minor asylum-seekers separated from their families in Fót, together with a series of meetings with Hungarian authorities and relevant civil society organizations. Also, the HHC expert conducted a study visit to Scotland and wrote a summary report on the Scottish guardianship system for unaccompanied minor asylum seekers and refugees based on a SWOT analysis.

The HHC is also part of the ECRE-led consortium which started the **LEAP initiative** – Legal exchange and mutual learning between asylum practitioners to promote fundamental rights in the EU. The main objective of the project is to promote collaboration and exchange of information among legal practitioners and decision-makers working in the asylum field in the EU and with a special focus on the rights and principles of the Charter for Fundamental Rights of the EU. In this project in 2015, the HHC led a training event in Cyprus, with a focus on credibility assessment (see in Section 2.7.2) and collected positive examples of Hungarian jurisprudence to be published in English in the [European Database of Asylum Law](#) (EDAL).

In times of multiplied challenges (see Section 2.1) these forms of partnership helped the HHC **maintain a wide and lively network of allies**, and significantly increased both the HHC's **access to crucial information and ability to disseminate information** about the developments in Hungary, as an advocacy tool.

2.9. A leading advocate of the rights of the stateless

The HHC continued to play a **leading role in advocacy efforts aimed at improving protection for stateless persons**, and the prevention and the reduction of statelessness, both at a national and international level. The HHC is a founding member of the [European Network on Statelessness \(ENS\)](#), established in 2011. The HHC's statelessness expert continued to perform his duties as its **President** and actively participated in further strengthening the Network throughout the year (including meetings, teleconferences, identification of potential partners, etc.). At the time of writing, the Network has over 100 associate members from more than 30 countries, constituting an unprecedented



awareness-raising success on this long overlooked human rights issue. The HHC actively contributed to the ENS **Europe-wide campaign** titled None of Europe's Children Should Be Stateless.

In 2015, the HHC's statelessness expert continued to provide **support to lawyers** representing individual cases of stateless persons both in and outside Hungary. The HHC is also involved in statelessness-related **strategic litigation**. The HHC has been involved for over two years as expert and later as third-party intervener in a statelessness determination case. It was in great part due to the HHC's efforts that the Budapest Administrative and Labor Law Court finally decided in June 2014 to refer the case to the **Constitutional Court** challenging the compliance with international legal obligations of an unreasonably restrictive provision in Hungarian law that limits relevant protection measures to stateless persons already lawfully residing in the country when applying for protection. In this case, the HHC submitted a detailed position paper to the Constitutional Court, which analyzes the legal framework, the available guidance and international practices. As a **major advocacy and litigation success** with an international impact, the Constitutional Court **ruled favorably** in February 2015, quashing the provision setting the lawful stay requirement.

In addition, the HHC's statelessness expert provided **training and expertise** on this issue to various target groups:

- Training for over 25 Italian lawyers and NGO staff on statelessness (Rome, 23 May);
- Several interventions delivered at the ENS Annual General Conference and training seminar (Strasbourg, 1-3 June).

In October 2015, the HHC launched a pioneering **research initiative focusing on refugees' and stateless persons' access to Hungarian nationality**, as a form of durable solution. The research has revealed crucial legal and statistical information that raise serious concerns about the fulfilment of Hungary's relevant international obligations. A research study summarizing the main findings and recommendations will be published in February 2016.

3. Promoting access to justice

3.1. Accessible Letters of Rights in Europe

Suspects or persons accused of a criminal offence need to be informed promptly of their rights in criminal proceedings and this should be done in an accessible format. In 2015, with the participation of Rights International Spain, the Lithuanian Human Rights Monitoring Institute, Fair Trial Europe and the Bulgarian Helsinki Committee, the HHC launched a two-year international research project to **examine how the requirement for simple and accessible language for a Letter of Rights transpires in practice**. The project aims to identify examples of transferrable good practices, **produce alternative Letters of Rights**, and raise awareness about gaps in correct implementation of the Right to Information Directive. These aims are to be achieved through research, survey of stakeholders and sociolinguistic surveys. The project is supported by the European Commission.

3.2. ARTICLE 7 – Ensuring Access to Case Materials in Hungary

Promoting access to case materials of defendants and their defense counsels in criminal proceedings has been a long-standing priority of the HHC, related activities involving a series of successful applications submitted to the ECtHR. The implementation of the **Right to Information Directive** by Hungary in 2014–2015 meant a major step in ensuring the right to access to case materials. Through its project ARTICLE 7 – Ensuring Access to Case Materials in Hungary, launched in 2015, the HHC **aims to monitor the implementation** of the Directive's respective Article 7 on access to case materials **in practice**, to advocate for the correct implementation of Article 7 of the Directive in Hungary by identifying deficiencies in law and practice and producing concrete proposals to address them, and to contribute to the correct implementation of Article 7 of the Directive across the EU by developing, testing and disseminating a method for assessing whether the right to information of defendants is respected. The project is supported by the European Commission.

3.3. Monitoring the implementation of the Right to Information Directive

In the first half of 2015, the HHC joined the JUSTICIA European Rights Network. **JUSTICIA** is a non-profit trans-European network with 19 prominent member organizations based in 17 EU Member States, focusing on procedural rights of defendants and victim's rights throughout Europe. In the framework of the network, the

HHC engaged in 2015 in an **international research aiming to assess whether Members States have effectively transposed and implemented the Right to Information Directive in law and practice**. The HHC produced a **country report on Hungary**, which is envisaged to be followed by a comparative report and domestic and international advocacy activities.

3.4. Research on vulnerable defendants in criminal proceedings

In 2015, the HHC participated in another research project under the aegis of the JUSTICIA European Rights Network, covering Hungary, Romania and Bulgaria. The research aimed at examining whether the criminal legal systems of these three jurisdictions meet the **requirements set out by the Recommendation of the European Commission on procedural safeguards for vulnerable persons suspected or accused in criminal proceedings**. The research focused on people living with sensory, locomotor and mental impairments. The HHC carried out legal analysis, desk research, conducted several interviews and summarized the findings in a **country report**, which is envisaged to be used for domestic advocacy. The three country reports will be merged into one comparative study which will be published in 2016 in English.

3.5. Practitioner Training on Roadmap Directives

The HHC was a partner of Fair Trials in the **Practitioner Training on Roadmap Directives** project, co-funded by the European Union. The overall objective of this project was **to provide defense lawyers from various EU Member States with in-person training, written tools, and peer-to-peer support in order assist them in the effective use of EU criminal justice legislation**. The HHC was responsible for contributing to designing the course, managing of the applications and selection of participants, preparing training materials and the practical arrangements related to organizing one of the training sessions. The [training session](#) was held in Budapest on 19-21 June 2015 with the participation of 38 lawyers from Hungary, Croatia, the Netherlands and Slovenia. The HHC delivered the local focus module facilitating an intense discussion of the 16 Hungarian participants on the implementation of the Roadmap Directives in Hungary and the challenges during litigation in the Hungarian jurisdiction (e.g. the lack of translation of essential case materials, the lack of a national register of interpreters, and the lack of accessible and informative letter of rights), along with the litigation strategies available based on the Directives.

3.6. SUPRALAT: Strengthening suspects' rights in pre-trial proceedings through practice-oriented training for lawyers

The HHC participates as a partner in the project titled **SUPRALAT: Strengthening suspects' rights in pre-trial proceedings through practice-oriented training for lawyers**, coordinated by the Maastricht University and co-funded by the European Union. The project, which started in October 2015, **aims to contribute to the effective implementation of the EU Directives on the procedural rights of suspects in police custody through the development of a training program for lawyers**. The HHC will contribute to the national adaptation of the training materials and the organization of a train-the-trainer event and a pilot training in Hungary. In 2015, the HHC participated at the kick-off meeting of the project and initiated needs assessment negotiations with the Budapest Bar Association.

3.7. Activities related to the new Code of Criminal Procedure

As already referred to above, the HHC has been contributing to the drafting procedure of the new Code of Criminal Procedure. In June 2015 representatives of the HHC participated at a **meeting organized by the Ministry of Justice** and attended by CSOs identifying the main areas to be addressed in the codification procedure. In its [comments](#) submitted in December 2015 **on the mapping documents for the envisaged new Code of Criminal Procedure**, the HHC covered, among others, the right of defendants to information in criminal proceedings and the envisaged provisions on ex officio defense counsel. The HHC will continue to participate in the process.



3.8. Grand Chamber hearing in an FOI case related to ex officio defense counsels

On 4 November 2015, a hearing before the Grand Chamber of the ECtHR was held in the case [Magyar Helsinki Bizottság v. Hungary](#). The case concerns the refusal of the HHC's FOI request aimed at

revealing disproportionate appointment practices by the police in criminal legal aid cases, which in the HHC's view constitutes a violation of its right as a "social watchdog" of access to public interest data as guaranteed by Article 10 of the European Convention on Human Rights. The case is important, because ensuring the public's access to such data is vital in revealing deficiencies with regard to the appointment system currently endangering the right to effective criminal legal aid. Secondly, the case concerns not only the role and function of NGOs as social watchdogs, but essentially transpires to the question whether and how widely the European Convention on Human Rights protects the right of access to information of public interest, and it is presumed that it will lead to an important milestone decision in that regard. The Grand Chamber hearing was joined by the United Kingdom as a third party intervener; the HHC was assisted by the lawyers of atlatszo.hu in the case.

4. Promoting equal treatment

4.1. Resisting Criminalization – Fighting for Housing

The **Resisting Criminalization – Fighting for Housing** project is realized in cooperation with the City is for All (A Város Mindenké – AVM), supporting their aim to **challenge the criminalization of homelessness and the discrimination suffered by homeless people by uniformed authorities**. According to research, police ID check practices in public spaces are discriminatory, its unjustifiable use can be detrimental. In 2014 the coalition carried out testing, monitored ID check practices, and requested public interest data from the police, based on which it submitted a claim to the Equal Treatment Authority in 2015. A hearing of the Equal Treatment Authority in the case was held in July 2015 where activists participating in the testing were heard. After the hearing the HHC submitted a list of recommended steps to be taken by the police in order to cease the practice of discriminatory ID checks of homeless people. Finally (in January 2016), **a friendly settlement was reached with the police**. The project, funded by the Open Society Foundations, has been documented on a [video](#) as well.



After the hearing the HHC submitted a list of recommended steps to be taken by the police in order to cease the practice of discriminatory ID checks of homeless people. Finally (in January 2016), **a friendly settlement was reached with the police**. The project, funded by the Open Society Foundations, has been documented on a [video](#) as well.

5. Activities related to the protection of Roma

5.1. NGO working group against hate crimes



GYŰLÖLET-BŰNCSELEKMÉNYEK
ELLENI MUNKACSOPORT

In 2012, the HHC, together with Amnesty International Hungary, Háttér Support Society for LGBT People, the Hungarian Civil Liberties Union and the Legal Defence Bureau for National and Ethnic Minorities established a [working group](#) advocating for an appropriate hate crime legislation and application of law.

In 2015, the working group (WG) carried out – among others – the following activities:

- In February 2015, the WG had a meeting with the newly appointed coordinator of the Hate Crime Unit of the National Police Headquarters where further possibilities of cooperation were discussed.
- In March 2015 members of the WG attended a meeting with several high-level stakeholders from the National Police Headquarters, the Chief Prosecutor's Office and the Ministry of Interior, where participants discussed the comprehensive [analysis](#) of the WG's hate crime cases depicting problems of the implementation of the law.
- From January to May 2015, members of the WG held practice-oriented trainings for police officers from all over the country. The trainings paid special attention to the issue of police-NGO cooperation in handling demonstrations aiming at intimidating minority groups.

- The WG presented and discussed its opinion with the representatives of the Ministry of Justice on the implementation of the new EU victim protection directive and the new Code of Criminal Procedure.
- In June 2015 experts of the WG held an interactive workshop in the framework of a CEPOL (the European Police College) training course for high level international police officers.
- The WG prepared a submission to the UN Universal Periodic Review of Hungary in September 2015, highlighting current deficiencies in the prosecution of hate crimes.
- HHC staff members published an [article](#) in the journal *Magyar Narancs* in September 2015, summarizing of major hate crime incidents in Hungary after 1990, the relevant normative framework and problems of the prosecution of hate crimes.
- In November 2015 WG members attended a meeting with several high-level stakeholders from the National Police Headquarters in order to discuss the assessment of the participation of perpetrators of hate crimes in extremist groups.
- The WG prepared a list of indicators and aims for preparing a protocol to be applied in the course of investigating hate crime cases.
- Members of the WG continued to represent victims of hate crimes before the authorities and advocate for the proper application of the law. Descriptions of cases are regularly updated and are continuously [available](#) on the website of the WG.

5.2. Council of Europe e-learning courses on hate crime and hate speech

In 2015, the HHC took part in the [HELP program](#) of the Council of Europe. In cooperation with the OSCE Office for Democratic Institutions and Human Rights, the Council of Europe aims for the preparation of two **e-learning master courses on hate crime and hate speech** for training judges and prosecutors. Hungary was selected as a pilot country. The HHC participated in the Working Group, which provided a platform for discussions over the design, structure and content of the modules on the elements of hate crimes and the related international standards. The HHC was responsible for drafting the module of the course on international standards and was also providing assistance to the national tutors (two experts appointed by the Chief Prosecutor's Office). The modules were finalized in November 2015. The HHC has been attending meetings with the national tutors about the adaptation of the master course to the Hungarian context.

5.3. Experience Crime

The HHC participates as a partner in the project titled **Increasing the Capacity of Law Enforcement Authorities to Tackle Racist Crime, Hate Crime and Homophobic Crime through Experiential Learning – EXPERIENCE CRIME**, coordinated by the [Themistokles and Dimitris Tsatsos Foundation – Centre for European Constitutional Law \(CECL\)](#). The project, which is co-funded by the European Union, aims at providing experiential, interactive and case-study based **trainings on the efficient prosecution of hate crimes for judges, prosecutors, legal practitioners and police officers** in Greece, Italy and Hungary. Training materials will be prepared in addition to a good practice manual and protocol, and trainings will be organized for the target groups in 2015-2016 by the project partners. The HHC participated in two working group meetings (in February and June 2015), conducted interview-based needs assessment research (including 13 interviews with target group members), negotiated with the relevant national authorities (e.g. the National Justice Academy, the National Police Headquarters and the Chief Prosecutor's Office), prepared a needs assessment report, compiled training modules on the international normative framework and case law, and prepared case study exercises focusing both on the domestic and the international normative framework. The Hungarian trainings will be held for all three target groups in 2016.

6. Assisting victims of human rights violations

6.1. Human Rights Legal Counseling Program

As mentioned in the interim report, the HHC's Human Rights Legal Counseling Program experienced an **unprecedented caseload increase**. It received altogether **2 164 complaints** in 2015. That means a **169% increase** in the number of clients compared to 2014, when the HHC dealt with 804 cases.

The main reason behind this increase is the **pilot judgment** delivered by the ECtHR in 2015 on overcrowded prisons in the *Varga and Others v. Hungary* case (see Section 6.2). The decision and the media attention it received resulted in almost half of the HHC's clients asking for legal assistance before the ECtHR in such cases.

The 2,164 cases included

- 994 complaints on overcrowded prisons;
- 340 asylum and alien policing cases;
- 29 complaints on ill-treatment by authorities (police officers or prison guards);
- 43 complaints about the unlawfulness of pre-trial detention;
- 34 complaints on inadequate medical treatment in prisons;
- 191 complaints about other detention conditions or inquiries about legal regulation concerning penitentiary institutions;
- 41 complaints against police measures;
- 21 inquiries regarding procedures before the ECtHR;
- 136 cases concerning pending or closed criminal procedures;
- 2 cases on house arrest or geographical ban;
- 6 cases on equality rights;
- 4 complaints on legal cases abroad;
- 1 complaint on life sentence without parole;
- 2 complaints on hate crimes;
- 6 complaints on merged sentences;
- 314 miscellaneous cases (complaints on labor law and social benefits, child custody claims, cases on the right to fair trial, cases on the right to assembly, etc.).

6.2. Select cases before domestic authorities and the European Court of Human Rights

➤ *Pilot judgment on overcrowding in penitentiaries*

In 2012, the HHC submitted five applications to the ECtHR challenging detention conditions, and especially overcrowding in different Hungarian penitentiary institutions. In all cases, the applicants were detained in prison cells where their living space had not reached the minimum 4 square meter per person prescribed by the European Committee for the Prevention of Torture (CPT) and the case law of the ECtHR. Moreover, hygienic standards have not been respected and the privacy

of the applicants could not always be guaranteed. Throughout the years, hundreds of similar applications were submitted to the ECtHR, resulting that in March 2015, the ECtHR issued a pilot judgment in the *Varga and Others v. Hungary* case, in which it concluded that the detention conditions of the six applicants of the case (three of them being the clients of the HHC) amounted to the violation of the prohibition of inhuman or degrading treatment, included in Article 3 of the European Convention on Human Rights. Furthermore, the ECtHR set out that the overcrowding of penitentiaries in Hungary constituted a structural problem, and Hungary should produce within six months a plan to reduce overcrowding. The decision echoed the concerns raised by the HHC repeatedly in the past, and proposed ways of solution to reduce overcrowding the HHC has also been advocating for. The HHC held a press conference on the day the decision was published with the participation of one of the applicants, for which it prepared a [summary](#) of the decision in Hungarian and a related [background material](#) on the reasons of overcrowding. Since after the pilot judgment the number of complaints regarding overcrowding submitted to the HHC's Human Rights Legal Counseling program increased drastically, the HHC published a [sample application form](#) to be submitted to the ECtHR on its website. (See also Section 6.1. of the present report.) The HHC also prepared a paper on the pilot judgment, to be published in the academic journal *Jogesetek Magyarázata*. The pilot judgment was followed by further decisions in December 2015 and January 2016, establishing the violation of Article 3 of the European Convention on Human Rights in dozens of cases, covering three further clients of the HHC. The HHC intends to follow-up related developments and to monitor how the Government complies with the pilot judgment.



➤ *Mass riot and police violence at the Serbian-Hungarian border, 16 September*

On 16 September 2015, the police clashed for hours with hundreds of migrants who got stuck at the Serbian side of the border near Röszke after the Government sealed the border with a security fence. According to reports, during the clash 14 police officers were injured along with roughly 300 migrants and at least seven international journalists. UN Secretary General Ban Ki-Moon condemned the use of tear gas, telling at a press conference that he was "shocked to see how these refugees and migrants were treated. It's not acceptable." On 13 October, the HHC called upon the Ombudsperson to initiate an ex officio investigation of the incident. The Ombudsperson rejected the petition in November, arguing that (i) it would have been a precondition of his procedure that the HHC submits a formal complaint to the police; and (ii) the HHC's petition raises the possibility that criminal offences may have been committed by the officials at Röszke, but the Ombudsperson does not have criminal investigative rights. Therefore, the Ombudsperson decided to forward the petition to the National Chief of the Police and the Central Investigation Unit of the Prosecution. The HHC believes that the Ombudsperson's arguments are baseless, since under the Police Act only persons directly concerned by a police action can file a complaint, so the HHC would not have been entitled to launch a complaints procedure. Secondly, the events at Röszke raise issues outside the scope of criminal law (e.g. institutional responsibility for the mismanagement of the crowd), which the Ombudsperson could investigate using his extensive powers.

The HHC provides legal representation to three Syrians who were arrested in relation to the riot on 16 September, all of them being vulnerable persons with special needs: two are disabled and a third has chronic diabetes. They are still under house arrest in the alien policing jail in Kiskunhalas.

➤ *Representing Roma persons in procedures launched due to police inaction and hate crime*

In August 2012 far-right extremist groups held a demonstration in the village of Devecser. The demonstrators marched along streets mainly inhabited by Roma people, stopped at a house where Roma people were staying and threw stones on it and people, including children, who had been staying in the courtyard. One person was injured. The police failed to dissolve the demonstration and did not intervene at all when several participants of the rally verbally insulted the Roma present and later physically attacked them by throwing stones out of bias motivation.



With the help of the HHC, two Roma victims launched a police complaints procedure against the police inaction. In the extremely long procedure before the police, complaints were rejected so the HHC requested a judicial review, but the Curia (the highest judicial forum) found the inaction of the police to be lawful and adequate. The HHC has also provided legal representation for the victims in the criminal procedure launched on the count of hate crime against members of the extremist group, in which the first instance court [sentenced](#) the single perpetrator identified by the police to suspended imprisonment in June 2015. The second instance procedure is pending. The HHC also submitted an application to the ECtHR on behalf of the victims; the case was [communicated](#) to the Hungarian Government in November 2015.

➤ *Roma persons ill-treated by police*

In July 2013, a group of Roma persons (three men and two women) were apprehended when illegally collecting corn on a corn field outside the city of Hatvan. Following their apprehension and handcuffing the men were ill-treated and humiliated by the police officers. They had to lie for hours in the baking sun, and one of them was kicked so hard that he suffered a broken rib. The women were also threatened and humiliated verbally.

At first, the prosecution terminated the investigation without even interrogating the police officers identified by the victims or appointing a forensic medical expert to examine the injuries they suffered. Upon the HHC's complaint the Chief Public Prosecutor's Office ordered the reopening of the investigation, however, the investigation was again terminated without charges being pressed. With representation from the HHC, two of the ill-treated men submitted a so-called supplementary private indictment, based on which a court trial was started. On 11 November 2015, the military section of the Metropolitan Court of Budapest found all of the three policemen charged with ill-treatment guilty, one of them was sentenced to actual prison term. Two of the three officers had been convicted earlier for the abuse of official authority. The presiding judge emphasized that instances of ill-treatment had become increasingly severe in the preceding years, and that it was important to send a clear message that such actions by officials would not be tolerated. The case is pending upon appeal.

➤ *Somali refugee's case before the ECtHR and domestic courts*

The HHC's lawyer is representing a Somali refugee before the ECtHR who arrived to Hungary with falsified travel documents at the end of 2008, was charged because of that, and got acquitted after almost one year of pre-trial detention, with his criminal procedure ending in November 2014 based on Article 31 of the 1951 Convention Relating to the Status of Refugees. In the application submitted to the ECtHR in May 2015 it is claimed that his rights under Article 6(1) of the European Convention of Human Rights have been violated.

➤ *Representing "attackers" of xenophobic government billboards*

In late 2014 the government launched a xenophobic campaign against migration, linking it e.g. to terrorism, including political statements and a so-called national consultation. As a part of this campaign around 1,000 billboard placards were placed in public areas throughout the country, with hostile and harassing statements such as: "*National consultation on migration and terrorism – If you come to Hungary, you cannot take the jobs of Hungarians.*" After they were put on display in June 2015, several billboard placards were damaged by citizens disagreeing with the campaign's messages, who were charged with criminal offences or petty offences. The HHC represents five such defendants from Budapest and Szeged; three procedures were already terminated on the basis that no criminal offence had been committed.

➤ *Violation of the freedom of assembly*

A group of civic activists planned to organize a demonstration for the day when Angela Merkel paid an official visit to Hungary in January 2015. The Budapest Police Headquarters first permitted the demonstration, but later banned it on the basis that the Special Police Unit against Terrorism closed down the area of the planned demonstration. The ban was communicated via a phone call. The demonstrators challenged the police decision with the legal representation of the HHC, arguing that closing down an area and preventing a demonstration on that basis is equal to banning a demonstration. The domestic court [rejected](#) the petition with the argumentation that a phone call is not a formal decision, and therefore no legal remedy is available in such cases. The HHC submitted an application to the ECtHR in the case in July 2015, claiming that the banning of the demonstration violated Article 11 of the European Convention on Human Rights. The same group of activists wanted to demonstrate on 27 February 2015, on the day the Hungarian Prime Minister delivered his speech evaluating the previous year. The police informed the organizers that an association was given free permission by the I. District Metropolitan Municipality to use one part of the area where the demonstration was planned, while a further permission for another part of the concerned area was granted to the same association by the Metropolitan Municipality for HUF 1,024 (EUR 3.5). Because of that, the police stated that the demonstration was aimed at an manifestly impossible aim and rejected the notification about the demonstration. The organizers, represented by the HHC, turned to the court which [established](#) that the ban had been unlawful for several reasons. The HHC launched a civil lawsuit against the Budapest Police Headquarters on behalf of the organizers of the planned demonstration for non-pecuniary damages; the first hearing in the case is scheduled for March 2016.

➤ *Gender-based discrimination*

The HHC took on the case of a female chief pool supervisor who had been laid off due to her gender at a public swimming pool operated by the local municipality in Kecskemét. She was the only female chief pool supervisor out of four staff, and claims she suffered instances of discrimination even prior to her dismissal, including having a lower salary. Her claim on direct discrimination had already been rejected by the first instance court when she sought the HHC's assistance. Her claim then was rejected by the second instance court in 2014 on the basis that it would have been her obligation to substantiate that there had been a causal link between her gender and the termination of her employment contract, and though she listed a number of incidents linked to her gender, the court did not find those sufficient to satisfy the burden of proof falling on her.

The Curia (Hungary's highest court) upheld the preceding judgements, so the client's claim was dismissed. In its judgement, the Curia ruled that the plaintiff had failed to prove that she had been dismissed in connection with her gender, without even examining whether the respondent's efforts to substantiate the non-discriminatory nature of its actions were well-founded or not.

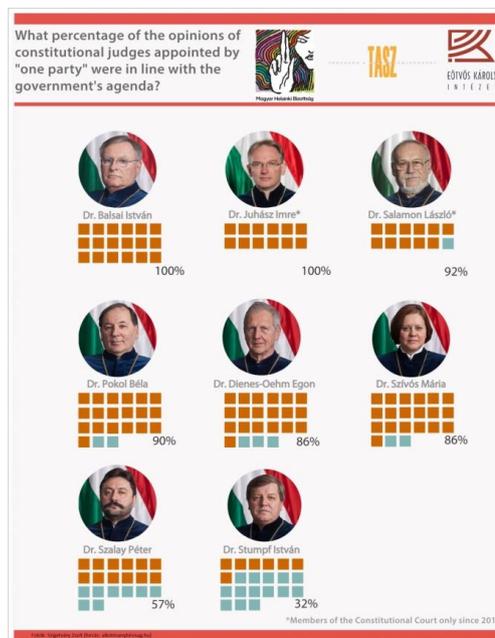
The HHC will assist the client in submitting a complaint to the UN Committee on the Elimination of Discrimination against Women.

7. Rule of law

7.1. Rule of Law Defenders – Human rights NGO platform

In 2010, the **HHC, the Hungarian Civil Liberties Union and the Eötvös Károly Institute** decided to establish an informal **NGO platform** to act as a more effective counterweight to the increasingly unrestricted power of the Hungarian Government. The aim of the platform was to counter the systematic deterioration and destruction of democratic values and structures in Hungary by monitoring the functioning and development of the new constitutional system set up after 2010 and by trying to remedy the revealed problems through different legal means. Activities of the platform included the following in 2015:

- Platform members carried out an extensive **research into the decision-making of the Constitutional Court (CC)**, concluding that by amending rules of appointment and increasing the size of the CC after 2010, the ruling Fidesz-government has succeeded in filling the CC with loyal judges. The study of 23 high-profile decisions of the CC – 10 of which were reached before Fidesz-appointed judges became the majority in the CC, and 13 after – showed that rulings in all 10 cases decided before the judges selected by the current government formed a majority had been contrary to the assumable interests of the government, but as soon as the “one-party” judges became the majority, an apparent imbalance set in: in 10 out of 13 cases the ruling favored the government’s assumed interests. Some judges were found to have voted in support of the government in 100% of the cases. Platform members also compiled profiles of the individual judges, presenting the features of the decision-making characteristics of each judge. The Hungarian [research study](#) was presented at a press conference in March 2015 supported with [infographics](#), and its English [executive summary](#) was also widely disseminated among embassies and further international stakeholders.



- In early June 2015, before the **Committee on Political Affairs and Democracy of the Parliamentary Assembly of the Council of Europe** voted on a **draft resolution regarding the situation in Hungary** following the adoption of Assembly Resolution 1941 (2013), platform members compiled a **detailed background material** demonstrating that the Hungarian authorities had failed to take most of the specific measures asked for by the Parliamentary Assembly in the above resolution. The document, which was sent directly to all committee members, emphasized that in the period after the Parliamentary Assembly adopted Resolution 1941 (2013) further steps and measures of the Hungarian authorities, such as the series of governmental attacks against Hungarian human rights and watchdog NGOs, continued to undermine the foundations of democracy in Hungary. Thus, very little progress has been achieved in relation to the issues raised by the Parliamentary Assembly in 2013, while new problems emerged both with regard to the areas covered by the Parliamentary Assembly’s resolution and in fields beyond that.

7.2. Government attacks on the NGO sector



A worrisome development of the year 2014 was the **series of governmental attacks on the civil society of Hungary**, specifically on the consortium of NGOs distributing the EEA/Norway Grants NGO Fund and NGOs receiving grants from it. The attacks included condemning public statements by high-ranking state officials (even the Prime Minister) alleging that the NGOs involved are closely linked to political parties and/or serve “foreign interests”; an illegitimate state audit by the Government Control Office into the use of the EEA/Norway Grants NGO Fund; criminal procedures launched against members of the above-mentioned consortium; a police raid of

their offices (later found unlawful by the investigation judge); and the suspension of their tax numbers. In the view of the HHC (and the “Rule of Law Defenders” platform), the series of governmental attacks against Hungarian NGOs, which organizations operate by their nature as checks and critics of the state power and

fight for reinforcing the rule of law, has been **another step in the process aimed at establishing an “illiberal state”, announced by the Prime Minister** in the summer of 2014. Therefore, the HHC stepped up against the unjustified attacks both individually and with other NGOs from the outset, which activities continued also in 2015.

Civil lawsuits against the Fidesz party and its spokesperson

- Mr Péter Hoppál, the spokesperson of the governing Fidesz party stated at a press conference in August 2013 that some Hungarian NGOs are paid by certain stakeholders in the United States for criticizing the government and the governing party. The spokesperson called these NGOs “fake” and “paid extras”, which regularly attack the Hungarian government’s actions in return for “American money”, mostly before forums abroad. The HHC, which was one of the NGOs named by the spokesperson, [asked](#) the spokesperson to issue a public apology for his untruthful statements. Since this did not happen, the HHC launched a civil lawsuit against the Fidesz and its spokesperson, claiming that they had violated the HHC’s right to good reputation. The respondents did not submit any in-merit arguments and did not even try to prove that the allegations made by the spokesperson were true. On 7 July 2014 **the first instance court [concluded](#) that the statements of the spokesperson violated the rights of the HHC** and obliged the respondents to publicly apologize in two daily newspapers, and the Fidesz to do the same on its own website. The respondents appealed against the decision, but the **second instance court [upheld](#) the ruling** on 30 June 2015.
- In May 2015, Fidesz stated again in a press release that the HHC is a “fake” NGO, which “executes the political orders” of international actors, and accused the organization of tampering with data concerning asylum-seekers. Once again, the HHC [launched](#) a civil lawsuit against the governing party, asking the court to establish that the Fidesz had violated the HHC’s right to good reputation. In January 2016, **the Metropolitan Tribunal ruled that the governing party had indeed violated the HHC’s right to good reputation** by its false statements which it could not prove. The court obliged the Fidesz to refrain from such rights violations in the future, issue an apology and pay moral damages in the amount of HUF 1 million. The judgment is not final.

Timelines of governmental attacks; statement on transparency of NGOs

Members of the “Rule of Law Defenders” platform and Transparency International Hungary prepared a timeline of the governmental steps taken against Hungarian NGOs in English first for the OSCE Human Dimension Meeting in September 2014. Since then, the timelines have been regularly updated by the NGOs – the last time in August 2015, see the [detailed](#) and the [summary](#) version – and have been distributed widely among international stakeholders. In the framework of the EU-Russia Civil Society Forum, HHC contributed with a paper on the series of governmental attacks on the Hungarian NGO sector to the publication [EU-Russia Legal Dialogue: Voices from Civil Society](#). Further activities related to the governmental attacks against NGOs included the following:

- the HHC joined an [NGO statement](#) on the transparency of civil society organizations, issued in June 2015;
- HHC’s co-chair attended a [meeting](#) between representatives of NGOs and the Prime Minister’s Office in May 2015;
- On 9 November 2015, HHC’s co-chair met with Yves Cruchten, the rapporteur of the Parliamentary Assembly of the Council of Europe on “How to prevent inappropriate restrictions on NGO activities in Europe”.

8. Other activities

8.1. International human rights advocacy events (selected)

Date	Event
7 January 2015	Meeting with Claude Cahn, Human Rights Advisor – Office of the United Nations Resident Coordinator in the Republic of Moldova / Office of the United Nations High Commissioner for Human Rights on the Hungarian hate crime legislation and practice
28 January 2015	NGO meeting with the United States’ Ambassador to Hungary
26 February 2015	NGO meeting with Věra Jourová, EC Commissioner for Justice, Consumers and Gender Equality and Tamás Szűcs, Head of Representation of the European Commission in Hungary on the situation of civil society organizations in Hungary
2 March 2015	NGO meeting with Thomas Melia, Deputy Assistant Secretary of State in the Bureau of Democracy, Human Rights and Labor, U.S. Department of State
2 March 2015	NGO meeting with representatives of Human Rights First
16 March 2015	Meeting with the representative of the Embassy of Romania on pre-trial detention
18 March	CIVICUS Side Event to the Human Rights Council: Civil Society Space in the EU (Geneva)
4 May 2015	Meeting with the Deputy Director-General for European Affairs and EU External & Bilateral Relations of the Embassy of Germany
21 May	NGO meeting with Freedom House
8 June 2015	Meeting with representatives of Amnesty International London on the HHC’s hate crime cases and hate crimes in general in Hungary
10 June 2015	NGO meeting with the embassy representatives of Cyprus, Denmark, Finland, France, Greece, Israel, Italy, Lithuania, Norway, Portugal, Romania, Spain and Sweden
15 June 2015	Meeting with representatives of the International Bar Association’s Human Rights Institute on the independence of the judiciary and the Constitutional Court in preparation of their report , affirming the HHC’s concerns regarding the state of judicial independence and the rule of law in Hungary
15 June 2015	Participation at the EU–Russia Civil Society Forum in Berlin, presenting the series of governmental attacks against Hungarian human rights NGOs
24 June 2015	NGO meeting with the representative of the Norwegian Helsinki Committee in relation to their follow-up report on Hungary and on the situation of Hungarian NGOs
26 June 2015	Roundtable with Members of the European Parliament on the human rights situation in Hungary
29 June 2015	NGO meeting with the OSCE/ODIHR Senior Advisor on Roma and Sinti Issues / Chief of the Contact Point for Roma and Sinti Issues on the situation of Roma in Hungary
10 August 2015	Submitting a list of suggestions for questions to be included in the List of Issues Prior to Reporting on Hungary for consideration by the UN Human Rights Committee , covering several issues related to criminal justice, law enforcement and the rights of asylum-seekers
21 September 2015	Submissions in the framework of the UN Universal Periodic Review for Hungary: (i) a coalition submission produced by over a dozen Hungarian NGOs; (ii) a separate submission by the HHC focusing on law enforcement, criminal justice, and the rights of migrants, refugees and asylum-seekers; and (iii) a joint submission by the HHC, the European Network on Statelessness and the Institute on Statelessness and Inclusion on statelessness
28 September 2015	Meeting with Robert Berschinski, Deputy Assistant Secretary of the US Bureau of Democracy, Human Rights, and Labor
26 October 2015	NGO meeting with the representatives of FIDH – International Federation for Human Rights in the preparation of their report on Hungary
6 November 2015	Meeting with Kees van Baar, Dutch Human Rights Ambassador
9 November 2015	Meeting with Yves Cruchten, the rapporteur of the Parliamentary Assembly of the Council of Europe on “How to prevent inappropriate restrictions on NGO activities in Europe”
24 November 2015	Meeting with Nils Muižnieks, Council of Europe Commissioner for Human Rights

8.2. Human rights education

8.2.1. Youth Engagement for Conscious Citizenship

The HHC participates as a partner in the project titled **Youth Engagement for Conscious Citizenship**, coordinated by the Eötvös Károly Institute and funded by the Government of the Netherlands. In the framework of the project, which started in October 2015, a consortium of six NGOs will **develop practice-oriented training materials for university professors and high school teachers to familiarize the students with democratic values and human rights**. The project includes pilot teachings and workshops, and aims at setting up an educational network of the involved professors and teachers. In 2015, the HHC attended consortium meetings, prepared a concept note on the training material on the rights of detainees held in penitentiaries, delivered three expert presentations on the status of refugees in November and December 2015, and contributed to the building of the educational network.

8.2.2. Human rights lectures and presentations (selected)

Date	Event
20 January 2015	Legal clinic course session at the CEU Legal Studies Department, followed by the review and assessment of submissions prepared by the students on the standards set by the ECtHR regarding pre-trial detention
19 February and 16 April 2015	Lectures at the National University of Public Services for practicing police officers and university students about the methods of independent civilian oversight of police work
25 February 2015	Presentation on the Hungarian normative framework on the prosecution of hate crimes at the roundtable discussion titled "Co-operation against Hate Crimes", organized by the Ebony African Organization
6 May 2015	Guest presentation at the University of Miskolc on Hungarian cases before the ECtHR concerning unlawful pre-trial detention and inhuman detention conditions
12 May 2015	Presentation on the standards of the ECtHR on pre-trial detention for students of the CEU Legal Studies Department
19-21 May 2015	Presentation of the experiences regarding the operation of the Independent Police Complaints Board in Hungary at the conference "Effective Investigation of Torture", organized by the Open Society Foundations in Yerevan, Armenia
1 July 2015	Roundtable discussion on law enforcement issues from a human rights perspective in Hungary, organized by the School of Public Life
26 October 2015	Legal clinic course session at the CEU Legal Studies Department on a case relevant to the standards of the European Court of Human Rights on the rights of a defendant

(Lectures and other presentations carried out under the Refugee Protection Programme are presented in Section 2.)

Budapest, 31 January 2016



Marta Pardavi
co-chair
Hungarian Helsinki Committee