



HUNGARIAN HELSINKI COMMITTEE

ANNUAL REPORT OF ACTIVITIES IN 2016

The Hungarian Helsinki Committee (HHC) is a human rights NGO founded in 1989. It monitors the enforcement of human rights enshrined in international human rights instruments in Hungary, 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 guarantees 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 focuses particularly on access to justice, conditions of detention and the effective enforcement of the right to defense and equality before the law.

OUR 20 MAIN ACHIEVEMENTS IN 2016

1. The joint efforts of the HHC and several other NGOs contributed to **precluding that the Hungarian Government selects the candidates for the position of the new Hungarian judge at the European Court of Human Rights in a non-transparent and undemocratic manner**. The NGOs voiced strong concerns repeatedly both domestically and before the Council of Europe with regard to the selection of candidates as initially conducted by the Government, their efforts contributing to the fact that the Government finally had to issue a public call for the position. The new selection process resulted in an entirely new set of candidates.
2. In a [landmark judgment](#) delivered on 8 November 2016, the European Court of Human Rights ruled that the Hungarian authorities' refusal to provide the HHC with information related to ex officio defense counsels was in breach of the HHC's right of access to information and so violated the HHC's right to freedom of expression. The importance of the judgment goes beyond the Hungarian case: **the Grand Chamber of the European Court of Human Rights confirmed for the first time that the European Convention on Human Rights protects the right of access to information**.
3. Following up on the implementation of the European Court of Human Rights' pilot judgment on **prison overcrowding**, *Varga and Others v. Hungary* (2015), the HHC prepared a background material for the Council of Europe, outlining the problems related to the judgment's execution and submitted a [set of recommendations](#) to the Ministry of Justice, proposing mid-term and long-term solutions for reducing the prison population. The pilot judgment, in which three of the applicants were represented by the HHC, finally prompted the Hungarian Parliament to [introduce](#) a domestic complaint and compensation procedure for persons detained in overcrowded cells into the Hungarian law in October 2016.
4. Promoting change in the practice of coercive measures and decreasing the number of unjustified **pre-trial detentions** remained a strategic goal. In 2016, HHC published an extensive [country report](#) on the Hungarian practice of pre-trial detention, following which HHC was invited to present the main findings at the Hungarian Society of Criminology, and to hold a series of training sessions for junior prosecutors on the topic. In line with the HHC's recommendations, the President of the Supreme Court (*Kúria*) established a judicial analysis group to examine the practice of pre-trial detention decision-making. In July 2016, the European Court of Human Rights [established](#) that the pre-trial detention of one of HHC's clients had violated the right to liberty as enshrined in the European Convention on Human Rights.
5. Throughout 2015 and 2016, the HHC was contributing to the drafting procedure of the new Code of Criminal Procedure by commenting on its mapping documents and draft. **The draft text of the new Code of Criminal Procedure Code**, published in 2016, **includes several new provisions the HHC has advocated for years**: for example, ex officio defense counsels will be selected by the bar association instead of the police, and the scope of application of bail will become wider.
6. In a procedure that **challenged the discriminative ID-check practices of the police targeting homeless people** before the Equal Treatment Authority, the HHC and the City is for All (A Város Mindenkié – AVM) reached a [friendly settlement with the police](#) in January 2016. The Budapest Police Headquarters agreed to issue a circular to counter discriminatory ID-checks, in which it raised the

attention of police officers that persons in detrimental social situation shall not be ID-checked randomly when queuing for free food or resorting to other social services.

7. In June 2016, the **lawsuit** the HHC filed **against Fidesz**, the governing party in Hungary, concluded with a **final judgment** ruling that **Fidesz had violated the HHC's right to a good reputation** and awarded HUF 1 million in damages to the HHC. Fidesz had stated that the HHC is a "fake" NGO, which "executes the political orders" of international actors and tampers with data concerning asylum seekers.
8. The HHC provided **free-of-charge legal assistance to forced migrants in 2,737 cases**, including assistance in 2,097 asylum cases. The HHC represented 280 asylum seekers in the administrative phase and 215 asylum seekers in the judicial phase of the asylum procedure, as well as 50 asylum-seekers in challenging their unlawful detention and 37 refugees in a family reunification procedure.
9. 119 HHC-represented asylum seekers clients received international protection in the administrative asylum procedure. **The "recognition rate" of HHC clients in this phase of the procedure is therefore much higher** (21%, based on cases of known result) than the average (8% in 2016).
10. **75% (!) of the HHC-represented asylum cases were successful on appeal.**
11. As a result of several years of advocacy and strategic litigation work by the HHC, two judgments from two different courts ruled that **psychological tests are not acceptable methods to test an asylum seeker's sexual orientation**. In a third case, due to the intervention of the HHC, a Hungarian judge decided to clarify this question by **requesting a preliminary ruling** by the EU Court of Justice.
12. In 2016, **29 family members of refugees were able to enter Hungary** safely and lawfully with the HHC's financial and technical assistance.
13. On 5 July 2016, in the landmark case of *O.M. vs. Hungary*, represented by the HHC, the European Court of Human Rights ruled that **the detention of a gay asylum-seeker was unlawful and "verged on arbitrariness"**. The Court emphasised the lack of individualised decision-making, proper reasoning and a proper consideration of the applicant's vulnerability. This was the first ever ECtHR judgment addressing "asylum detention" in Hungary, and the Court's assessment widely echoed the HHC's legal arguments.
14. Using expert materials provided by the HHC, many lawyers and NGOs from other EU Member States were successful in suspending the **return transfers of asylum seekers to Hungary under the EU Dublin III Regulation**, referring to systemic deficiencies in the Hungarian asylum system.
15. The HHC successfully **stopped the deportation to Serbia** of two Cameroonian sisters, victims of torture and trafficking, by obtaining the **interim measure of the UN Human Rights Committee**.
16. The HHC managed to **halt the "Dublin return" of three vulnerable asylum seekers** to Greece and Bulgaria, through successfully obtaining **interim measures** by the European Court of Human Rights and the UN Human Rights Committee (respectively). The interim measures granted by the ECtHR actually resulted in the **general re-suspension of the freshly reinstated Dublin returns from Hungary to Greece**, representing a major advocacy success.
17. The Cordelia Foundation and the HHC launched in March 2016 a joint publication titled **From Torture to Detention**, which, based on 18 months of direct, multidisciplinary monitoring, revealed **systemic deficiencies and human rights violations related to the frequent detention of torture survivor and traumatized asylum seekers in Hungary and Bulgaria**, including the lack of appropriate medical and psycho-social care, information and early identification. The report generated **extraordinary global press coverage**, reported by most global news agencies (AP, AFP, Reuters, etc.), as well as national media in several European, Latin-American and Middle-Eastern countries.
18. The HHC published a pioneering **research report focusing on refugees' and stateless persons' access to Hungarian nationality**, an issue never subject to similar research in any other country. The publication revealed crucial legal and statistical information questioning the fulfillment of Hungary's relevant international obligations, as well as it offered a model for similar initiatives in other countries.
19. The HHC **appeared on Hungarian media at least 383 times (!)** in 2016 (on 259 occasions in relation to asylum/migration), including frequent appearances on main commercial TV channels' news programs, popular online news portals, as well as several popular newspapers and a government-critical popular radio channel. The HHC **appeared at least 200 times (!) in international media** (mainly in relation to asylum/migration), including many globally relevant news-providers.
20. The four language editions of the Refugee Law Reader (a globally unique comprehensive online curriculum for the teaching refugee law, managed by the HHC) have reached **133,700 individual users world-wide** by the end of 2016. Due to the HHC's capacity-building project, 12 professors **started teaching refugee law**, 10 extended their related educational activities, and 7 initiated the creation of a refugee law clinic or a university-based legal counselling service for forced migrants in Latin America, the former Soviet Union region and Northwest Africa.

Table of Contents

1. Improving respect for human rights by law enforcement agencies	5
1.1. Preventing ill-treatment: human rights monitoring of penitentiaries and prison holding facilities	5
1.2. Recommendations to reduce prison overcrowding and submission to the Council of Europe	6
1.3. OPCAT-related advocacy activities	6
1.4. Advocacy for the abolishment of actual life sentence	7
1.5. Not Even as a Last Resort – Fair Procedure and Proportionate Sanction for Petty Offenders	7
1.6. Decriminalizing Petty Offences in Hungary Task Force	7
1.7. The Practice of Pre-Trial Detention: Monitoring Alternatives and Judicial Decision-Making	8
1.8. Regional research into the effective prosecution of ill-treatment	8
2. Right to asylum – preserving international protection	9
2.1. Strategic adaptation to radically new challenges	9
2.2. Effective legal assistance to asylum seekers and refugees – overview	11
2.3. Focus on access – challenging physical and legal fences	13
2.4. Focus on detention – denouncing unlawful practices	14
2.5. Focus on the right to family life – refugee families reunited in Hungary	15
2.6. Primary source of information on the Hungarian asylum situation	16
2.7. International initiatives in the field of asylum	17
2.7.1. The Refugee Law Reader – enhancing refugee law education to where it is most needed	17
2.7.2. ACESO	18
2.8. Relying on a strong international network in crucial times	19
2.9. A leading advocate of the rights of the stateless	20
3. Promoting access to justice	20
3.1. Accessible Letters of Rights in Europe	20
3.2. ARTICLE 7 – Ensuring Access to Case Materials in Hungary	20
3.3. Inside Police Custody	21
3.4. Strengthening procedural rights in criminal proceedings: effective implementation of the right to a lawyer/legal aid under the Stockholm Program	21
3.5. Participation in the JUSTICIA European Rights Network	21
3.6. SUPRALAT: Strengthening suspects' rights in pre-trial proceedings through practice-oriented training for lawyers	22
3.7. Activities related to the new Code of Criminal Procedure	22
3.8. Landmark victory before the ECtHR in an FOI case concerning defense counsels	22
4. Promoting equal treatment	23
4.1. Resisting Criminalization – Fighting for Housing	23
5. Combating hate crimes	23
5.1. NGO working group against hate crimes	23
5.2. Experience Crime	24

5.3. European Judicial Training on xenophobia and the rights of persons in need of international protection.....	24
6. Assisting victims of human rights violations	25
6.1. Human Rights Legal Counseling Program.....	25
6.2. Select cases before domestic authorities and the European Court of Human Rights.....	25
7. Other activities.....	28
7.1. International human rights advocacy events (selected).....	28
7.2. Participation in European human rights networks	28
7.3. Transparent selection process of new Hungarian ECtHR judge	29
7.4. Government attacks on the NGO sector: lawsuit against Fidesz.....	29
7.5. Human rights education.....	30
7.5.1. Youth Engagement for Conscious Citizenship	30
7.5.2. Human rights lectures and presentations	30
7.6. Communication activities.....	30

1. Improving respect for human rights by law enforcement agencies

1.1. Preventing ill-treatment: human rights monitoring of penitentiaries and prison holding facilities

Institution visited	Findings and results
Szabolcs-Szatmár-Bereg County Penitentiary Institution	The HHC conducted a monitoring visit to the Szabolcs-Szatmár-Bereg County Penitentiary Institution on 27-28 January 2016. The monitoring report on the visit highlighted that physical conditions in the institution were seriously inadequate: the prison was not able to provide the minimum required moving space for any of the detainees, in most cells the toilets were separated only by a curtain from the rest of the cell, and mattresses and plastic cans (in which hot water was provided) were often in a very bad condition. On the other hand, no complaint was raised with regard to the personnel, and the institution started to refurbish the cells and install walls to separate the toilets.
Márianosztra High and Medium Security Prison	On 26-27 April and 5 May 2016, the HHC conducted a monitoring visit to the Márianosztra High and Medium Security Prison. The HHC's most important finding was that the personnel seemed to maintain an illegal practice of mistreating detainees through verbal and physical abuse. Gaps in the general medical and psychiatric assistance provided for detainees also raised serious concerns, and physical conditions in the cells were extremely problematic. The National Penitentiary Headquarters agreed with certain significant conclusions of the HHC, conducted a follow-up visit to the institution, and took measures aimed at preventing the ill-treatment of detainees (e.g.: banning the regular use of masks by the staff and the security solitary cell, and installing cameras).
Juvenile Penitentiary Institution (Tököl)	On 2 August 2016, the HHC paid a monitoring visit to the Juvenile Penitentiary Institution in Tököl, focusing on the detention conditions of juveniles punished with confinement (either for minor criminal offences or for petty offences). The monitoring report on the visit provides statistics on the number of juveniles affected, and highlights the systemic problems of the petty offence procedure, mainly focusing on the overuse of incarceration.
Vác High and Medium Security Prison	On 29-30 August 2016, the HHC conducted a monitoring visit to the Vác High and Medium Security Prison. The publication of the report on the visit is pending; the HHC is awaiting the comments of the National Penitentiary Headquarters. The HHC's most important preliminary finding regarding the prison was that physical conditions were extremely problematic: e.g. the average overcrowding rate was 143% (which is above the national average), in most cells toilets were not separated from the rest of the cell, and it was extremely hot in some parts of the prison. The most common complaint the HHC received was that the deductions from the detainees' accounts are not transparent at all. Therefore, the HHC recommended introducing a completely new system of documentation on how detainees' money is spent by the prison.
Budapest High and Medium Security Prison and Metropolitan Penitentiary Institution	In the autumn of 2016 the HHC paid two visits to two penitentiary institutions in Budapest to explore the practice of the transportation of detainees. (Every Monday a large number of detainees, usually more than a thousand, are moved from one institution to another, usually through Budapest, mainly in order to attend procedural actions.) The visit showed discrepancies concerning the food provided for transported detainees during the day, and that sanitary conditions were sometimes improper. The publication of the report on the visit is pending.
Central Holding Facility of the Budapest Police Headquarters	On 8 December 2016, the HHC conducted a monitoring visit to the Central Holding Facility of the Budapest Police Headquarters for following up a monitoring visit conducted by the National Preventive Mechanism (NPM) earlier. The publication of the HHC's report on the visit is pending; preliminary findings enhance the ones of the NPM about the extremely problematic physical conditions (e.g. the lack of natural light and toilets in the cells). The HHC also detected problems related to the right of the detainees to information about their rights in detention and to the access to personal medical files, and gaps in communication between the staff and foreign detainees.

In 2016, the HHC re-negotiated its cooperation agreement with the National Penitentiary Headquarters, with the aim of enhancing efficiency and refining the rules of the HHC's prison monitoring program. The **new cooperation agreement** was signed in October 2016.

The HHC also contributed to the website [Prison Insider](#) in the reporting period, which aims to collect information about prison conditions in various countries.

Donors: Oak Foundation, Open Society Foundations

1.2. Recommendations to reduce prison overcrowding and submission to the Council of Europe

In its March 2015 [pilot judgment](#) issued in the *Varga and Others v. Hungary* case, the European Court of Human Rights (ECtHR) concluded that the overcrowding of penitentiaries in Hungary constitutes a structural problem, and Hungary should produce a plan to reduce overcrowding. Accordingly, the Hungarian government submitted a related action plan to the Committee of Ministers of the Council of Europe (CoE). However, the HHC was of the view that the general measures outlined in the action plan were in themselves insufficient to comply with the requirements included in the pilot judgment and failed to address systemic deficiencies. Therefore, in February 2016, the HHC **circulated a [background material](#) among** the permanent representations of the **CoE** and the department responsible for the execution of ECtHR judgments, **outlining the problems related to the execution of the pilot judgment and formulating recommendations**. In May 2016, the HHC also submitted a [set of recommendations to the Ministry of Justice](#) (MoJ), proposing mid-term and long-term solutions to reduce the prison population which can be easily introduced into the Hungarian legal system without imposing a significant burden on the state budget.



The pilot judgment, in which three of the applicants were represented by the HHC, finally prompted the Hungarian Parliament to introduce a domestic complaint and compensation procedure for persons detained in overcrowded cells into the Hungarian law in October 2016. However, the solution chosen by the Government remains [far from ideal](#), which the HHC signaled in its **opinions submitted to the MoJ in the course of the legislative process**, regarding both the [draft law](#) and the [submitted Bill](#). The CoM is yet to deliver a decision on the latest steps of the Government. Meanwhile, the ECtHR suspended the examination of the 6,800 applications pending before it concerning conditions of detention in Hungary in light of the new law adopted, a step regarding which the HHC raised concerns in a **letter sent to the ECtHR** in December 2016.

1.3. OPCAT-related advocacy activities

Since the adoption of the Optional Protocol to the UN Convention against Torture (OPCAT) by Hungary in 2011, the HHC has focused 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). As a member of the CCB, the HHC attended a meeting in the NPM's office on 19 April 2016 where a working group of the CCB – with the lead of the HHC – presented its conclusions and recommendations based on the **assessment of the reports published by the NPM**, identifying their positive and negative features. The HHC also provided **updates to the Subcommittee on the Prevention of Torture** on the work of the NPM in 2016. The HHC attended a second meeting of the CCB in the Ombudsperson's office on 16 November 2016, and a bilateral preparatory meeting with the NPM before conducting the follow-up monitoring visit to the Central Holding Facility of the Budapest Police Headquarters on 8 December 2016 (see section 1.1.).

Donor: Open Society Foundations

1.4. Advocacy for the abolishment of actual life sentence

For several years, the HHC has been advocating for the abolishment of life imprisonment without the possibility of a parole (actual life sentence) in Hungary, with related efforts including a third party intervention submitted to the ECtHR in the *László Magyar v. Hungary* case. The [judgment](#) in the latter case, establishing the violation of the European Convention on Human Rights, was followed by legislative changes, but the HHC is of the view that the new review mechanism introduced by the Hungarian lawmaker for actual lifers still does not comply with the standards set by the ECtHR. Therefore, in May 2016, the HHC submitted a **communication to the Committee of Ministers** of the CoE, supervising the execution of the ECtHR's judgments, and explaining in detail why Hungary has failed to comply with the judgment handed down by the ECtHR in the above case. The **HHC's standpoint** regarding the new mechanism **was confirmed by the ECtHR** in its [judgment](#) issued in the case *T.P. and A.T. v. Hungary* in October 2016, in which the HHC also submitted a **third party intervention** earlier on behalf of the two applicants serving actual life sentence.

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

The project, launched by the HHC in 2015, aims at challenging the deficiencies of the petty offence procedure in Hungary by revealing systemic problems through mapping, monitoring visits to penitentiaries, strategic litigation, and advocacy activities. In the project's framework, the HHC conducted **interviews** with key stakeholders, conducted massive **data collection**, and paid **monitoring visits** to penitentiary institutions in order to examine the detention conditions of those in petty offence confinement. The results of these activities were summarized in a **study** and were presented at a **roundtable** on 25 March 2016, which was attended by representatives of the police, the National Penitentiary Headquarters, the judiciary, and NGOs. The HHC also prepared **accessible (plain language) pilot leaflets** about the petty offence procedure and how community work is executed, which will be disseminated among petty offenders with the participation of the police, the Ministry of Human Capacities and the Ministry for National Economy. In the framework of the project four **short films** were produced to illustrate that some elements of the petty offence law and practice (such as for example the fining and the incarceration of homeless people for infringing the rules of residing on public premises for habitation) are absurd even for children and hurt their natural sense of justice.



Donor: Open Society Foundations

1.6. Decriminalizing Petty Offences in Hungary Task Force

The HHC launched the project **aimed at decriminalizing petty offences** in Hungary in December 2015. The project is coordinated by the HHC and is implemented with the help and participation of five Hungarian NGOs: the Hungarian Civil Liberties Union, the Legal Defense Bureau for National and Ethnic Minorities, the Street Lawyers Association, the Roma Press Centre and the Association of Hungarian Sex Workers. The project focuses on the 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 main achievements of the project include the following:

- project partners provided legal aid in four strategic court cases (domestic and ECtHR) and submitted eight complaints to the Ombudsperson;
- focus group discussions were conducted with three groups of affected persons: judges, penitentiary staff members and petty offence detainees, in order to better understand the problematic issues – the results are used for advocacy and strategic planning;

- the costs and administrative burden of the petty offence system was analyzed in an [economic study](#), providing alternatives to the current system;
- a [conference](#) on the use of plain language in petty offence procedures was held with the participation of the President of the National Judicial Office, representatives of the police and affected groups, and a [Canadian plain language expert](#);
- a communication campaign including numerous articles and [videos](#) attracted wide attention in the mainstream media.

Donor: Open Society Foundations

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



The HHC launched the project titled "The Practice of Pre-Trial Detention: Monitoring Alternatives and Judicial Decision-Making" in 2014, as an implementing partner of Fair Trials, and with funding from the European Commission. The project aimed to provide a unique **evidence-based study about the practice of pre-trial detention across the European Union**, in a total of 10 countries. In the framework of the project, 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. Based on the research, a **country report** was prepared in [English](#) and in [Hungarian](#), comparing Hungarian practice with domestic law and international standards, which was disseminated widely among stakeholders. The research was publicized also via [blog posts](#), featuring images depicting certain domestic project results. Additionally, the **Hungarian Society of Criminology** invited the HHC to present the country report at one of its [sessions](#) on 21 April 2016, and [published](#) a shortened version of the country report in its journal. Further advocacy results included the Chief Prosecutor's Office invitation to the HHC to hold **training sessions for junior prosecutors** on the project results; training sessions were held on 28 April and on 6 October 2016, for 40 participants each. At the Curia, the research results were also used to advocate that one of the **judicial analysis groups explores the practice of coercive measures in 2016**, and the President of the Curia decided in line with that. Furthermore, domestic project results from all 10 countries were presented at a conference in London in September 2015 and were summarized in a [regional report](#), produced by Fair Trials, which was launched at an event in the European Parliament on 26 May 2016.

Donor: European Commission (JUST/2013/JPEN/AG/4533)

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

In 2015, the HHC launched a two-year long **international research project, covering eight countries**, with the aim of **offering possible explanations as to the reasons for 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. The pilot phase of the research covered Hungary and the United Kingdom, and included the preparation of the necessary research tools with the professional supervision of the board set up for the project. Further project partners were selected from

Germany, Northern Ireland, France, the Czech Republic, Belgium, and Bulgaria. Key findings from the above countries were summarized in a **140-page long comparative study** and were discussed at a closing **conference on 24 February 2016** with around 30 experts from seven European countries. The comparative study was also **presented by the HHC at a side event of the UN Subcommittee on Prevention of Torture February Session** on 16 February 2016, and was translated to Bulgarian, Czech, Hungarian and French. The research was accompanied by **domestic advocacy activities and short videos** about the problems identified by the county reports. In addition, based on a call for project partners, Bulgaria, Belgium and the Czech Republic were selected by the HHC and the Open Society Foundations to carry out intensive, **targeted creative campaigns**, calling attention to the problems and the potential solutions identified locally. The HHC also set up a separate **website** for the project.

Donor: Open Society Foundations

2. Right to asylum – preserving international protection

2.1. Strategic adaptation to radically new challenges

After a particularly turbulent year in 2015, the operational context of the HHC Refugee Program **continued to be volatile and constantly changing** in 2016, representing new and multiplied challenges:

- After a sharp, but temporary decrease in the number of asylum-seekers between November 2015 and January 2016, the **numbers were once again on the rise**. By early July, the country registered 22 491 asylum claims, the majority from Afghanistan, Pakistan, Syria, Iraq and Iran.

	January	February	March	April	May	June
Asylum-seekers registered in Hungary	433	2 175	4 574	5 812	4 752	4 745

- The introduction of a number of **major legal amendments** decreased the number of submitted asylum claims in the second half of the year, while persons of concern were still arriving in large numbers. The introduction of the “8 km rule” on 5 July 2016, aiming at **legalizing extrajudicial push-backs** from far within Hungarian territory, excluded 8,466 irregular migrants (among whom many persons of concern) from the mere possibility of claiming asylum on Hungarian soil. In addition, altogether 10,591 irregular migrants (among whom many persons of concern) were prevented from entering the country at the border fence. Finally 29,432 persons managed to submit an asylum claim in 2016, the majority of whom came from war- and terror-torn countries.

	July	August	Sept.	October	Nov.	Dec.
Asylum-seekers registered in Hungary	1 688	1 402	1 118	1 198	728	629
Irregular migrants prevented from entering the country at the border fence	2 695	2 232	1 302	1 436	1 130	1 796
Irregular migrants pushed back from within Hungary (“8 km rule”)	1 701	1 785	1 052	1 666	1 046	1 216

- Growing numbers, coupled with an ever increasingly tough policy on irregular migration, resulted in more and more persons of concern trying to have **access to Hungary through the transit zones in Röszke and Tompa**. As authorities arbitrarily limited the number of asylum-seekers admitted per day (15, later 10, then 5/day/transit zone) **hundreds of asylum-seekers got stranded at the entrance of the transit zones** for several days or weeks, without shelter, services, or even food or toilet facilities (see the HHC’s [report](#) on this permanent phenomenon).
- The politically motivated dismantling of (what remained from) the Hungarian asylum system continued. **Restrictive legal measures** introduced in the reporting period included the elimination of any sort of integration support to and curbing access to health care for recognized refugees and beneficiaries of subsidiary protection, the elimination of cash benefits and school-enrolment support for asylum-seekers, and the introduction of a highly controversial mechanism aiming to “legalize” extrajudicial push-backs to Serbia (see the HHC’s information briefs in English [here](#) and [here](#)).

- The end of massive and turbulent forced migration fluxes in late 2015 did not prevent the government from continuing its **xenophobic propaganda campaign** in 2016, too. During the reporting period, government communication particularly used the supposed link between terrorist and criminal acts on one hand, and migration on the other. The government also hooked its campaign on the preparation of a referendum on the EU refugee relocation quota in October 2016.

The HHC's asylum-related activities continued to focus on the following issues in 2016:

- Preserving access to international protection 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;
- Monitoring **access** to Hungarian territory and mechanisms of international protection;
- 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 informing national and international public and key stakeholders about main findings, **publicly denouncing** human rights violations against asylum seekers and refugees;
- Improving national asylum systems and the international/EU frameworks of international protection (asylum and statelessness) through the implementation of **innovative and sustainable training initiatives**;
- Paying particular attention to the most **vulnerable groups** (such as torture victims, unaccompanied minors, persons with disabilities, LGBTI persons, etc.) in all these efforts.

In 2016, the HHC continued to represent the **main – and sadly often the only – loud public voice** criticizing the Hungarian government's unlawful anti-refugee policies and hate campaign. Based on its **successful adaption strategy** from 2015, the HHC Refugee Program has:

- Kept on putting particular emphasis on **international remedies** (litigation with international courts, lobbying with the EU, reporting to UN bodies, etc.), further diversifying the fora it reaches out to (e.g. by, for the first time, turning to the UN Human Rights Committee with a request for urgent action);
- Continued to increase its **public communication and media presence**, allocating additional human resources to these activities and strengthening the numerous press contacts established in 2015;
- Continued to use a communication style which both reflects the organization's unique expertise on the matter through **more easy-to-understand and "politically" stronger messages**, in order to attract a wider non-professional audience;
- Continued 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;
- Continued to invest more in the **psychological wellbeing** of its staff especially exposed to distressing material (by massive counseling and monitoring work), in particular through regular psychological supervision and burnout prevention sessions;

Successfully **extended and diversified its donor basis**, which by the end of the year included the UNHCR Regional Representation for Central Europe, the Open Society Initiative for Europe, the UN Voluntary Fund for Victims of Torture, the European Commission, the Jacob Blaustein Institute (US), the Unitarian Universalist Service Committee (US) and the ProAsyl Foundation (Germany).

Donors:

- UNHCR: Effective legal counselling for asylum seekers and monitoring access to protection mechanisms - HUN01/2016/0000000030/000 ProAsyl Foundation: Legal Counselling for Detainees and Dubliners

- United Nations Voluntary Fund for Victims of Torture (UNVFT) - G-916DA_16 Open Society Foundations: Effective response to the asylum crisis in Hungary: Extended Legal Assistance Services and Sustainable Alternative - OR 2015-23330
- European Commission: Access to early protection and rehabilitation services right on arrival in the European Union (HOME/2014/PAVT/AG/4000006541)
- European Commission: Supporting Torture Survivors: Rehabilitation and Empowerment – a need and goal for treatment and Help (HOME/2013/PPVOT/AG/5305)
- Unitarian Universalist Service Committee European Commission: No Longer Alone: Advancing Reception Standards for Unaccompanied Children – (HOME/2013/PPUM/AG/6445)

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

After over 18 years, the HHC is still **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 be left without adequate legal guidance or support. Therefore, the foundation of HHC Refugee Program's activity has continued to be legal counselling, along with strategic legal representation in selected cases.

In 2016, the HHC continued to **maintain a presence at virtually all venues where asylum-seekers and foreigners under return proceedings were being detained or accommodated**. HHC legal officers and attorneys provided free-of-charge legal counseling once or twice a week 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). Free legal counseling was also available at the HHC office in Budapest every day. In order to effectively respond to the continuously changing environment (including the closure and opening of facilities), the HHC:

...allocated additional capacities (and, if necessary, funding) to:	<ul style="list-style-type: none"> ▪ Monitoring, legal counseling and representation in Kiskunhalas; ▪ Monitoring, legal counseling and representation in the Röske and Tompa transit zones; ▪ Legal representation in strategic litigation cases before Hungarian courts.
...started legal counseling activities at:	<ul style="list-style-type: none"> ▪ The newly opened reception facility in Körmend.
...ceased legal counseling activities at:	<ul style="list-style-type: none"> ▪ The childcare facility in Hódmezővásárhely; ▪ The open reception facility in Nagyfa.

The HHC Refugee Program successfully **increased the outreach of its legal counseling services**, reaching more beneficiaries than ever:

Total number of cases of persons assisted by the HHC Refugee Program:	2,737
...among whom assisted in an asylum procedure:	2,097
...among whom assisted in an expulsion/alien policing procedure:	573
...among whom assisted in family reunification:	67

Venue	Type of facility	Clients assisted
Budapest	HHC office	160
Bicske	Open reception facility for asylum-seekers	384
Vámosszabadi		114
Nagyfa		42
Balassagyarmat		36
Körmend		53
Hódmezővásárhely		22
Fót	Shelter for unaccompanied minors	154
Nyírbátor	Asylum detention	247

Békéscsaba		329
Kiskunhalas		421
Röszke / Tompa	Transit zone (land border)	172
Nyírbátor		245
Kiskunhalas		185
Győr	Immigration detention	95
Nagyfa		62
Budapest Airport		16

Main countries of origin				Gender and age profile		
Afghanistan	770	Iraq	298	Male	2,698	95%
Pakistan	300	Syria	187	Female	139	5%
Iran	205	Somalian	80	Unaccompanied minors	270	10%

Asylum seekers provided with legal representation – total number of cases:	582
...among which representation in the administrative phase of the asylum procedure:	280
...among which representation in the judicial phase of the asylum procedure:	215
...among which representation in challenging a detention order:	50
...among which representation in family reunification:	37

Legal counseling and representation continued to have a **crucial impact on the quality and the outcome of the asylum procedure**:

The HHC continued to place an emphasis on supporting **particularly vulnerable asylum seekers**:

- Out of the cases assisted by the HHC in the reporting period 270 were those of **unaccompanied minors** (261 boys and 9 girls), 88 of **torture victims**, 130 of single adult **women** and several dozens were cases of **lesbian, gay or trans** persons;
- **Two** judgments from two different courts (in HHC-represented cases) concluded that **psychological tests are not acceptable methods to test an asylum seeker's sexual orientation**, representing a major achievement, based on several years of advocacy and strategic litigation work. In a third case, due to the intervention of the HHC, a Hungarian judge decided to clarify this question by **requesting a preliminary ruling** by the Court of Justice of the European Union.
- In May 2016 the HHC submitted an application to the **UN Human Rights Committee** in a case of two Cameroonian sisters whose asylum application, despite being previously trafficked to Serbia, held there in captivity, raped several times and forced to prostitution (and one of them being lesbian) was rejected by the asylum authority and the domestic Court with the argument that they had arrived through Serbia, which Hungary considers to be a safe third country. The UN Human Rights Committee granted an interim measure and **requested the Hungarian government not to deport the applicants to Serbia** while the application is pending.
- The HHC managed to **halt the "Dublin return" of three vulnerable asylum seekers** to Greece and Bulgaria, through successfully obtaining interim measures by the European Court of Human Rights and the UN Human Rights Committee (respectively).

The HHC also published a new **information leaflet for asylum seekers in 10 languages**, reflecting the most recent amendments to the asylum legislation in a user-friendly format and an easily understandable. The info leaflet can be downloaded from the HHC [website](#), and has also been distributed in a printed version (4,000 copies were printed in total).

Donors:

- UNHCR: Effective legal counselling for asylum seekers and monitoring access to protection mechanisms - HUN01/2016/0000000030/000 ProAsyl Foundation: Legal Counselling for Detainees and Dubliners
- United Nations Voluntary Fund for Victims of Torture - G-916DA_16
- Open Society Foundations: Effective response to the asylum crisis in Hungary: Extended Legal Assistance Services and Sustainable Alternative - OR 2015-23330 European Commission Access to early protection and rehabilitation services right on arrival in the European Union - (HOME/2014/PAVT/AG/4000006541)

- European Commission: Supporting Torture Survivors: Rehabilitation and Empowerment – a need and goal for treatment and Help (HOME/2013/PPVOT/AG/5305)

2.3. Focus on access – challenging physical and legal fences



In 2013-2015, the Serbian-Hungarian border section became one of the **most critical entry points for irregular migration** to the EU. As part of its agenda to dismantle the Hungarian asylum system, the government closed the Serbian and Croatian border section in 2015 with a **razor-wire fence**. The physical fence was completed with a “legal fence”, which included the massive criminalization of illegal border crossing through the border fence (see other key points in Section 2.1.).

In 2016 the HHC continued to monitor and to provide assistance on a weekly basis in the so-called **transit zones** on the Serbian-Hungarian border section (Röszke and Tompa), thus being **the only civilian human rights monitor** who could enter these facilities.

In April 2016, the HHC conducted a two-day monitoring visit to the areas *in front of* the two transit zones (on the external side of the border fence), where several dozen (and later several hundreds) of asylum seekers have been continuously stranded and waiting to enter the transit zone, meaning the only way for them to gain access to Hungary in a non-irregular manner. The HHC’s [monitoring](#)

[report](#) was the first NGO report publicly denouncing the unacceptable conditions at these sites, including the lack of toilet facilities, shelter from the sun/rain, beds, food, information and medical assistance.

The HHC continued to carry out regular monitoring activities under the **tripartite agreement** reached 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 monitoring team **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.

Following the [riot of 16 September 2015](#) at the Röszke border crossing point, 10 migrants were **charged with various criminal offenses**. HHC attorneys Tamás Fazekas and Tímea Kovács represented three **particularly vulnerable disabled Syrian asylum seekers** who were charged with illegally crossing the border fence as participants of a riot in both their criminal procedures and asylum procedures. Of the three, one is somewhat paralyzed and uses a wheelchair, the second one is an elderly woman who is almost blind and has a very serious diabetes condition, while the third is an elderly man who can only walk with crutches. All three of them spent 9 months under house arrest that was “executed” in the immigration jail in Kiskunhalas in inhumane conditions. The elderly woman, however, was granted subsidiary protection in the meantime. On 1 July 2016, all ten migrants were convicted based on almost no evidence. Despite all efforts, the HHC’s clients were also convicted to one year suspended imprisonment with 2-4 years of expulsion and a re-entry ban for the two men. The HHC attorneys appealed the first-instance judgment. Meanwhile, 9 out of 10 of the accused were released from house arrest and pre-trial detention and were accommodated in an open reception facility.



The **interim measure** the HHC obtained from the **European Court of Human Rights** halting the “Dublin transfer” of two vulnerable asylum seekers to Greece actually resulted in the **general re-suspension of the freshly reinstated Dublin returns from Hungary to Greece**, representing a major advocacy success.

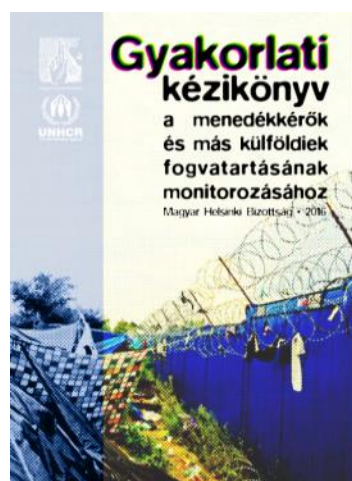
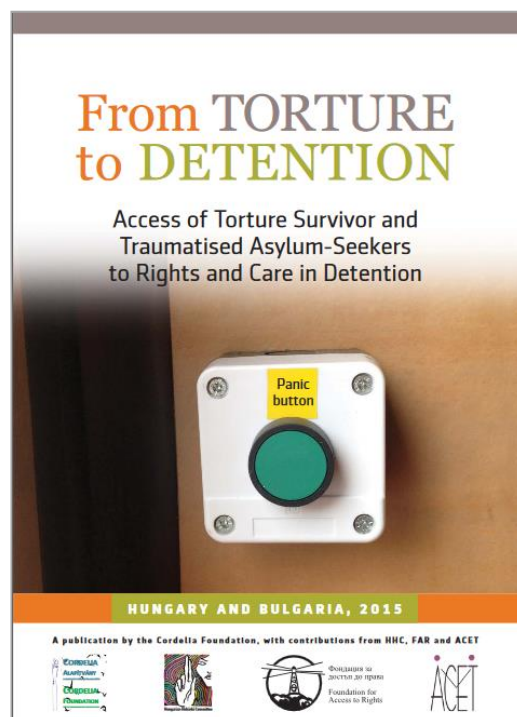
Donor: UNHCR: Effective legal counselling for asylum seekers and monitoring access to protection mechanisms - HUN01/2016/000000030/000

2.4. Focus on detention – denouncing unlawful practices

HHC attorneys continued to carry out weekly visits to the detention centers where asylum seekers or foreigners under return proceedings are detained. These 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 further increased as compared to 2015. HHC attorneys provided legal counseling in immigration and asylum detention centers to **1,772 people**. **In at least 32 HHC-assisted cases asylum the unlawful detention was successfully challenged and terminated.**

In addition, the HHC also paid **11 monitoring visits to detention facilities**, including 5 to asylum jails, 3 to immigration jails and 3 to transit zones. The HHC carried out detailed interviews with detainees and the management of the detention centers in order to gather information on detention conditions as well as investigate allegations of verbal and physical abuse. All monitoring reports are published on the HHC [website](#). Regular monitoring missions have provided otherwise unavailable **first-hand information that has strengthened our advocacy and litigation efforts**. Thus the HHC is still **the only independent civilian actor** capable of reporting on human rights violations occurring in asylum and immigration detention in Hungary in a credible manner

Throughout the year, the HHC continued to receive complaints relating to the **unlawful detention of asylum-seeking unaccompanied minors** detained alongside adults due to incorrect age assessments. The two attorneys present at the asylum jails of Nyírbátor and Kiskunhalas reported that they regularly assist visibly young and underage asylum seekers in detention. Apart from **petitions to terminate asylum detention**, HHC lawyers identified several cases of potentially underage detainees in 2016; **in 50 cases the HHC lawyers initiated an age assessment examination.**



Since 2010, the **European Court of Human Rights** ruled in 4 HHC-represented cases that the detention of an asylum-seeker was unlawful in Hungary. On 5 July 2016, in the **landmark case of O.M. vs. Hungary**, represented by the HHC, the European Court of Human Rights ruled that **the detention of a gay asylum-seeker was unlawful and “verged on arbitrariness”**. The Court emphasised the lack of individualised decision-making and the lack of properly reasoning the legal grounds of detention, as well as the lack of properly considering the applicant’s vulnerability. This was the first ever ECtHR judgment addressing “asylum detention” in Hungary, and the Court’s assessment widely echoed the HHC’s submission and legal arguments.

In March 2016, the Cordelia Foundation for the Rehabilitation of Torture Victims and the HHC launched a joint publication titled **[From Torture to Detention](#)**. Based on 18 months of direct, multidisciplinary monitoring, the

two organizations revealed **systemic deficiencies and human rights violations related to the frequent detention of torture survivors and traumatized asylum seekers in Hungary and Bulgaria**, including the lack of appropriate medical and psycho-social care, the lack of information and the lack of any functioning early identification mechanism for vulnerable asylum seekers. The report was presented before over 30 representatives of international media and foreign embassies based in Budapest. The publication generated **extraordinary global press coverage**, as it was reported by basically all major news agencies of a global outreach (AP, AFP, Reuters, etc.), as well as national media in several European, Latin-American and Middle-Eastern countries.

In cooperation with UNHCR, the HHC published and disseminated in 2016 a [practical guide](#) on monitoring the detention of asylum seekers and migrants, aiming at supporting potential new actors who wish to initiate such activities in the future.

Donors:

- UNHCR: Effective legal counselling for asylum seekers and monitoring access to protection mechanisms - HUN01/2016/0000000030/000 ProAsyl Foundation: Legal Counselling for Detainees and Dubliners
- United Nations Voluntary Fund for Victims of Torture - G-916DA_16 Open Society Foundations: Effective response to the asylum crisis in Hungary: Extended Legal Assistance Services and Sustainable Alternative - OR 2015-23330
- European Commission Access to early protection and rehabilitation services right on arrival in the European Union (HOME/2014/PAVT/AG/4000006541) European Commission Supporting Torture Survivors: Rehabilitation and Empowerment – a need and goal for treatment and help (HOME/2013/PPVOT/AG/5305)

2.5. 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 have been granted international protection. In these efforts, the HHC focuses on the following **challenges that in practice prevent** the majority of refugees from reuniting with their families who are outside of Hungary, such as the unreasonable and legally unfounded conditions introduced by Hungarian law or the persisting refusal of using alternative solutions in cases where the family member abroad does not hold a travel document accepted by Hungary (such as the Somalian passport).

In July 2014, the HHC submitted **a formal complaint to the European Commission** with detailed references to the non-compliance of Hungarian regulation and practice with various provisions in EU law concerning family reunification. This complaint was followed by an advocacy meeting with the Commission's experts and the submission of additional information in 2015. 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 2015, 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). In November 2016, the HHC provided additional update and information to the Commission.



In 2016, the HHC provided **legal assistance** for family reunification to **67 refugees** (37 of whom were also formally represented in the procedure).

In addition, due to the support received from the Unitarian Universalist Service Committee, the HHC was able to provide **financial and practical assistance to refugee families who benefit from HHC's legal**

assistance in their family reunification procedure, and whose family reunification would otherwise be impeded by insurmountable financial obstacles. In 2016, the HHC assisted 14 families in various ways ranging from paying for certified translations of documents requested by the asylum authority through DNA testing to family ties to actually paying for the flight tickets of reuniting family members. In the reporting period, **29 family members of refugees were able to enter Hungary safely and lawfully with the HHC's financial and technical assistance.**

These happy moments of reuniting families present **a rare opportunity to portray refugees in a positive light in the Hungarian media** and advocate for their right to family life. See for example:

- <http://hvg.hu/video/303r-mewOVg>
- <http://rtl.hu/rtlklub/fokusz/3-ev-utan-olelhetette-at-kislanyat>

Donors:

- UNHCR: Effective legal counselling for asylum seekers and monitoring access to protection mechanisms - HUN01/2016/0000000030/000 Unitarian Universalist Service Committee: Family Reunification Project
- ProAsyl Foundation: Legal Counselling for Detainees and Dubliners United Nations Voluntary Fund for Victims of Torture - G-916DA_16
- Open Society Foundations: Effective response to the asylum crisis in Hungary: Extended Legal Assistance Services and Sustainable Alternative - OR 2015-23330
- European Commission: Access to early protection and rehabilitation services right on arrival in the European Union (HOME/2014/PAVT/AG/4000006541)
- European Commission: Supporting Torture Survivors: Rehabilitation and Empowerment – a need and goal for treatment and Help (HOME/2013/PPVOT/AG/5305)

2.6. Primary source of information on the Hungarian asylum situation

With the 2015 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.



The HHC remained the far most frequently interviewed and quoted source of information in the press in 2016, even after the unprecedented media attention of 2015 to asylum-related issues in Hungary somewhat decreased. In 2016, the HHC **appeared on Hungarian media at least 259 (!) times in connection with asylum**

and migration, including 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 popular radio channel Klubrádió. On the same topic, the HHC **appeared at least 192 (!) times in international media**, including many globally relevant news-providers, such as the New York Times, Euronews, Aljazeera, Washington Post, BBC World, Le Figaro, Libération, Politico, Die Zeit and news agencies Reuters, AP, AFP and EFE.

In one of HHC's **major advocacy successes**, the European Commission launched an **[infringement procedure](#)** against Hungary for being in violation of asylum-related EU law in December 2015. This procedure was **based in great part on the information and complaints submitted by the HHC**. The procedure is still on-going at the time of writing.

In January 2016, the **Council of Europe Commissioner for Human Rights** also issued a particularly **critical document** (a third-party intervention before the European Court of Human Rights) outlining systemic deficiencies in the Hungarian asylum system, echoing the HHC's position to a large extent, and even referring to HHC reports.

In 2016, the HHC responded to **27 information requests regarding the envisaged return of asylum seekers to Hungary** ("Dublin returns") sent by NGOs or law firms based in other EU Member States, or the asylum seekers concerned. In March and April, the HHC wrote **two detailed reports on the situation of "Dublin returnees" in Hungary** for UK-based law firm Duncan and Lewis and for a Scottish attorney who represent several cases of Dublin returnees to Hungary. In light of the blatant deficiencies in the Hungarian asylum system, **several courts of other EU Member States suspended Dublin transfers to Hungary** in individual cases (courts in Austria, Belgium, Finland, Germany, Luxembourg, the Netherlands and Switzerland in 2015; courts in Belgium, Finland, France, Germany, Norway and Sweden in 2016). Denmark suspended all "Dublin returns" to Hungary in 2015, a ban that is still upheld at the time of writing. Information provided by the HHC played a crucial role in these suspensions.

Donor: Open Society Foundations: Effective response to the asylum crisis in Hungary: Extended Legal Assistance Services and Sustainable Alternative - OR 2015-23330

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 at the end of 2016 already exceeds **133,700 individuals worldwide**.



In 2016, the HHC continued its joint multiregional initiative with UNHCR's Global Learning Center to convert the Reader into a **global capacity-building tool**, with special emphasis on the former Soviet Union region (CIS+), Northwest Africa (Maghreb) and Latin America. An impact analysis at the end of 2016 revealed **outstanding concrete results emanating from project activities** (academic capacity-building courses and network-building). Due to the Refugee Law Reader and the HHC-led initiative, by the end of 2016:



- 12 professors started lecturing about refugee law/international protection (CIS+: 3, Latin America: 7, Maghreb: 1);
- 10 professors developed and extended the refugee law/international protection element in their existing teaching curriculum (CIS+: 5, Latin America: 5);

- 5 professors elaborated and presented to their university a plan to create a refugee law clinic, or integrated refugees and asylum-seekers into the portfolio of an already existing legal clinic (CIS+: 2, Latin America: 3) and 2 professors established university-based legal counselling services for refugees and displaced persons in Latin America;
- 14 professors explicitly changed and improved their teaching methodology based on innovative adult learning methods (CIS+: 5, Latin America: 9).

In February 2016, the HHC held its **second CIS+ regional course in Russian** in Yerevan, Armenia, with nearly 30 professors attending from the entire region. In April, the HHC held the **first Refugee Law Reader course in French in the Maghreb**, with over 25 professors attending from Morocco, Algeria, Tunisia and Mauritania. In December, the HHC led the **third Latin American regional course and conference** in Buenos Aires. All three courses received extraordinary evaluation. All these events were co-funded by the UNHCR Global Learning Centre and various UNHCR representations in the focus regions.

In May 2016, the HHC also surveyed how key beneficiaries (university professors and educators) see the initiative in the three target regions. Here are a few examples of the numerous enthusiastic comments received:



- *"In any refugee law course at any Latin-American university the Refugee Law Reader should be considered as an indispensable resource material, since it guides the professor in elaborating the course curriculum and provides al thematic, up-to-date bibliography"* (Elí Rodríguez Martínez, professor of international public law, Escuela Libre de Derecho, Mexico City, Mexico)
- *"With the Reader as an educational tool, I can stand side by side with refugees to accompany them along the lengthy road that leads to human respect and the recognition of rights"* (Sahli Fadel Maya, law professor and Commissioner for the African Commission on Human and Peoples' Rights, Algiers, Algeria)
- *"The Refugee Law Reader courses provided me with the best techniques to teach refugee law, which I widely use now in my classes and lectures"* (Carolina Claro, law professor, Universidade de Brasília, Brazil)
- *"This initiative helped us a lot to create an educational program on migration"* (Doris H. Gray, associate professor, Université Al Akhawayn, Ifrane, Morocco)
- *"The Refugee Law Reader is an indispensable tool for the education of international refugee law, as well as for strategic litigation concerning refugee law and the human rights of refugees"* (Daniela Salázar, law professor and legal clinic coordinator, Universidad San Francisco, Quito, Ecuador)

Donor: UNHCR: Raising protection standards through sustainable refugee law education - UNHCR/2016/0000004188/000

2.7.2. ACESO

In the reporting period, the HHC continued to implement the ACESO project (funded by the European Commission) together with the Cordelia Foundation (Hungary), the Croatian Law Centre, Foundation for Access to Rights (Bulgaria), Assistance Centre for Torture Survivors (Bulgaria) and the Greek Council for Refugees.

The overall goal of the project is to ensure that **torture victims** who arrive through the East Mediterranean and the Western Balkans route and seek international protection in the EU have **access to high-quality, effective and sustainable treatment, care and support services**.

In June 2016, the HHC organized a **training event in Budapest with 35 legal practitioners and psychologists from nine countries** (Bulgaria, Greece, Romania, Hungary, Slovenia, Slovakia, Croatia, Czech Republic and Poland). The event focused on legal aspects to be taken into account when dealing with asylum cases of torture survivors, rehabilitation work in the region, in emergency context and monitoring

methodology among other topics. The project, and this type of event in particular, promotes a **pioneering model of interdisciplinary approach**, in which psychologists, medical and legal professionals work closely together, conduct joint monitoring and regular case referrals, while continuously learning from each other.

In the second half of 2016, the HHC prepared a **short, interdisciplinary guide** for NGOs, lawyers, social workers and volunteers on how to better assist torture victim asylum seekers. Also, in the second half of 2016, the HHC conducted a **comparative research** on the legal framework and practices related to the treatment of torture victim asylum seekers in Eastern EU Member States, with a particular emphasis on detention. Both documents will be published in the spring of 2017.

Donor: European Commission: Access to early protection and rehabilitation services right on arrival in the European Union (HOME/2014/PAVT/AG/4000006541)

2.8. Relying on a strong international network in crucial times

Beyond its own international initiatives, in 2016 the HHC continued to be a **very active refugee-assisting national NGO at the international level**. The HHC is an active member of the **European Council on Refugees and Exiles (ECRE)** and contributes 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. The HHC continued to closely cooperate with the **International Coalition on the Detention of Asylum Seekers, Migrants and Refugees (IDC)**.

The HHC was also part of the ECRE-led consortium that is implementing the **LEAP initiative**. The main objective of the project was to promote collaboration and exchange of information among legal practitioners and decision makers working in the asylum field in the EU, with a special focus on the rights and principles of the Charter for Fundamental Rights of the EU. In this project in 2016, the HHC organized a **training event for legal practitioners** in Budapest, with a focus on the EU Charter of Fundamental Rights and asylum procedures. The event also included a meeting with **pro-bono lawyers** aimed at exploring potential avenues for them to assist the HHC in the future. In the framework of this initiative, the HHC collected positive Hungarian and Slovenian jurisprudence, to publish in English in the [European Database of Asylum Law](#).

The director of the HHC Refugee Program was invited to the **global retreat of the Oak Foundation** in June in Switzerland, to address the staff of this important philanthropic organization (and a key donor of the HHC) on asylum- and migration-related human rights challenges in Europe. The HHC was one of only four grantees selected from hundreds.

In the autumn of 2016, the HHC established contact with the Balkans office of the **International Rescue Committee (IRC)**, which resulted in a formalized cooperation and funding agreement by February 2017.

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.

Donors:

- European Commission Legal Exchange and Mutual Learning between Asylum Practitioners to promote Fundamental Rights (JUST/2013/FRAC/AG/6106)
- UNICEF: Protecting refugee and migrant children in Hungary - 575R/A0/09/703/016/007 Child Rights Monitoring
- ECRE: Asylum Information Database funded by the European Programme for Integration and Migration (EPIM), a collaborative initiative by the Network of European Foundations, and the European Union's Asylum, Migration and Integration Fund (AMIF)
- Open Society Foundations: Effective response to the asylum crisis in Hungary: Extended Legal Assistance Services and Sustainable Alternative - OR 2015-23330 European Commission: Access to early protection and rehabilitation services right on arrival in the European Union - HOME/2014/PAVT/AG/4000006541
- European Commission: Supporting Torture Survivors: Rehabilitation and Empowerment – a need and goal for treatment and Help (HOME/2013/PPVOT/AG/5305)

- European Commission: No Longer Alone: Advancing Reception Standards for Unaccompanied Children (HOME/2013/PPUM/AG/6445)

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

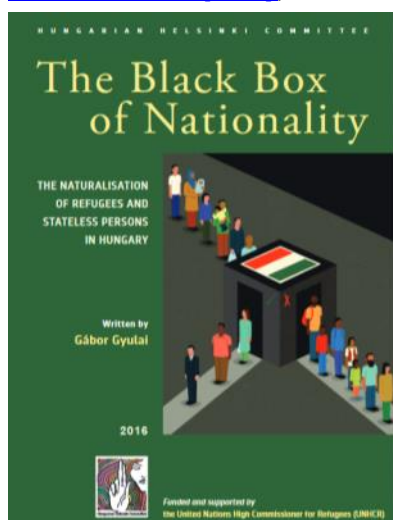


European
Network on
Statelessness

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 October 2015, the HHC launched a pioneering **research initiative focusing on refugees' and stateless persons' access to Hungarian nationality**, an issue never subject to such legal and quantitative research in any other country. The [research report](#), published in July 2016, revealed crucial legal and statistical information that questions – based on first-hand evidence – the fulfillment of Hungary's relevant international obligations, as well as it provides a **useful model** for similar research initiatives in other European states and beyond.



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 Trials 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 transferable good practices, **produce alternative Letters of Rights**, and raise awareness about gaps in the implementation of the Right to Information Directive. These aims are to be achieved through research, a survey of stakeholders and sociolinguistic surveys. Since the launch of the project, an international desk review was carried out, a survey was conducted among the members of the Legal Experts Advisory Panel (an EU-wide network of experts in criminal justice and human rights), and an empirical research on the accessibility of the Letter of Rights was carried out in Hungary. The latter involved the testing of the accessibility of the current, official Letter of Rights, and the development of an alternative Letter of Rights by the HHC and further experts.

Donor: European Commission (JUST/2014/JACC/AG/PROC/6597)

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, its related activities involving a series of successful applications submitted to the European Court of Human Rights (ECtHR). The implementation of the **Right to Information Directive** by Hungary in 2014-2015 constituted a major step in ensuring the right of 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 to produce 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. Research activities include **international mapping, interviews with judges and prosecutors, and in-depth interviews with defense attorneys, coupled with case file review**. The project is supported by the European Commission.

Donor: European Commission (JUST/2014/JACC/AG/PROC/6611)

3.3. Inside Police Custody

The “Inside Police Custody” project, funded by the European Commission and covering eight countries, aims at **observing police interrogations in order to check the practical realization of procedural rights**. The project focuses on three rights: the right to translation and interpretation, the right to information and the right of access to a lawyer. Based on data gathered by direct observation of interrogations for three months at two police stations per country, the project aims at assessing the reality of these rights. As part of the project activities, the HHC negotiated access to police stations and conducted a desk research to describe the Hungarian legal framework in the autumn of 2016. The observational phase of the project is scheduled to start in February 2017. The results of the findings will be summarized in a country report and an advocacy event will be organized to disseminate the findings and advocate for change where necessary.

Donor: European Commission (JUST/2015/JACC/AG/PROC/8627)

3.4. Strengthening procedural rights in criminal proceedings: effective implementation of the right to a lawyer/legal aid under the Stockholm Program

The main objective of this **international research project**, launched in June 2016 with the coordination of the Bulgarian Helsinki Committee, is to explore **whether the requirements set by Directive 2013/48/EU on access to a lawyer and the recommendation of the European Commission on legal aid are met in practice** in five EU Member States through various research activities, and to identify and promote examples of transferable good practices. Research activities in Hungary include case file review, and interviews and focus groups discussions with various stakeholders. The project, in which the HHC participates as an implementing partner, also aims to facilitate communication and coordination between the different stakeholders of the criminal procedure and to increase their knowledge on EU and international standards regarding access to a lawyer and the right to legal aid through capacity-building workshops.

Donor: European Commission (JUST/2015/JACC/AG/PROC/8630)

3.5. Participation in the JUSTICIA European Rights Network

In 2015, the HHC joined the [JUSTICIA](#) European Rights Network, which is a **non-profit trans-European network** with prominent member organizations based in 17 EU Member States, focusing on procedural rights of defendants and victim’s rights throughout Europe. Apart from attending network meetings, the HHC carried out the following activities under the aegis of JUSTICIA in 2016:



- In late 2015, the HHC engaged in an international research aiming to assess whether Member States have effectively transposed and implemented the **Right to Information Directive** in law and practice. As a result, the HHC produced a [country report](#) on Hungary, followed by a **domestic advocacy event** on 26 October 2016, attended by key stakeholders.
- The HHC also participated in another research project covering Hungary, Romania and Bulgaria, which aimed at examining whether the criminal legal systems of these three jurisdictions met 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 analyses, desk research, conducted several interviews and summarized the findings in a **country report**.

- The HHC also engaged in **European advocacy activities related to the new Legal Aid Directive**: for example, it provided input into a related survey commissioned by the European Parliament before the Directive's adoption; and the HHC's co-chair was one of the key speakers of the event "Legal Aid Directive: step towards ending class justice?", hosted by MEP Dennis de Jong in the European Parliament on 19 October 2016.

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", which is coordinated by the Maastricht University and co-funded by the European Union. The project, which began 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**. In the framework of the project, the HHC conducted the national adaptation of the training materials, and started the organization of a train-the-trainer (TTT) event and a pilot training in Hungary: attended preparatory meetings with the representative of the Budapest Bar Association and maintains regular communication and participates at preparatory meetings with the three independent experts involved in the project. The TTT event and the pilot trainings will be delivered in 2017.

Donor: European Commission (JUST/2015/JTRA/AG/EJTR/6844)

3.7. Activities related to the new Code of Criminal Procedure

The HHC has been contributing to the drafting procedure of the new Code of Criminal Procedure since 2015, including commenting on its mapping documents. In June 2016 the HHC was asked to **comment on the draft of the new Code of Criminal Procedure** by the Ministry of Justice (MoJ). In its detailed [opinion](#) submitted to the MoJ, the HHC covered, among others, provisions related to the right of defendants to information, their right to access to a lawyer, the system of appointing ex officio defense counsels, pre-trial detention, and coercive measures in general. The HHC was also invited to a follow-up meeting with the MoJ on 13 September 2016, aimed at discussing outstanding issues. The draft text **includes several new provisions the HHC has advocated for years**: for example, ex officio defense counsels will be selected by the bar association instead of the police, and the scope of application of bail will become wider.

3.8. Landmark victory before the ECtHR in an FOI case concerning defense counsels

The Grand Chamber of the ECtHR [ruled](#) in its judgment delivered on 8 November 2016 in the case *Magyar Helsinki Bizottság v. Hungary* that **Hungary violated the HHC's right to freedom of expression** when the police refused to disclose the names of ex officio defense counsels and the number of cases in which they were appointed in a given year. The importance of the judgment goes beyond the Hungarian case: **the Grand Chamber confirmed for the first time that the European Convention on Human Rights protects the right of access to information**.

The HHC submitted an application to the ECtHR in 2011, after the Supreme Court of Hungary decided in three of its lawsuits that the names of ex officio defense counsels and the number of cases in which



they were appointed were not of a public nature, and did not have to be disclosed to the HHC. These data would have served to prove that it is a widespread practice that appointments by the police are obtained by the same handful of attorneys, which endangers the defendants' right to effective defense.

Denying the access to the data restricted the HHC's ability to act a social watchdog without an appropriate legitimate aim. In the lack of access to public interest data, it is not possible to form an opinion on public matters, thus, such a denial violates the right to freedom of expression. Accordingly, the case goes beyond the data on ex officio appointed defense counsels: this was the first time that the Grand Chamber had to take a stand as to whether Article 10 of the European Convention on Human Rights on freedom of expression protects the right of access to information as well. The significance of the case is shown by the fact that jurisdiction was relinquished in favor of the ECtHR's Grand Chamber, consisting of 17 judges, given that even though the ECtHR treated the right of access to information in more of its earlier decisions as a right protected by the Convention, the Grand Chamber had not taken a stand on the issue earlier.

The case gained a significant interest also on an international level: for example, both other European NGOs and the Government of the United Kingdom submitted a third party intervention in the case. At the hearing before the Grand Chamber, the HHC was also represented by the attorneys of the investigative news portal atlatszo.hu.

4. Promoting equal treatment

4.1. Resisting Criminalization – Fighting for Housing

The "Resisting Criminalization – Fighting for Housing" project was realized in cooperation with the City is for All (A Város Mindenkié – AVM), supporting their aim to **challenge the criminalization of homelessness and the discrimination suffered by homeless people by uniformed authorities**. The main achievement of the project in 2016 was that in January, a **friendly settlement** was reached with the **police** in a procedure launched before the Equal Treatment Authority. Based on this, the Budapest Police Headquarters issued a circular to each of its patrols to avoid discriminatory ID-checks. Apart from the circular and despite the countless letters sent to them, the police virtually refuse to comply with its obligations undertaken in the settlement. The AVM, together with the HHC, made various efforts to get the police cease its discriminatory practices. A monitoring group has been established and trained to document abusive ID-checks, based on which submissions have been lodged at the Independent Police Complaint Board. Numerous forums have been held at shelters for homeless people in order that they get to know their rights; badges and information leaflets have been disseminated to the target group; and a "Know Your Rights" cartoon is under preparation by a homeless member of the AVM. Public interest data have been requested from the police and a research plan has been submitted on the frequency of ID-checks. In addition, posters addressing police patrols have been placed at public spaces, and information leaflets have been distributed to police officers in front of the 5th district police station in Budapest.



Donor: Open Society Foundations

5. Combating hate crimes

5.1. NGO working group against hate crimes



GYŰLÖLET-BŰNCSELEKMÉNYEK
ELLENI MUNKACSOPORT

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

legislation and application of law. In 2016, the working group (WG) carried out – among others – the following activities:

- In April 2016, the HHC contributed to the annual hate crime report of the OSCE ODIHR by collecting the xenophobic incidents involving migrants in Hungary in 2015.
- In May 2016, the HHC attended the launch event of the Council of Europe HELP Program at the Chief Prosecutor's Office. The HHC and another expert member of the WG delivered presentations related to the online training program on hate crimes which was piloting in Hungary and targeted judges and prosecutors. (The HHC earlier contributed to the development of the training material.)
- In May 2016, WG members attended a meeting with several high-level stakeholders from the National Police Headquarters and the Chief Prosecutor's Office in order to discuss the finalization of the list of hate crime indicators prepared by the WG. The list of indicators was finalized based on the comments of more than 50 experts and the representatives of the police and the prosecution service, and the WG aims to prepare a protocol to be applied in the course of investigating hate crime cases.
- In June 2016, members of the WG (lead by the HHC) delivered three training sessions at the Training Centre of the National Police Headquarters. The sessions focused on the methods of communicating with victims of hate crimes and were attended by 33 members of the Special Hate Crime Network of the police.
- The HHC composed a detailed summary on the case-law of the European Court of Human Rights (ECtHR) related to the standards of efficient investigation of hate crimes. The summary was submitted by the WG to the Curia of Hungary.
- A staff member of the HHC and another member of the WG published a [paper](#) on the judgment delivered by the ECtHR in the case *Balázs v. Hungary*.
- A staff member of the HHC submitted a paper to the journal of the Hungarian Academy of Science on the case-law of the ECtHR related to hate crimes, which will be published in 2017.
- Members of the WG continued to represent victims of hate crimes before the authorities and they continue to advocate for the proper application of the law. Descriptions of related cases are regularly updated and made available on the [website](#) of the WG.
- The WG conducted intense advocacy for the efficient investigation of hate crimes through its website, the media and immediate communication with the national coordinator of the Special Hate Crime Network of the police, especially in cases where bias indicators were ignored by the authorities.

5.2. 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 **training on the efficient prosecution of hate crimes for judges, prosecutors, legal practitioners and police officers** in Greece, Italy, and Hungary. In the framework of the project, the HHC organized and delivered two one-day **training sessions for 23 legal professionals** in January and March 2016; two one-day training sessions for **38 judges and prosecutors** at the Hungarian Judicial Academy; and two two-day training sessions for **43 police officers** at the police headquarters of Borsod-Abaúj-Zemplén and Csongrád counties in March 2016. The HHC also **contributed to a best practice manual** on the institutional framework of hate crime prosecution in Hungary. In June 2016, the HHC organized the **trip of a Hungarian prosecutor and a police officer who, together with two staff members of the HHC, attended a three-day international workshop** organized by the project partner Art1 in Rotterdam.

Donor: European Commission (JUST/2013/FRC/AG/4000006185)

5.3. European Judicial Training on xenophobia and the rights of persons in need of international protection

The HHC participates as a partner in the project titled "Fundamental Rights in Practice: European Judicial Training on the rights of persons in need of international protection", coordinated by the Greek Council for Refugees. The project, which is co-funded by the European Union, aims at **enhancing the drive towards a**

common legal and judicial culture in EU and to strengthen law enforcement in the area of fundamental rights for persons in need of international protection through the training of members of the judiciary (in Italy, Greece, Hungary, Malta and Bulgaria) on the application of the EU Charter of Fundamental Rights and the Council Framework Decision 2008/913/JHA of 28 November 2008 on combating certain forms and expressions of racism and xenophobia by means of criminal law. The project started in April 2016. The HHC – being responsible for organizing and delivering the training sessions in Hungary – conducted a needs assessment in Hungary, and started the development of the training materials. The training sessions will be held in 2017.

Donor: European Commission (JUST/2014/JTRA/AG/EJTR/6856)

6. Assisting victims of human rights violations

6.1. Human Rights Legal Counseling Program

After the HHC's Human Rights Legal Counseling Program experienced an unbearable increase in caseload in 2015 due to pilot judgment in *Varga and Others v. Hungary* case, it decided not to accept and register letters concerning prison overcrowding in 2016, thus the caseload decreased compared to 2015. Even so HHC was asked for legal assistance in 1,168 cases (in 2014 it dealt with 804 cases, in 2015 the final number was 2,164). However, as a new law effective from 1 January 2017 introducing a domestic remedy concerning prison overcrowding was adopted, Human Rights Legal Counseling Program expects yet another challenging year with hundreds of prisoners seeking information on the new procedure.

The **1,168 cases in 2016** included

- 333 asylum and alien policing cases;
- 29 complaints on ill-treatment by authorities (police officers or prison guards);
- 15 complaints about the unlawfulness of pre-trial detention;
- 16 complaints on inadequate medical treatment in prisons;
- 214 complaints about other detention conditions (including overcrowding, inadequate medical treatment) or inquiries about legal regulation concerning penitentiary institutions;
- 63 complaints against police measures or unlawful measures of other authorities;
- 7 inquiries regarding procedures before the European Court of Human Rights;
- 113 cases concerning pending or closed criminal procedures;
- 2 cases on house arrest;
- 7 cases on equality rights;
- 369 miscellaneous cases (complaints on merged sentences, labor law and social benefits, child custody claims, etc.).

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

➤ Unjustified pre-trial detention: *Bandur v. Hungary*

In 2012 the HHC submitted an application to the European Court of Human Rights (ECtHR) in the pre-trial detention case of Mr. Bandur, a then 50-year old truck driver with a clean criminal record and a registered job. In 2011 Mr. Bandur was assigned to carry some goods to a depot by truck, which he did, but the goods disappeared from the depot later on and the police started an investigation into the case. In the document proving that the goods had been handed over in the depot, two characters of Mr. Bandur's name and one character of the number of his ID were incorrectly recorded. After a year-long investigation, he was identified as a suspect, because the police assumed that he intentionally provided false personal data on the aforementioned document. Mr. Bandur was abroad working when the police went to his registered address, where he had been living for 40 years with his old parents and sick brother. As a result, the police issued an arrest warrant against him, claiming that he fled. Upon his return to Hungary and after he found out that an arrest warrant was issued against him, Mr. Bandur went

to the police station voluntarily, made a statement and handed over all the documentation he had in relation to the investigated case. However, the court decided that he should be placed in pre-trial detention due to the risk of absconding, evoking as a reason in one of the related decisions that “the suspect was arrested on the basis of an arrest warrant because he resided abroad earlier on”. Mr. Bandur, who was later on acquitted in the case by a final court decision, was detained for months, with the authorities disregarding the circumstances, before being released. In its [judgment](#) issued on 5 July 2016, the ECtHR found that the authorities failed to justify the applicant’s continued deprivation of liberty and that there has accordingly been a violation of Article 5(3) of the European Convention on Human Rights. In addition, the ECtHR concluded that the principle of equality of arms was not respected in the procedure related to the applicant’s pre-trial detention, violating Article 5(4); and that the applicant’s detention conditions amounted to degrading treatment, in breach of Article 3.

➤ **Insufficient investigation into police ill-treatment: *A.T. v. Hungary***

The HHC represents A.T. before the ECtHR in a case concerning the excessive force used against him by the police when they were called to intervene due to his drunken behavior. During the police intervention and his short-term arrest A.T. suffered injuries necessitating treatment in a hospital. According to the medical certificate issued at the hospital where the police took A.T., he had bruises, scratches, and a hematoma on his body. Additionally, his left leg and some of his teeth were broken. However, the certificate also stated that some of these injuries, including the broken leg, had occurred before the incident with the police. The Central Investigation Office discontinued the criminal investigation in this case in December 2015 on the basis that it was impossible to establish which injuries of A.T. had occurred during the police intervention, which ones occurred previously, and which were caused by the applicant himself. This decision was upheld on appeal by the Chief Prosecutor’s Office in February 2016. In the application submitted to the ECtHR on 23 May 2016 on behalf of A.T., the HHC complained under Article 3 of the European Convention on Human Rights about the ill-treatment by the police and the absence of an adequate investigation, emphasizing that the applicant’s leg was not broken before the incident, and that no witnesses proposed by him were heard during the investigation who could have proven this fact. The case was [communicated](#) to the Hungarian government very fast, already on 17 June 2016. The Government submitted its observations in the case in October 2016, while the HHC submitted its counter-observation in November 2016. The judgment is expected to be delivered in the first half of 2017.

➤ **Compensation for police ill-treatment**

In 2011, a police officer halted a man’s car in the outskirts of the city of Tatabánya. After getting into an oral dispute (the HHC’s future client refused to hand over his ID card along with his driver’s license, claiming that the latter already proved his identity), the police officer dragged him out of his car, pushed him onto the trunk of his vehicle, handcuffed him so tightly that he was injured, and then arrested him. In 2012, the criminal court found the police officer guilty of ill-treatment in official procedure and abuse of official capacity. The HHC undertook to represent the victim of the ill-treatment in a tort procedure aimed at getting compensation for the offence suffered. The first instance court awarded the HHC’s client a sum of HUF 200,000 in the form of non-pecuniary damages, but refused to force the police officer to express regrets over the incident. In a [decision](#) issued in March 2016, based on the appeal of the HHC, the second instance court raised the amount of non-pecuniary damages to HUF 500,000 and compelled the police officer to express his regrets over the incident in writing.

➤ **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 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 first instance court 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. In the second instance, final judgment brought in November 2016 the Metropolitan Regional Court of Appeal maintained the first instance judgment.

➤ **Petty offence confinement of a juvenile**

The HHC's 16-year old client committed vandalism in 2015 by breaking a doorbell. Vandalism is qualified as a petty offence under Hungarian law, so the act did not reach the level of criminalization; the damage amounted to HUF 6,500 (approximately EUR 20). The boy was sentenced to six days of community work in the case. He appeared in time at the employment authority (responsible for the implementation of community work), and declared his intention to start the community work. However, he was finally not able to accomplish the community work, since, meanwhile, he was placed in a child psychiatric hospital after an attempt of killing himself due to unfavorable conditions at home (serious conflicts with his mother, as a result of which he was later on taken into institutional care). Since he did not accomplish the community work, it was transformed to 6 days of petty offence confinement by the court, which the boy had to serve in a juvenile prison. Neither the boy, nor his representative were present at the court when the decision was delivered. The HHC submitted an application to the ECtHR in the case in 2016.

➤ **Compensation for inadequate placement and rape suffered in prison**

The HHC's client, a young man, was placed in pre-trial detention in November 2007. In March 2008, he was transferred to the Bács-Kiskun County Penitentiary Institution for five days, where he was placed in a cell with nine other inmates, eight of whom being already convicted inmates, even though the law says that pre-trial detainees cannot be placed in the same cell with convicts. On the second night in the institution, the HHC's client, who was numbed by the strong medicines received for his psychiatric diseases (a circumstance which was not considered by the penitentiary either), was raped by one of his cellmates. The related investigation could not establish the identity of the perpetrator. The man, represented by the HHC, subsequently launched a lawsuit against the penitentiary institution for compensation, in which the penitentiary argued that it was not able to respect placement and separation rules due to the overcrowding rate of over 200% in the penitentiary at the time of the offence, thus, it cannot be held liable for what happened. However, both the first instance court and, in February 2016, the second instance court [ruled](#) that overcrowding does not exempt the penitentiary from its liability. The HHC's client was awarded HUF 3 million in non-pecuniary damages, a sum that took into account the psychological expert's opinion, which stated that the rape incident had serious consequences on the victim's mental health and that he tried to commit suicide.

➤ **Insufficient investigation of a hate crime: *I.B. v. Hungary***

In the summer of 2014, the Hungarian government erected a sculpture symbolizing the oppression of the Hungarian state by Germany in 1944, sending the message that Hungary was not responsible for the death of half a million Hungarian Jews exterminated during the Holocaust. A group of civilians, who called themselves "Living Monument", started a long-term protest against the sculpture. On 8 August 2014, a member of the "Living Monument" group was attacked by a member of a group shouting racist and anti-Semitic slogans. Her camera was forcibly taken away from her and was destroyed in the scene. Although it was without a doubt that the reason for the presence of the above-mentioned extreme right-wing group was to frighten the members of the "Living Monument" and their motive was anti-Semitic – which could be established partly on the basis of their slogans and partly on the Facebook posts shared by the attacker which openly endorsed Hitler's views on the Jewish people and supported their extermination in concentration camps –, the prosecutor qualified the act as simple "rowdiness" instead of a hate crime, and the prosecutor decided to postpone the filing of an indictment for a one-year probation period. As a result, the crime was not sanctioned at all, and the victim received no compensation. In the application submitted in the case to the ECtHR in June 2016, the HHC argued that the victim's right to private life under Article 8 of the European Convention on Human Rights was violated by the manifestly unreasonable assessment of the circumstances of the incident and because the Hungarian authorities failed to carry out an adequate investigation into the case and punish the perpetrator of the hate crime.

➤ **Investigation of a Syrian man drowning in the Tisza river when crossing the Serbian-Hungarian border**

On 1 June 2016, a young Syrian man drowned in the river Tisza while trying to cross from Serbia to Hungary. According to testimonies of other irregular migrants who attempted to cross with the young Syrian, policemen and military personnel were present at the Hungarian side of the river and with the help of a pre-recorded speech they told the people to turn back to Serbia through megaphones. When the migrants tried to swim ashore, the officers used teargas, unleashed patrol dogs and threw stones or hardened pieces of soil at them while shouting "go back to Serbia". According to testimonies, as a result of the teargas, the victim was coughing heavily and had sore eyes and difficulties with breathing. Nonetheless, the victim, his brother and a third man decided to swim back to Serbia. Around the middle of the river, the young man started struggling with swimming then disappeared under water. His body was found 3 days later. The HHC represented his surviving brother. Despite the contradictory facts and statements uncovered and obtained during the investigation launched by the Central Prosecutor's Office, the investigation was terminated citing that the evidence does not prove beyond reasonable doubt that a crime has been committed. The victim's legal representative submitted a complaint against the termination decision, the adjudication of which is still pending.

(see also further successful cases related to the right to asylum and the detention of asylum seekers in Chapter 2)

7. Other activities

7.1. International human rights advocacy events (selected)

In 2016, the HHC continued to participate at meetings with various international stakeholders aimed at discussing human rights issues falling under the mandate of the HHC. Besides meeting with representatives of embassies seated in Hungary, advocacy meetings in 2016 included meetings with

- the **UN Special Rapporteur on the situation of human rights defenders** on 9 February 2016 (see his end of mission statement [here](#)),
- the **OSCE High Commissioner on National Minorities** on 11 May 2016,
- the **UN Special Rapporteur on freedom of opinion and expression** on 6 June 2016, and
- the President of the **Conference of INGOs** of the Council of Europe on 21 November 2016, as well as
- representatives of various **embassies** in Budapest on several occasions.

In addition, the HHC provided information upon request to the European Commission, the Office of the High Commissioner for Human Rights and the Council of Europe Commissioner for Human Rights.

7.2. Participation in European human rights networks

The HHC is a member of various European human rights networks.



- The HHC is the member of the **JUSTICIA European Rights Network**, which is a non-profit trans-European network with prominent member organizations based in 17 EU Member States, focusing on **procedural rights of defendants and victim's rights** throughout Europe. (For the activities carried out by the HHC under the aegis of JUSTICIA in 2016, see section 3.5. of the present report.)
- The HHC is a member of the **Legal Experts Advisory Panel** (or LEAP); the HHC's co-chair András Kádár being the member of LEAP's Advisory Board. The LEAP is an EU-wide network of experts in **criminal justice and human rights** which works to promote fair and effective judicial cooperation within Europe. Currently it has over 120 members, made up of lawyers, NGOs, and academics, covering all 28 EU Member States. Through Fair Trials' coordination, LEAP is able to offer an expert view on a broad range of EU criminal justice topics, while also boosting cooperation between human rights defenders in cross-

border work. LEAP works to inform the EU's work on criminal justice and supports local NGOs in tackling systemic fair trial abuses in their own countries.

- The HHC is an active member of the [European Council on Refugees and Exiles \(ECRE\)](#), the [International Detention Coalition \(IDC\)](#) and the [European Network on Statelessness \(ENS\)](#), for more information, see sections 2.8-2.9 of the present report.
- In 2016, the HHC became the member of the [European Implementation Network](#), a new non-governmental organization established to serve as a bridge between the Council of Europe and civil society, and to advocate for the full, effective and rapid **implementation of judgments by the European Court of Human Rights**.

7.3. Transparent selection process of new Hungarian ECtHR judge



The Hungarian judge's tenure at the European Court of Human Rights (ECtHR) ended in January 2017, and in accordance with the respective procedural rules, Hungary had to submit a list of three candidates to fill the seat of the Hungarian judge to the Parliamentary Assembly of the Council of Europe (CoE) by 26 August 2016. The joint efforts of the HHC and several other NGOs contributed to **precluding that the Hungarian Government selects these candidates in a non-transparent and undemocratic manner**, contradicting the respective

procedural rules. The NGOs voiced strong concerns repeatedly both domestically and before the Council of Europe with regard to the selection of candidates as initially conducted by the Government, their efforts contributing to the fact that the Government finally had to issue a public call for the position. The new selection process resulted in an entirely new set of candidates. Steps taken included the following:

- The HHC contacted the Ministry of Justice in February 2016 and June 2016, asking about the procedure Hungary will follow when selecting the candidates. However, the Ministry of Justice failed to disclose the rules and details of the procedure followed, or the names of the candidates, who, according to the information given, have already been selected, even though the related rules of the CoE set out that the selection process of judges should be democratic and transparent.
- Therefore, on 24 June 2016, the HHC and 10 other NGOs sent an [open letter](#) to the Minister of Justice, requiring him to withdraw the list and – within the remaining two-month deadline – establish public rules of procedure for selecting the candidates, issue a public call, and submit the list of candidates to the Government on the basis of the latter.
- The Government did not comply with the above request of NGOs, who [uphold their view](#) publicly, in a statement issued on 6 September 2016, that the domestic procedure followed was inadequate.
- In July 2016, the HHC and 14 other NGOs also [addressed](#) the CoE and urged its respective committee to recommend that the Parliamentary Assembly of the CoE rejects the candidates nominated by the Hungarian Government to be the next Hungarian judge at the ECtHR.
- Finally, on 13 September 2016, the Government withdrew the original list of candidates, and issued a public call for the position. The HHC [welcomed](#) this development, but, together with 14 other NGOs, also voiced its [concerns](#) regarding some features of the new process in an open letter sent to the Ministry of Justice on 21 September 2016, e.g. that potential candidates had only two weeks to submit their application, and that no information was made available on the details of the selection process or the members of the committee assessing the applicants. The NGOs also asked applicants to make their applications public in order to ensure transparency, and established a [website](#) for that purpose.

7.4. Government attacks on the NGO sector: lawsuit against Fidesz

A troubling development of the past years was **the series of governmental attacks on the civil society of Hungary**. The attacks included condemning public statements by high-ranking state officials (even the Prime Minister) alleging that some NGOs 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 consortium of NGOs distributing the EEA/Norway Grants NGO Fund; a police raid of their offices (later found unlawful by the investigation judge); and the suspension of their tax numbers. This 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 2014. Therefore, the HHC stepped up against the unjustified attacks both individually and with other NGOs from the outset, including the launch of related civil lawsuits.

One of these lawsuits was initiated after Fidesz stated in a press release in May 2015 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. 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 in the first instance 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 damages in the amount of HUF 1 million. On 29 June 2016, the Metropolitan Regional Court of Appeal [maintained](#) the first instance judgment, thus it **became final**.

7.5. Human rights education

7.5.1. Youth Engagement for Conscious Citizenship

The HHC participated 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 **developed practice-oriented training materials for university professors and high school teachers to familiarize the students with democratic values and human rights**. The project included pilot teachings and workshops and aimed at setting up an educational network of the involved professors and teachers. In 2016, the HHC attended consortium meetings, prepared **two training materials on the rights of detainees** under Article 3 of the European Convention on Human Rights and the **international protection of migrants**, delivered **two pilot teachings at the University of Szeged and Miskolc** in May 2016 and assisted **one pilot teaching at the Corvinus University of Budapest** in October 2016, attended two workshops for secondary school teachers and professors, and contributed to the building of an educational network.

7.5.2. Human rights lectures and presentations

In 2016, the HHC continued to hold human rights lectures and presentations and organized and attended various events with the purpose of sharing information with the general public and professional stakeholders on human rights issues falling under its mandate. In the course of 2016, HHC staff members **participated at more than 80 events and reached more than 2,500 people**. These events included **Hungarian and international conferences, presentations of the HHC’s reports, training sessions for professional stakeholders, university lectures, interactive workshops for students, festival appearances** adapted to the needs of the visitors, **and self-organised events** (the so-called “Helsinki Stories”) featuring the cases and clients of the HHC. The hosts and organizers of these events included, among others, universities (e.g. the Central European University’s Legal Studies Department where the HHC contributed to a legal clinic course throughout the year, the Eötvös Loránd University and the Corvinus University), Hungarian authorities (the Chief Prosecutor’s Office, Hungarian courts and the police), non-governmental organisations, and embassies. In the course of its human rights lectures and presentations, the HHC covered topics such as the rights of asylum-seekers and refugees, the practice of pre-trial detention, issues related to detention, hate crimes, and cases before the European Court of Human Rights.

7.6. Communication activities

The HHC’s presence in the media and in social networks further strengthened during 2016.

- Followers of the HHC's [Facebook](#) profile (the main communication channel towards the Hungarian online public) **increased by 43%** in 2016 (from 14,198 on 1 January 2016 to 20,289 on 31 December 2016). In the reporting period, the HHC uploaded **558 photo and text posts**, 116 links, 55 videos and 25 events on Facebook, it received **53,000 likes**, and the HHC's posts were shared on **16,000** occasions. Our five most popular Facebook posts (such as [this](#) or [this](#)) **reached between 100,000 and 230,000 persons**.
- An English-language [Twitter](#) account, launched in January 2016, is an important communication channel towards international media, professional partners and other stakeholders and followers. By the end of the reporting period the HHC published **790 tweets** and reached **1,063 followers**.
- Traffic on the HHC's [website](#) also grew significantly. Our website had **258,262 page views and 100,146 visitors** during 2016.
- The HHC [blog](#) *Helsinki Figyelő* multiplied its outreach to the Hungarian public, too. In 2016 the HHC posted **110 blog articles** and the blog had **396,380 page views and 342,500 visitors**. The most popular blog posts (like [this](#) or [this](#)) **reached between 14,000 and 57,500 viewers**. The number of **individual visitors multiplied by 3** between August-December 2015 and 2016 (the first data being extrapolated to a full year for comparability).
- In 2016, the HHC's **newsletter got 1,329 new subscribers**, totalling 1,917 readers on 31 December 2016.
- **The HHC appeared on Hungarian media at least 383 times** in 2016 (on 259 occasions in relation to asylum and migration), including frequent appearances on the main commercial TV channels' news programs, the five most popular online news portals, as well as several popular newspapers and a government-critical popular radio channel. The HHC **appeared at least 200 times on international media** (on 192 occasions in relation to asylum and migration), including many globally relevant news-providers, such as the New York Times, Euronews, Aljazeera, Washington Post, BBC World, Le Figaro, Libération, Politico, Die Zeit and news agencies Reuters, AFP, AP and EFE.

Budapest, 18 May 2017



Márta Pardavi
co-chair
Hungarian Helsinki Committee

HUNGARIAN HELSINKI COMMITTEE PUBLIC BENEFIT ASSOCIATION

BALANCE SHEET OF THE SIMPLIFIED ANNUAL REPORT

Data in thousand HUF

Item	Description	Previous year 2015	Modifications of previous year(s)	Present year 2016
A	Non-current assets	14 894	0	18 024
	I. Intangibles	149		2 168
	II. Tangibles	282		1 386
	III. Long term financial assets	14 463		14 470
B	Current assets	320 755	0	293 514
	I. Inventories	0		0
	II. Receivables	360		1 178
	III. Securities	0		0
	IV. Cash and bank	320 395		292 336
C	Prepaid expenses and accrued income	29 191		12 449
	TOTAL ASSETS	364 840		323 987
D	Equity	130 575	0	133 170
	I. Initial subscribed capital	0		0
	II. Accumulated change in capital	127 548		130 574
	III. Restricted reserves	0		0
	IV. Revaluation reserves	0		0
	V. Current year result from non-profit operation	2 997		2 362
	VI. Current year result from business operation	30		234
E	Provisions	0		0
F	Liabilities	20 475	0	24 803
	I. Subordinated liabilities	0		0
	II. Non-current liabilities	0		0
	III. Current liabilities	20 475		24 803
G	Accruals and deferred revenue	212 790		166 014
	TOTAL LIABILITIES	363 840		323 987

Done at Budapest on 31 March 2017



Márta Pardavi
co-chair
Hungarian Helsinki Committee

Statistical code: 19013983-9199-549-01

HUNGARIAN HELSINKI COMMITTEE PUBLIC BENEFIT ASSOCIATION

SIMPLIFIED ANNUAL REPORT - PROFIT AND LOSS STATEMENT

End of financial year: 31 December 2016

Data in thousand HUF

no	Description	Based activity			Corporate activity			TOTAL		
		Previous year 2015	Modifications of previous year(s)	Present year 2016	Previous year 2015	Modifications of previous year(s)	Current year 2016	Previous year 2015	Modifications of previous year(s)	Present year 2016
1	Income from business activities	5 420		13 195	33		234	5 453		13 429
2	Value of own activities	0		0				0		0
3	Other income	319 960		370 306				319 960	0	370 306
	membership fees, founder's payment	130		190				130		190
	supports	318 426		369 114				318 426	0	369 114
4	Income from financial activities	1 605		2 282				1 605		2 282
A	TOTAL INCOME (1+2+3+4)	326 985	0	385 783	33		234	327 018	0	386 017
	Income of non-profit activities from total income	326 985	0	385 783	33		234	326 985		385 783
5	Material expenses	132 267		202 432	0		0	132 267		202 432
6	Personnel expenses	127 065		148 550				127 065		148 550
	payments to executive officers	9 600		9 600				9 600		9 600
7	Depreciation	982		1 021				982		1 021
8	Other expenses	61 709		30 037				61 709		30 037
9	Financial expenses	1 965		1 381				1 965		1 381
B	TOTAL EXPENSES (5+6+7+8+9)	323 988	0	383 421	0		0	323 988	0	383 421
	From total expenses of charitable activity	323 988		383 421				323 988		383 421
C	Results before tax (A-B)	2 997		2 362	33		234	3 030		2 596
10	Corporate tax	0		0	3			3		0
D	Result after tax (C-10)	2 997		2 362	30		234	3 027		2 596

no	Description	Based activity			Corporate activity			TOTAL		
		Previous year 2015	Modifications of previous year(s)	Present year 2016	Previous year 2015	Modifications of previous year(s)	Current year 2016	Previous year 2015	Modifications of previous year(s)	Present year 2016
	Informative data									
A	Grants from state budget	0		0				0		0
B	Grants from local government	0		0				0		0
C	Grants from EU structural funds	0		0				0		0
D	Normative support	0		0				0		0
E	Support from income tax (Act CXXVI of 1996)	1 302		2 066				1 302		2 066
F	Public service revenue	-		-				-		-

These data have not been audited.

Done at Budapest on 31 March 2017



Márta Pardavi
co-chair
Hungarian Helsinki Committee

Statistical code: **19013983949952901**

Name of the public benefit organization: **Hungarian Helsinki Committee**

Address of the public benefit organization: **1054 Budapest, Bajcsy-Zs. út 36-38. I/12.**

Supplementary notes for the year 2016 public benefit financial statement

Date: **Budapest, 31/03/2017**

.....

General additions

The supplementary notes were prepared for the **Hungarian Helsinki Committee's („Committee“)** operations from 01.01.2016 to 31.12.2016.

The financial statements, including the supplementary notes were prepared according to the modified Act C of 2000 on Accounting.

1. Data and activities of the Committee

Establishment

Date of establishment:	09.10.1989
Full name of the Committee:	Hungarian Helsinki Committee
Corporate seat:	1054 Budapest, Bajcsy-Zsilinszky út 36-38. I/12.
Tax number:	19013983-1-41

Data of the representatives:

1. Name: dr. Márta Pardavi
Address: 1075 Budapest, Wesselényi u. 2.
2. Name: dr. András Kristóf Kádár
Address: 1137 Budapest, Pozsonyi út 34.

Operating form of the organization: Public Benefit Organization

Accounting service provider: SeaDive Ltd. 1183 Budapest, Garam utca 15.

2. Main lines of the accounting policy

The balance sheet date and the preparation date of the balance sheet:

Balance sheet date: **31.12.2016.**

Preparation date of the balance sheet: **31.03.2017.**

The main valuation methods and procedures based on the accounting within double-entry bookkeeping are the followings:

The depreciation of the tangible and intangible assets was defined in straight line method with the depreciation keys defined in the Rules of Taxation and it is accounted once a year. Due to the activities of the organization in case of the purchased assets residual value were not made because the value of the purchased assets and/or the residual value of them is not significant.

The acquisition cost of tangible assets with an individual value below thHUF 100 is depreciated in a lump sum as cost upon commissioning.

The items recorded in foreign currency were revaluated at the end of the year according to the buying exchange rate (foreign currency I) of K&H as of 12.31.2016.

Balance sheet was prepared on the basis of the mandatory PK-242 form.

In case of the received grants the following accounting procedure is used by the Committee:

1. General grant: The aim and subject of the grant is not identified (e.g.: private grant, 1% of personal income tax) in this case it is accounted into other income at the time of the financial settlement. There is no need for accruals.
2. Grant with identified aim: The aim and subject of the grant is exactly identified (project grants). In this case the income is reviewed at the end of the year and if it is necessary then it is adjusted with accruals by the Committee to be consistent with the accrued expenses. The income that is due after the balance sheet date but applied to the current period were shown as deferred charges of income.

The income that is part of period after the balance sheet date but were received and accounted before the balance sheet date were shown as accrued income.

3. **Financial analysis of the Committee**

Explanation of the public benefit profit after taxation:

Description	2015	Prior year adjustments	2016
Total Income	327 018		386 017
Total expenditures	323 988		383 421
Income from entity activities	33		234
Expenditures of entity activities	0		0
Entity profit before taxation	33		234
Tax expense	3		0
Entity profit after taxation	30		234
Public benefit profit after taxation	2 997		2 362
Public benefit profit after taxation	3 027		2 596

4. **Explanation of the balance sheet as of December 31 2016**

The data of the year 2015 and 2016 are completely comparable.

Cash and bank accounts (thHUF)

Description	December 31 2015	December 31 2016
Cash and bank accounts	320 395	292 336

Prepayments (thHUF)

Description	December 31 2015	December 31 2016
Prepaid incomes in connection with grants	28 191	12 449
Total Prepayments	28 191	12 449

Accruals (thHUF):

Description	December 31 2015	Prior year adjustments	December 31 2016
Accrued incomes in connection with grants	211 256		166 014
Total Accruals	211 256		166 014

Depreciation (thHUF):

Description	2015	2016
Depreciation with straight line method	982	1 021
Total Depreciation	982	1 021

Shareholders' Equity in 2016 (thHUF):

Description	Registered capital	Changes in capital profit	Tied-up reserve	Valuation reserve	Current profit from public benefit activities	Current profit from entity activities	Equity
Opening	0	127 548	0	0	2 997	30	130 575
Net Profit for the year	0	0	0	0	2 362	234	2 596
Carry forward of 2014 net profit	0	3 026	0	0	-2 997	-30	-1
Prior year adjustments	0	0	0	0	0	0	0
Closing	0	130 574	0	0	2 362	234	133 170

Notes:

Average number of the employees in the 2016 year is 22 persons. Personal expenses are the following:

Description	2015	2016
Payroll	83 056	100 399
Social taxes on wages	25 329	29 974
Other costs related to staff	18 680	18 177
Personal Expenses	127 065	148 550



Hungarian Helsinki Committee

2016

Grants received

List of donors - Project title	Amount / HUF
Open Society Foundations - Institutional Support 2015-2016	83 276 344
United Nations High Commissioner for Refugees - UNHCR - Effective legal counselling and monitoring access to protection mechanisms in Hungary - 2016	64 439 807
Oak Foundation - Unrestricted Programme Support (2016-2017)	38 062 500
Open Society Foundations - Response to the Asylum Crisis in Hungary: Extended Legal Assistance Services and a Sustainable Alternative 2015-2016 (OSIFE)	25 293 580
European Commission - Building Credibility: Supporting EU-wide access to know-how on objective credibility assessment	17 032 309
United Nations High Commissioner for Refugees - UNHCR - Raising protection standards through sustainable refugee law education 2016	15 171 200
Open Society Foundations - Decriminalizing Petty Offences in Hungary' submitted by the Hungarian Helsinki Committee on behalf of the working group/taskforce that includes NEKI, Utcajogász, RSK, SZEXE, TASZ and the Hungarian Helsinki Committee	14 574 470
UNVFVT Legal Assistance to Torture Victims Seeking Asylum - Legal Assistance to Torture Victims Seeking Asylum - 2016	13 137 394
European Commission – "SUPRALAT: Strengthening the protection of suspects' procedural rights in pre-trial proceedings in the EU through practice-oriented training for lawyers" – as a partner of Maastricht University	12 212 430
Other grants	10 873 708
European Commission - Strengthening procedural rights in criminal proceedings: effective implementation of the right to a lawyer/legal aid under the Stockholm Programme - as a partner of Bulgarian Helsinki Committee	8 824 547
Jacob Blaustein Institute for the Advancement of Human Rights	7 743 582
The Unitarian Universalist Service Committee - Family reunification project 2017	7 324 781
European Commission - Fundamental Rights in Practice: European Judicial Training on the rights of persons in need of international protection - as a partner of Greek Council for Refugees	6 051 779
European Commission – "The Practice of Pre-Trial Detention: Monitoring Alternatives and Judicial Decision-Making" – as a partner of Fair Trials International	5 210 924

European Commission - Legal exchange and mutual learning between asylum practitioners to promote fundamental rights - LEAP national training in Hungary	4 765 020
Pro Asyl - Legal counselling for asylum-seekers and systematic monitoring of Dublin returns to Hungary - 2016	4 535 700
Private donors	3 331 819
DUTCH Embassy - Fundamental Rights in Practice: European Judicial Training on the rights of persons in need of international protection	2 237 328
Support from income tax (act of CXXVI of 1996)	2 065 883
European Commission – “Increasing the capacity of law enforcement authorities to tackle racist crime, hate crime and homophobic crime through experiential learning (EXPERIENCE CRIME)” – as a partner of Law -Themistocles & Dimitris Tsatsos Foundation	1 490 011
European Commission - Inside Police Custody: Application of EU Procedural Rights - as a partner of Irish Council for Civil Liberties Limited	1 132 507
Government of the Netherlands – Youth Engagement for Conscious Citizenship – as a partner of Eötvös Károly Institute	931 170
European Commission - Asylum Information Database - as a partner of ECRE	926 070
European Commission – “Practitioner training on Roadmap Directives” – as a partner of Fair Trials International	482 861
European Commission - Making Alternatives to Detention in Europe a Reality by Exchanges, Advocacy and Learning, MADE-REAL	388 959
Membership fees	190 000
Total	351 706 683

Other supplementary notes:

The Committee has no obligations provided with pledge or with other similar rights, or that are not shown in the balance sheet but significant during the valuation of the financial situation.

The Committee does not have any overdue or doubtful receivables with significant amount.

Co-Chair
Hungarian Helsinki Committee