



Hungarian Helsinki Committee

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

HUNGARIAN HELSINKI COMMITTEE - ANNUAL REPORT 2014

MAIN ACHIEVEMENTS

In January 2014, the European Court of Human Rights communicated altogether 100 applications to the government of Hungary concerning the severe overcrowding in Hungarian penitentiaries.

In February 2014, pursuant to a submission by the HHC, the Hungarian Ombudsperson confirmed that the **“three strikes rule”** in the Hungarian Criminal Code, **which makes it obligatory for judges in certain cases to sentence perpetrators to life-long imprisonment**, is unconstitutional.

In May 2014, the European Court of Human Rights delivered a judgment in case of a Hungarian inmate, concluding that sentencing him to **life-long imprisonment without the possibility of a parole violated** his right to be free from torture, inhuman and degrading treatment and punishment.

In November 2014, the HHC became a **member of the Hungarian National Preventive Mechanism’s Civil Consultative Board**.

In May 2014 the European Court of Human Rights ruled that the **premature dismissal of the former President of the Hungarian Supreme Court** violated the European Convention on Human Rights. The judgment confirmed concerns expressed by the HHC earlier together with the Hungarian Civil Liberties Union and the Eötvös Károly Institute. The three NGOs had also submitted a third-party intervention in the case to the European Court of Human Rights.

The HHC **gave free legal counselling to altogether 1218 asylum seekers in the asylum procedure and foreign nationals in the expulsion procedure. 625 of these clients were detained.** HHC attorneys took on **representation for 146 new asylum seekers** before the asylum authority or courts; as a result, **42** persons were granted international protection status and in **12** cases the courts quashed the administrative decisions and the cases were reopened.

In 2014, **224 family members of 73 refugees** who had been assisted or represented by the HHC were granted a **Hungarian residence permit on family reunification grounds**.

610 professionals (including judges, lawyers, state officers, academics and journalists) took part in our **trainings and lectures on asylum, migration and statelessness** related issues, from all around Europe, Latin America, Central Asia and even beyond.

The HHC provided **free legal counselling in 804 cases involving human rights issues**, to clients seeking advice on immigration, citizenship and statelessness issues, pre-trial detention and criminal procedures, detention conditions, unjustified police measures, equal treatment or about applications to the European Court of Human Rights.

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1. Improving respect for human rights by law enforcement agencies

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

Penitentiary institution visited	Findings and results
Juvenile Penitentiary Institution (Tököl)	The report on the visit to Tököl, carried out by HHC monitors in late 2013, was released in March 2014. Most importantly, the visit revealed terrible hygienic conditions and spreading skin diseases which needed to be handled immediately. The prison governor took the HHC's criticism seriously: all the inmates were examined by a dermatologist and several parts of the penitentiary institution were refurbished, spending more than 10 million HUF on improving the physical conditions in the facility.
Pálhalma National Penitentiary Institution	On 18 June 2014, HHC monitors visited the part of the Pálhalma National Penitentiary Institution devoted to detaining women sentenced to confinement for committing petty offences (misdemeanors). In its report on the visit, the HHC concluded that most of the deficiencies detected flow from the related legal rules, which has been criticized by the HHC many times earlier.

Prison monitoring visits were funded by the Open Society Foundations, the Oak Foundation and the European Commission in the framework of the project "Children Deprived of Liberty in Central and Eastern Europe" (see Section 1.2.).

1.2. "Children Deprived of Liberty in Central and Eastern Europe"

The HHC – together with the Romanian and Polish Helsinki Committees – is a partner in the Bulgarian Helsinki Committee's project "Children Deprived of Liberty in Central and Eastern Europe", funded by the European Commission. The primary objective of the project is to identify common problems in the region concerning the detention of children and how their rights are respected through legal research and monitoring. In the framework of the project the HHC carried out extensive desk research into the law and practice of detaining children in Hungary. The HHC also gained access to reformatories (correctional facilities) for juveniles and special homes for children, and conducted altogether **21 human rights monitoring visits** to penitentiary institutions for juveniles, juvenile reformatories, special homes for children, immigration jails, asylum detention facilities, and the Judicial and Observation Psychiatric Institute.

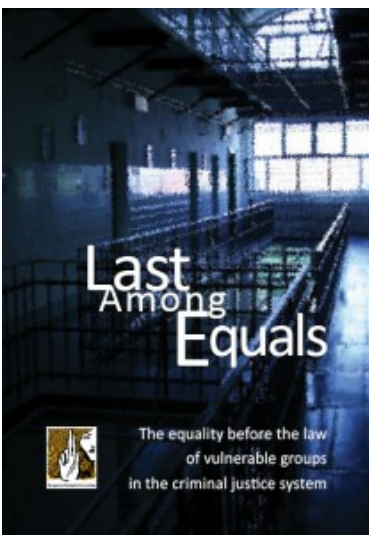


Date of visit	Facility visited
12 February 2014	Asylum detention center in Békéscsaba
20 February 2014	Reception center for asylum seekers in Debrecen
26 February 2014	Asylum detention center in Nyírbátor
11-12 March 2014	Juvenile Reformatory of Budapest
13-15 April 2014	Juvenile Reformatory of Debrecen
26-27 May 2014	Juvenile Reformatory of Aszód
29-30 May 2014	Special Home for Children of Fót
18 June 2014	Pálhalma National Penitentiary Institution
19 June 2014	Special Home for Children of Esztergom
23 June 2014	Special Home for Children of Zalaegerszeg
1 July 2014	Special Home for Children of Kalocsa

Reports on the monitoring visits were [published](#) on the HHC's website. On 16 September 2014 the HHC organized a **domestic workshop** for key stakeholders, and presented the most important problems revealed by the research and the main lessons learnt during the monitoring visits, together with a list of recommendations. The workshop and the intensive advocacy afterwards resulted in the amendment of the law regarding juveniles' open air activities. Furthermore, the HHC contributed to the organization of the project's **international closing conference**, held in Budapest on 4-5 December 2014, with the participation of international experts and all project partners. The HHC also compiled the **chapter on Hungary of the final project study**, introducing the main problems and issues. The study is expected to be published in English in March 2016, and will be followed by the publishing of the chapter on Hungary in Hungarian.

1.3. "Towards the Equality of Roma Defendants before Courts and in Penitentiaries"

Discrimination against the Roma is widespread in all fields of life in Hungary, but little research has been carried out so far into the situation of Roma with regard to the criminal justice system. Therefore, the objective of the HHC's project "Towards the Equality of Roma Defendants before Courts and in Penitentiaries" (funded by the Open Society Foundations) was to examine whether in its present form the Hungarian justice system guarantees the equality before the law of Roma defendants (and, in certain cases, members of other vulnerable groups). Research activities included interviews with approximately 400 convicted inmates about their criminal case and their experiences in prison, the assessment of their penitentiary documentation, and a research into the court case files of 90 inmates. In addition, focus-group discussions with penitentiary staff members were carried out in three penitentiary institutions.



On 26 March 2014 the draft of the research report was discussed at a conference where representatives of various stakeholders (including the National Penitentiary Headquarters, the Curia and the National Police Headquarters) were invited to share their views on the research results and the conclusions drawn from them. The final **research report**, titled "*Last Among Equals: Equality before the law for vulnerable groups in the criminal justice system*", was published and disseminated both in [English](#) and in [Hungarian](#), and will be used as an advocacy tool in the future. The HHC also plans to visualize the results of the research and present them in a more accessible format on its blog in the near future. As part of the project, the HHC also prepared an **anti-discrimination guideline**, designed for penitentiaries and prosecutors supervising detention, with the aim of supporting them in combating discriminatory practices in the execution of punishments. The latter guideline was discussed at a meeting with the National Penitentiary Headquarters, who welcomed the document and disseminated it directly to each penitentiary institution. In addition, related **training materials** for future prison staff members and judges were prepared.

1.4. "Improving the Fairness of Disciplinary Procedures in Penitentiaries"

The Hungarian system of establishing disciplinary liability in prisons is dysfunctional due to systemic and procedural reasons. The law on disciplinary procedures against detainees does not ensure fair trial rights guaranteed by Article 6 of the European Convention on Human Rights. This is particularly worrying because disciplinary measures are taken into consideration by penitentiary judges who decide on parole. Hence, with the support of the Open Society Foundations, the HHC launched the project "Improving the Fairness of Disciplinary Procedures in Penitentiaries", which aimed to contribute to ensuring fairer and more just disciplinary procedures for detainees. The project was based on the analysis of the international and domestic legal framework, local prison rules and regulations; a questionnaire-based case-file research of 120 disciplinary procedures; interviews with prison staff and penitentiary judges; and providing legal representation to detainees under a disciplinary procedure. On 13 June 2014, research results were discussed with the representatives of penitentiaries and the Hungarian Bar Association, prosecutors, judges, and other experts. Besides summarizing the research findings, the [research report](#) (published on-line along with an English [executive](#)



[summary](#)) also reflects the opinions shared with the HHC at the above meeting and contains proposals for improving the legislative framework and the practice of disciplinary procedures.

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



Excessive and lengthy pre-trial detention is a common serious problem in the Central-Eastern European and former Soviet Union (CEE-FSU) region, as revealed by the HHC’s project “Promoting the Reform of Pre-trial Detention in CEE-FSU Countries – Introducing Good Practices”. Hundreds of thousands of people are detained each year under severe circumstances, and although there are viable alternatives to pre-trial detention (house arrest, geographical ban, bail) set out in the legislation of most CEE-FSU countries, these are rarely used, with full deprivation of liberty still heavily favored in the region. Pre-trial detention can be considered as a human rights abuse as often it can amount to punishment prior to accusation or conviction. Furthermore, billions of Euros could be saved if the overuse of pre-trial detention could be reduced, and if more humane and also cost-effective methods would be implemented. However, in the course of the HHC’s above project – which entailed research into the law and practice of 17 countries and the implementation of six related local initiatives – it became clear that it is exceedingly difficult or even impossible to determine the costs of detention, although that could be a useful tool in advocating for applying alternative measures instead of detention and for allocating resources towards these. The NGOs in the

region found it challenging to provide the HHC with relevant data, and even determining the **direct costs of detention** meant a difficulty for numerous NGOs. Therefore, the HHC – with the professional support of the Budapest Institute, a policy think tank and the Hungarian NGO K-Monitor – started in 2014 to work on obtaining accurate information on the actual cost of pre-trial detention, i.e. on how much does it cost for taxpayers to send a defendant into prison. The extensive data collection resulted in a **comprehensive study**.

The HHC found it of key importance to raise awareness among Hungarian judges to the international standards applicable to pre-trial detention. To this end the HHC designed a **manual** for judges in Hungarian, outlining the case law and the basic standards of the European Court of Human Rights applicable to pre-trial detention. In addition, a similar manual covering the same issue was compiled specifically for attorneys. Based on the latter manual, the HHC held a **training session for attorneys** in cooperation with the Budapest Bar Association and PILnet on 27 October 2014.

1.6. “The Practice of Pre-Trial Detention: Monitoring Alternatives and Judicial Decision-Making”

In 2014, the HHC launched the project “The Practice of Pre-Trial Detention: Monitoring Alternatives and Judicial Decision-Making” as an implementing partner of Fair Trials International, with funding from the European Commission. The international research project will provide a unique evidence-base about how pre-trial detention is being used in practice across the European Union, in altogether 10 countries. The HHC will gather data on the decision-making process related to pre-trial detention and the use of alternatives in Hungary through surveying defense practitioners, monitoring hearings, reviewing case files, and conducting interviews with prosecutors and judges. As an outcome, a country-specific report on the use of pre-trial detention will be produced in 2015, comparing Hungarian practice with domestic law and international standards. Finally, a regional report will be produced, covering all participating countries. In 2014, the HHC compiled an extensive desk review on the law and practice of pre-trial detention in Hungary, contributed to compiling the research tools, and launched the defense practitioner survey.

1.7. APT international research project on torture prevention

Since January 2014, the HHC is engaged in a three-year research project, led by the Association of the Prevention of Torture (APT), which is carried out in 12 countries to assess the effectiveness and impact of torture-prevention work. The international research project [“Does torture prevention work?”](#) aims to identify the key factors leading to a reduction in the risk of torture and other ill-treatment. In the project, the HHC evaluated various international reports

(e.g.: UNDOCS, AI, HRW) on Hungary, analyzed the evolution of domestic law, and examined practices by conducting interviews related to torture and its prevention. Based on the research the HHC evaluated and drafted a 21-page long **report on the Hungarian situation and developments**. The study will be summarized in Hungarian and an event will be organized to present it in the spring of 2015. The academic monograph summarizing the results of the whole research will be published in 2016.

1.8. Advocating against actual life sentences

For many years, the HHC has been advocating for abolishing life-long imprisonment without the possibility of a parole (actual life sentence) as provided for by the Hungarian law, arguing that it violates human dignity and breaches international standards. In 2012, the HHC submitted a **third-party intervention** to the European Court of Human Rights on behalf of an inmate (László Magyar) sentenced to actual life-long imprisonment, arguing that his sentence violates Article 3 of the European Convention on Human Rights. In its [judgment](#) delivered on 20 May 2014, being an important milestone in the HHC's related advocacy work, the **European Court of Human Rights (ECtHR)** [confirmed](#) the standpoint of the HHC when concluding that the possibility of a presidential pardon (clemency) does not render the sentence of actual lifers in Hungary reducible, thus actual life sentence as included in the Hungarian law violates the European Convention on Human Rights. Hence, the ECtHR said that by sentencing him to actual life-long imprisonment, Hungary violated the human rights of László Magyar. As a reaction to the latter judgment, new domestic rules were adopted on the clemency available for actual lifers. The HHC voiced concerns in the media regarding these new rules, claiming that they are still not in line with the standards established by the ECtHR.

1.9. OPCAT-related advocacy activities

Since its adoption at the UN level, the HHC has been advocating for the ratification by Hungary of the Optional Protocol to the UN Convention against Torture (OPCAT). Since its ratification by Hungary in 2011, the HHC's efforts focus on the OPCAT's implementation and ensuring that an effective National Preventive Mechanism (NPM) is put in place to prevent human rights abuses in places of detention. In Hungary, the Ombudsperson was appointed as NPM, with his office's related unit starting to operate in 2015. Therefore, in June 2014, the HHC met with the representatives of the Ombudsperson's Office and discussed the possibilities for future cooperation in the work of the NPM. In November 2014, the HHC **became a member of the Civil Consultative Board of the NPM**, took part at the latter's first meeting, commented on the monitoring methodology of the NPM and recommended professionals to participate at the future monitoring visits together with the NPM staff.

1.10. Communications to the Committee of Ministers of the Council of Europe

In the last decade, the HHC's attorneys have [successfully litigated](#) cases related to the conditions of and treatment in detention in Hungarian penitentiaries before the ECtHR, and also represented applicants successfully before the ECtHR in relation to ill-treatment by the police. Therefore, the HHC has special interest in the execution of related judgments of the ECtHR by Hungary. Therefore, in November 2014, the HHC submitted two communications to the Committee of Ministers of the Council of Europe (CoM), supervising the execution of judgments of the ECtHR, with regard to the execution of certain judgments concerning the overcrowding in penitentiaries and concerning ill-treatment by police officers. In its communications, the HHC addressed the action plans/reports submitted by the Hungarian Government to the CoM in relation to the execution of the above judgments, pointing out that the general measures presented or envisaged by the Hungarian Government were insufficient, did not offer viable solutions or failed to address systemic deficiencies. Therefore, in its communications the HHC also submitted to the CoM a set of recommendations, asking the CoM to call on the Government of Hungary to comply with them. In January 2015, addendums were submitted to the CoM with regard to both communications, based on data acquired by the HHC's FOI requests after the submission of the original communications. The documents were also translated into Hungarian and were also shared with the National Penitentiary Headquarters and the National Police Headquarters.

1.11. Requests submitted to the Ombudsperson

Since the possibility of submitting *actio popularis* petitions for abstract constitutional review had been abolished as of 2012, the HHC is no longer able to turn directly to the Constitutional Court. Therefore, the HHC decided to pursue its goals by submitting requests to the Ombudsperson (the Commissioner for Fundamental Rights), asking him to initiate the review of problematic legal provisions by the Constitutional Court. (The Ombudsperson is allowed to initiate such a review by law.) In 2014, the following requests were submitted or decided on:

- In November 2013 a new piece of legislation was adopted by the Hungarian Parliament, which **abolished the upper time limit of pre-trial detention** in case the procedure against the defendant is conducted because of a crime punishable by a prison term of up to 15 years or life-long imprisonment. In January 2014 the Eötvös Károly Institute and the HHC submitted a [request](#) to the Ombudsperson, asking him to initiate the constitutional review of the respective provisions by the Constitutional Court, claiming that the new rules violate the right to liberty.
- In July 2013, the HHC [requested](#) the Ombudsperson to initiate the constitutional review of the provisions of the new Criminal Code of Hungary referred to as **"three strikes rule"**, making it obligatory for judges in certain cases to sentence perpetrators to life-long imprisonment. (The "three strikes rule" was introduced into the Hungarian law in 2010 and was upheld by the new Criminal Code of Hungary, adopted in 2012.) The HHC claimed in its petition that the respective provisions were unconstitutional, since they excluded the possibility of sentencing on an individual basis and violated the judges' right to discretion. In its [report](#) issued on 5 February 2014, the **Ombudsperson confirmed the concerns of the HHC** by stating that the relevant provisions of the Criminal Code violate constitutional principles when excluding the possibility of individualized sentencing and discretionary decision-making by judges, and, in addition, they violate the right to fair trial and the principle of legal certainty. The Ombudsperson requested the Minister of Public Administration and Justice to initiate the amendment of the Criminal Code in order that it complies with the constitution, thus it did not turn to the Constitutional Court directly as requested by the HHC. The above report of the Ombudsperson was referred to by **the Constitutional Court** in a [decision](#) issued on 8 July 2014, which **abolished one of the unconstitutional provisions of the new Criminal Code**, and ordered the review of those criminal cases where the respective rule of the Criminal Codes (both the new and the old one) had been applied. **The decision echoed the concerns expressed** by the Ombudsperson, and, accordingly, **by the HHC.**

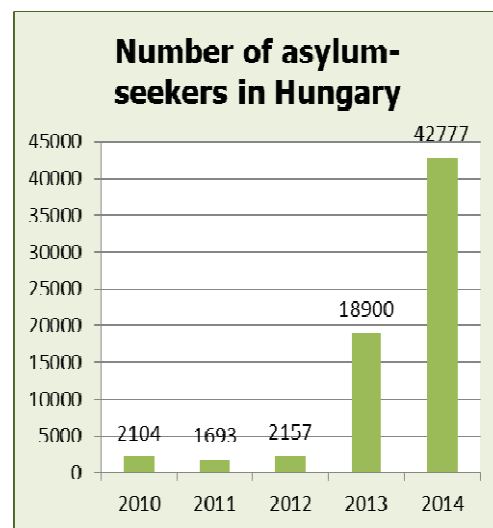


1.12. Commenting on draft laws

In 2014, the HHC commented (i) on the draft ministerial decree on the [order of police jails](#) (in August 2014), and (ii) on the draft ministerial [decrees related to the new Penitentiary Code](#), including the draft decree on disciplinary offences and procedures (in November 2014). Regarding the latter draft decree, the HHC built on the results of its project "Improving the Fairness of Disciplinary Procedures in Penitentiaries" (see Section 1.4.).

2. Right to asylum, protection from *refoulement*

Between 2012 and 2014, the **number of asylum seekers increased dramatically** in Hungary to 42,777 claims, which was by far the sharpest relative increase in the entire EU (a twentyfold increase). The number of asylum seekers reached its peak in December 2014, when in just one month, more than 14 000 asylum claims were registered. Over half of the applicants came for **Kosovo**, while applicants from **Afghanistan and Syria** made up around 40% of the caseload. Protection rates are significantly lower in Hungary than in most other EU member states, with approximately only 10% of the in-merit first instance decisions granting a protection status in 2014 (in strong contrast with the high proportion of applicants arriving from the world's worst crisis zones). Hungary continued to apply a **strict detention policy** with regard to first-time applicants for international protection: in the beginning of April 2014, for example, 28% of asylum seekers (and 42% of adult male asylum seekers) were held in detention. The number of asylum-seekers in detention was fluctuating between app. 300 and 400 persons; detention facilities operated with a high occupancy rate.



The HHC's asylum-related activities continued to focus on the following issues in 2014:

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

After over 15 years, the HHC remains **the only independent provider of free-of-charge, highly professional legal assistance** to foreigners in need of international protection in Hungary and the only implementing partner of the UN Refugee Agency (UNHCR) in this respect.

2.1. Legal counseling for persons in need of international protection

2.1.1. Assisting asylum seekers

In 2014, the HHC continued to be **present at basically all venues where asylum-seekers and foreigners under return proceedings were detained or accommodated**. Attorneys contracted by the HHC provided free-of-charge legal counseling on a weekly basis in so-called asylum jails (where asylum-seekers are detained under a specific regime [introduced in July 2013](#)) in Nyírbátor, Debrecen and Békéscsaba, as well as in immigration jails (where foreigners under return proceedings are held) in Nyírbátor, Kiskunhalas, Győr and the Liszt Ferenc International Airport in Budapest. HHC-contracted lawyers provided legal counseling on a regular basis at the open reception facilities of Bicske, Vámosszabadi and Balassagyarmat, while in the largest reception center in Debrecen the HHC employed a full-time legal advisor. Free legal counseling was also available at the HHC office in Budapest on a daily basis. The HHC's legal representation services for asylum seekers are available both in the administrative and judicial review phase of the asylum procedure. The HHC disseminated **information leaflets** [on the asylum procedure in 10 languages for child](#) and [adult](#) asylum seekers.

In 2014, HHC lawyers provided **legal assistance to 935 asylum seekers in total**. Of them, **146 asylum seekers received free-of-charge legal representation** from HHC attorneys in the refugee status determination procedure. In 2014, **42** clients represented by the HHC's attorneys in court procedures were either granted international protection (**25** refugee status, **17** subsidiary protection) or courts quashed contested administrative decisions and procedures were reopened by the asylum authority (**12** cases).

2.1.2. Assisting refugees in family reunification procedures

In addition to asylum procedures, the HHC continued to provide legal advice and representation in a growing number of **family reunification** cases, as this has become particularly problematic in 2013-2014. Throughout the year, the HHC **assisted 224 family members of 73 refugees** with their family reunification. **48 of these family members represented by the HHC (linked to 17 refugees) were granted a Hungarian residence permit** on family reunification grounds. The UNHCR and the HHC jointly drafted an **information leaflet** on family reunification for beneficiaries of international protection, [available in 5 languages](#).

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

- a) Unreasonable and legally unfounded conditions introduced by Hungarian law, such as the obligation that the family member wishing to reunite with a refugee in Hungary should be *lawfully* present in the country where she/he submits the application for a Hungarian residence permit;
- b) The persisting refusal of using alternative solutions (e.g. one-way *laissez-passer*, Red Cross travel document, etc.) in cases where the family member abroad does not hold a travel document accepted by Hungary (such as the Somali passport or the travel document issued by Syria for Palestinians);
- c) Beneficiaries of subsidiary protection are unjustifiably treated less favorably than refugees with regard to family reunification;
- d) The unpreparedness and lack of cooperation of certain consular representations;
- e) The Hungarian immigration office (OIN) recently introduced the practice of requiring a certified Hungarian translation of all relevant documents, resulting in an insurmountable financial burden on the sponsor.

In July, the HHC submitted **a formal complaint to the European Commission** with detailed reference to the non-compliance of Hungarian regulation and practice with various provisions in EU law concerning family reunification. The European Commission has not yet responded to the HHC at the time of writing.

2.1.3. Assisting Dublin returnees

In a project funded by ProAsyl, a German NGO, the HHC assisted **asylum seekers returned to Hungary in the framework of a Dublin procedure** at the Balassagyarmat community shelter, in addition to continuously following and [reporting](#) on related practices. In order to ensure high-quality legal assistance, the HHC also organized **training sessions** for its staff and contracted attorneys:

- 28 February: annual meeting and training for the HHC's lawyers network (12 attorneys) and legal officers/staff members of the Refugee Program;
- 13 May: workshop on the internal protection alternative (in the framework of the APAIPA project) with the participation of HHC staff members and contracted attorneys;
- 12 June: conference for asylum officers, child care professionals, judges and HHC staff members on the challenges of age assessment of undocumented unaccompanied minors;
- 17 November: participation in an expert meeting on unaccompanied minors and Dublin III Regulation, Brussels.

In 2014, the HHC responded to **56 information requests regarding Dublin returns to Hungary** sent by NGOs or law firms based in other EU Member States, or the asylum seekers concerned. When the transfers were actually carried out, the HHC followed up with the asylum seeker and provided legal assistance. The HHC also wrote a detailed report on the situation of Dublin returnees in Hungary, presented as evidence before a German court in Düsseldorf.

2.1.4. Assisting asylum seekers and migrants in detention

HHC attorneys carry out weekly visits to detention centers where asylum seekers or foreigners under return proceedings are detained. Such visits include **free-of-charge legal counseling** to detainees regarding the legal

procedures on detention, asylum and/or removal as well as **monitoring detention conditions**, striving to ensure that the detained migrants are able to exercise their rights and be informed about the legal ground of their detention. The HHC's attorneys provided legal counseling in immigration and asylum detention centers to **625** detainees and undertook legal representation in detention procedures in more than **50** cases. **In 15 HHC-assisted cases immigration or asylum detention was successfully challenged and terminated.**

In addition, the HHC also paid **4 monitoring visits** to asylum jails (Nyírbátor, Debrecen and Békéscsaba) in February and July 2014, to carry out detailed interviews with detainees and the management of detention centers in order to gather information on conditions as well as allegations of verbal and physical abuse of detainees. The HHC summarized the information gathered and made recommendations in a [report](#) published in March (in Hungarian). This information was further completed with **a research that analyzed 107 detention orders** with the aim of establishing factual and statistically relevant evidence for the systemic problems identified with regard to the ordering and maintaining the detention of asylum seekers.

In May 2014, the HHC presented its findings about the practice of asylum detention in an [Information Note](#), which was widely distributed in English among key stakeholders, such as EU member states, UNHCR, European Commission, NGO partners and the judiciary. The report presents **strong and fact-based criticism, highlighting grave and systemic shortcomings** such as the excessive and often unlawful use of detention, the lack of alternatives to detention, the ineffectiveness of judicial review, etc. The report's findings were presented to the European Commission in the course of a meeting in Brussels in June. Based on the outstanding feed-back received, it is expected that the report will have a significant impact on "Dublin cases" considered in other EU member states, and may even provide the fundament for a later infringement procedure against Hungary by the EU.



In 2014, the HHC continued to receive complaints relating to the **unlawful detention of asylum seeking unaccompanied minors** detained together with adults due to wrong age assessment. In the course of its three monitoring visits carried out in February, HHC staff members met as many as 30 persons who claimed to be under 18 years of age. The HHC monitoring teams were deeply concerned that at least one-third of these detainees appeared "at first glance" very young, potentially or presumably under 18 years of age. In such cases, HHC attorneys submitted petitions to the authority and the court in charge of reviewing the lawfulness of detention in **10** cases in July 2014 requesting a second expert opinion on the estimated age of the detainee, at the costs of the authority.



The Immigration and Asylum Law Working Group of the *Kúria* (Supreme Court) examined **judicial review practices of asylum detention with a view to publishing guidelines for courts**. The working group examined 120 cases in the course of their research and focused on the lawfulness and effectiveness of judicial review as well as the quality of legal representation provided by *ex officio* appointed legal guardians. Upon the Working Group's request, the HHC's provided **written observations** in January 2014. As a major advocacy success, the Supreme Court's [guidance](#) (published in October) **fully endorsed and incorporated (sometimes verbatim) the HHC's position on these issues in all aspects**. The opinion concluded that "the judicial review of asylum detention is ineffective" (sic!), especially pointing out – among others – that:

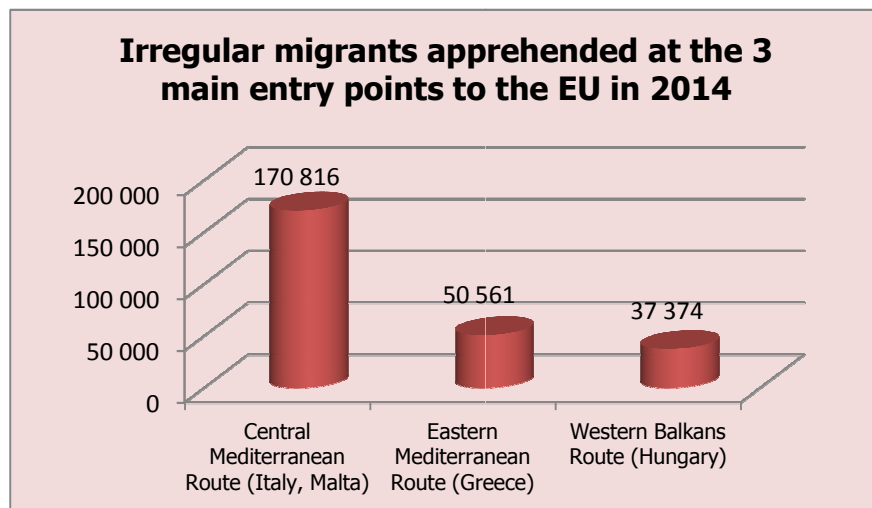
- Judicial decisions are completely schematic and limit themselves to the mere repetition of the arguments submitted by the authority ordering detention;
- Proceeding judges not in a position to conduct an individualised assessment, nor able to verify whether or not detention was ordered as a "last resort";
- The *ex officio* appointed legal guardians' intervention is either formal or completely lacking and therefore the "equality of arms" principle is not applied in practice.

2.3. Promoting access to territory and the asylum procedure

Monitoring border areas and entry points is crucial in order to ensure that the principle of *non-refoulement* is respected and that asylum seekers gain effective access to territory and to the asylum procedure. Located at the

European Union's external border and at the frontier the Schengen area, this task gains particular importance in Hungary.

The HHC concluded a **tripartite agreement** with the UNHCR and the Border Guard in 2006, which allows the HHC to monitor practices at Hungary's external Schengen borders (land borders with Serbia and Ukraine and the Budapest Liszt Ferenc International Airport) on a regular basis. The purpose of the monitoring is to **gather information** from the field on access to asylum procedures and protection, 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.



In 2013-2014, the Serbian-Hungarian border section became the **third most important entry point of irregular migration** to the EU. In 2014, in the framework of the border monitoring program, the HHC conducted **11 border monitoring visits** at this border section. The monitor, a contracted HHC attorney, contacted detained foreigners and examined official files concerning asylum seekers, to assess whether the police respect the principle of *non-refoulement* and take adequate care of **vulnerable people** with special needs such as families, single women, disabled persons, etc.

The HHC, in cooperation with the UNHCR Regional Representation for Central Europe and the National Police Headquarters, will publish its 2014 annual report on its border monitoring project in the first half of 2015.

2.4. Fighting xenophobia through media work

Hungarian public opinion is found to be among the most xenophobic ones in Europe, partly due to the typically unprofessional, simplifying and sometimes even dehumanizing approach of the national media. Following up on two previous initiatives, the HHC launched a one-year project in 2014 aiming at influencing the Hungarian public attitude towards refugees and migrants through improving media workers' preparedness and attitude (supported by the European Integration Fund).

Main activities and outcomes of the project included:

- A Code of Conduct (set of recommendations) for media workers dealing with the issue of migration was drafted, based on a series of discussions with stakeholders (to be published/launched in January 2015);
- Targeted monitoring of media contents for three months, in preparation of a research study focusing on the representation of migrants in Hungarian media (to be published/launched in January 2015);
- Two training events for journalists from a variety of media outlets, including leading news portals and commercial TV channels (24 April and 14 May);
- In cooperation with the University of Pécs, a standard, one-semester university curriculum on migration for communication studies/journalism students was elaborated and tested in fall semester;
- An updated edition of the HHC's successful "Foreigners in Hungary" guide for journalists was published and widely disseminated;
- A competition for students of communication and media faculties around the country was held.



Beyond its immediate outputs, the project has also **improved the HHC's access to the media**. For example, a number of specific articles on migration-related issues featuring the HHC's work and clients appeared on leading news portals as a direct consequence of the training seminars.

2.5. HHC-led international initiatives in the field of asylum

2.5.1. The Refugee Law Reader – bringing refugee law education to where it is most needed



Since its creation in 2004, the HHC has been the engine behind the world's **only comprehensive online model curriculum** for the study of international refugee law, created by some of the most renowned academic experts in the field. The [Refugee Law Reader's four language versions](#) (English, French, Spanish and Russian) have served as a basis for several refugee law courses in recent years and its user base in 2014 already exceeded **100 000 individuals worldwide**. A new edition of all language versions is expected to be published during the first half of 2015, for which significant preparatory work has been carried out during 2014. The first version to appear will be the 2nd Russian edition in January 2015.

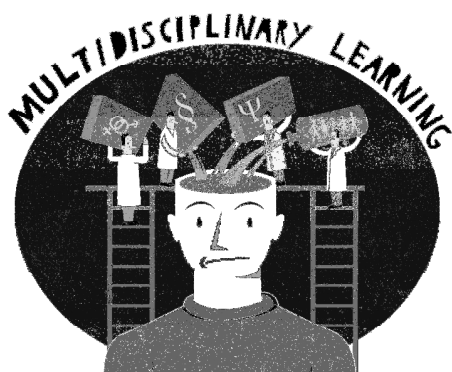
In 2013, the HHC embarked on a joint initiative with UNHCR's Global Learning Centre to convert the Reader into a **global capacity-building tool**, with special emphasis on the former Soviet Union region, the Middle East and North Africa and Latin America. The project aims to establish **three regional networks of universities** committed to start and maintain refugee law courses, support and promote refugee law education in regions where it is yet scarcely available and to promote **the refugee law clinic method**. Following a global kick-off event in December 2013, **two regional courses** were held in 2014: the first in July in **Tbilisi, Georgia** (covering countries of the former Soviet Union), the second one in December in **Quito, Ecuador** (covering Latin America). Both courses received **excellent evaluation** and resulted in a number concrete plans and commitments aiming at improving refugee law education and building regional networks.

In spring 2014, the HHC has worked out a **four-year strategic plan** on how to transform the Refugee Law Reader from a "mere" academic curriculum into a modern capacity-building tool widely used in various regions of the world and how to create extended networks for the teaching of refugee law in the three key regions and maintain them in a sustainable manner. The plan identifies key priorities, potential donors and strategic partners, as well as long-term spin-off possibilities. The HHC successfully established contact in 2014 with potential strategic partners for this initiative, including the Swedish Migration Board, the Norwegian Refugee Council and the International Institute of Humanitarian Law in Sanremo, Italy.



2.5.2. CREDO – Improving credibility assessment in asylum procedures

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



Since 2011, the HHC has been the leader of a pioneering initiative aiming at **improving credibility assessment practices**, in partnership with the UNHCR Bureau for Europe, the International Association of Refugee Law Judges (IARLJ), Asylum Aid (UK), the European Council on Refugees and Exiles (ECRE) and numerous experts from various fields and countries. The **CREDO project** (September 2011-May 2013) constructed the until now missing legal and methodological framework of credibility assessment and

related guidance, introducing the innovative concept of a **multidisciplinary approach**. It also produced long-lacking empirical information about state practices and dedicated training methodologies. The **CREDO 2 – Building Credibility project** (June 2013-January 2015) focused on the particular issues of credibility assessment with children, as well as gender and linguistic aspects in this context. This second phase of the CREDO initiative was designed to create opportunities to disseminate the methodology developed to wider groups such as large numbers of legal representatives and NGO practitioners, members of the judiciary in Southern and Eastern EU member states and experts/trainers from national asylum authorities all over Europe. In 2014, the HHC held **3 major training events**:

- An advanced training course (organized with ECRE and the European Legal Network on Asylum, ELENA) in Madrid on 5-7 May: **115 participants** attended the event from all around Europe and also from China, South Korea, Iran. The group consisted of mainly legal practitioners, NGO and UNHCR staff.
- A seminar in Budapest (19-21 May) with **29 participants** – trainers of national asylum authorities of EU member states and the European Asylum Support Office (EASO). The participants were familiarized with the CREDO methodology and the knowledge base developed in this initiative with the aim of these being used later in their own national training practice.
- A seminar in Sofia (4-5 June) for Bulgarian, Romanian and Greek judges – in total **15 participants** (including representatives of the highest judicial instances).



All three events received **outstanding evaluation** and were praised for their innovative methodology, structured approach, practical focus and interactive style. Several participants (including state representatives) expressed vivid interest in future cooperation and the use of the methodology developed by the HHC in various contexts. It deserves special mention that it is usually extremely rare that national authorities and judges accept to be trained by an NGO, especially on such a controversial topic, which fact multiplies the success of the CREDO initiative.

As a further sign of **growing global impact** of this project, the HHC's expert was invited to train

- 60 Austrian judges in March in Vienna;
- 30 asylum officers from Georgia, Armenia and Ukraine in September in Yerevan;
- 40 Norwegian asylum officers in October in Oslo;
- 30 Austrian lawyers and NGO workers in October in Vienna.

In addition, the HHC drafted and edited the 2nd volume of its publication "Credibility Assessment in Asylum Procedures – A multidisciplinary training manual" (to be published in early 2015).

2.6. Participation in international asylum-related projects

Beyond its own international initiatives, the HHC continued to be a **very active refugee-assisting national NGO at the international level** in 2014. The HHC is an active member of the **European Council on Refugees and Exiles (ECRE)** and its Asylum System Core Group and contributed to the identification of policy priorities for ECRE. The HHC continued to act as a national coordinator for the **European Legal Network on Asylum (ELENA)**, functioning under the aegis of ECRE. The HHC remained the regional focal point and an advisory board member of the **International Coalition on the Detention of Asylum Seekers, Migrants and Refugees (IDC)**, which aims to raise awareness of detention policies and practices and to promote the use of international and regional human rights standards and principles as they relate to the detention of refugees, asylum seekers and migrants.

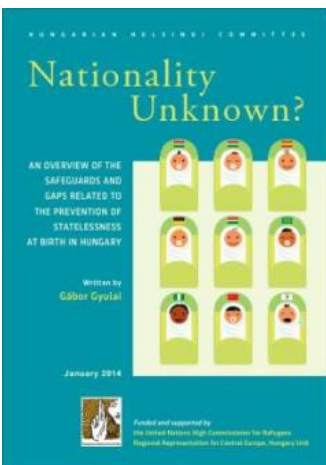
2.7. Statelessness

The HHC continued to play a **leading role in advocacy efforts aimed at improving protection for stateless persons**, and the prevention and the reduction of statelessness, both at a national and international level. The HHC is a founding member of the [European Network on Statelessness \(ENS\)](#), established in 2011. The HHC's statelessness expert continued to perform his duties as **chair** and actively participated in further strengthening the Network throughout the first half of 2014 (including various meetings, teleconferences, identification of potential partners, fund-raising activities, etc.). At the time of writing, the Network has over 80 associate members from more than 30 countries, constituting an unprecedented awareness-raising success on this long overlooked human rights issue. The HHC actively contributes to the ENS **Europe-wide campaign** launched in May 2014 calling European leaders to act to protect stateless persons through ratifying the 1954 Convention relating to the Status of Stateless Persons and creating national protection mechanisms.



European
Network on
Statelessness

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



In early 2014, the HHC published a pioneering, in-depth **report on the avoidance of statelessness at birth** in Hungary, in [English](#) and [Hungarian](#), filling in a long-standing gap and providing a research model for other countries in the region. The initiative (funded by the UNHCR) managed to identify four particular risk groups and a number of other shortcomings and violations of international obligations in the regulatory framework. The report also puts forward a set of concrete recommendations for legal reform. The publication was launched at a joint HHC-UNHCR roundtable discussion involving representatives of three relevant ministries, the Office of Immigration and Nationality, the Ombudsperson's Office, UNICEF and academia. By the time of writing, some recommendations have already been accepted by the relevant authorities.

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

- Strategic meeting with UNHCR and the Italian member organizations of ENS that established a joint strategy for the improvement of the national protection framework for stateless persons, as international expert (Rome, 20 March);
- Annual general conference and Steering Committee meeting of ENS, a series of joint ENS-UNHCR advocacy events, including a hearing before the Parliamentary Assembly of the Council of Europe (Strasbourg, 7-10 April);
- Training for over 25 Italian lawyers and NGO staff on statelessness (Rome, 24 May);
- Training for over 25 statelessness determination officers of the Hungarian Office of Immigration and Nationality in Budapest in May;
- Several lectures and workshops delivered at the First Global Forum on Statelessness held in the Hague in September, with hundreds of participants from all around the world;
- Training for over 50 Norwegian state officers, lawyers, NGO staff and journalists on statelessness in Oslo in October.

The HHC's statelessness expert contributed as co-author to the first ever comprehensive academic publication on this issue, titled [Nationality and Statelessness under International Law](#), published by the Cambridge University Press in 2014. He also drafted an article on nationality in international law upon request of the University of Brasília (to be published in 2015) and an [article](#) on the blog of the European Network on Statelessness.

3. Promoting access to justice

3.1. “Practitioner Training on Roadmap Directives”

The HHC is a **partner of Fair Trials International** in the “Practitioner Training on Roadmap Directives” project, partially funded by the European Union. The overall objective of this project is to provide defense lawyers from various EU Member States with in-person training, written tools, and peer-to-peer support in order assist them in the effective use of EU criminal justice legislation – in particular, the Directives passed under the Roadmap for strengthening procedural rights. In the project, the HHC is responsible for contributing to designing the course, managing the applications and selecting the participants, preparing training materials and the practical arrangements related to organizing one of the training sessions, to be held in June 2015 in Budapest with the participation of 40 lawyers from Hungary, Croatia and Slovenia.

3.2. Access to quality criminal legal aid

The HHC has been calling for years for reforming the criminal legal aid appointment system with a view to reducing the possibility of corruption and advocating for a system where the legal aid defense lawyer is not appointed by the investigating authorities, e.g. through developing and testing a “corruption-free” pilot model for a new appointment system. In January 2014, a group of Hungarian lawyers approached the HHC asking for an expert opinion about a newly developed software that could take over the role of the investigative authorities: cases where a legal aid lawyer is needed would be “advertised” on a website, managed by the bar associations and the software developer company, and any lawyer registered in the system could perform the appointment in the case. The HHC provided an expert opinion on the system which was submitted also to the head of the Hungarian Bar Association.

4. Promoting equal treatment

4.1. “Resisting Criminalization – Fighting for Housing”

The “Resisting Criminalization – Fighting for Housing” project is realized **in cooperation with the City is for All (A Város Mindenkié – AVM)**, supporting their aim to challenge the criminalization of homelessness and the discrimination suffered by homeless people by uniformed authorities. According to AVM’s previous research, police ID check practices in public spaces is discriminatory: 59% of homeless people are stopped by the police for an ID check over the course of a month (some of them are stopped at least once a week). Even though checking someone’s ID is one of the least harmful police practices, its unjustifiable use can be extremely detrimental. The main aim of the HHC-AVM cooperation is to identify and challenge discriminative practices of police officers and ‘public space supervisors’ (quasi municipal law enforcement agents), affecting homeless people. After the project started in 2014, the HHC’s expert elaborated in close cooperation with the AVM the methodology for testing discriminatory ID checks. During the autumn AVM activists carried out testing and monitored police ID check practices. The HHC also requested FOI data from the police. Based on the above the HHC is preparing a draft application to be submitted to the Equal Treatment Authority in the beginning of 2015. The project is funded by the Open Society Foundations.

4.2. Selected equal treatment cases

Complaint to UN Committee on the Rights of Persons with Disabilities

Hungary ratified the Optional Protocol to the Convention on the Rights of Persons with Disabilities (CRPD) in May 2008. Under the Optional Protocol, individuals who believe that their rights are being violated by a state party may submit a complaint to the UN Committee on the Rights of Persons with Disabilities. The HHC submitted a complaint in March 2010 to the UN Committee on the Rights of Persons with Disabilities on behalf of two blind persons and requested the Committee to establish that Hungary had violated its obligations under the CRPD. This was the first individual case ever launched before the Committee. The underlying case concerned two blind persons who concluded contracts for private current account services with the OTP Bank, according to which they were entitled to use bank cards. However, they were unable to use the automatic teller machines (ATM) without assistance, as the ATM keyboards were not marked with Braille fonts, and they did not provide voice assistance for bank card operations. The two blind persons had to pay an annual fee for bank card usage and transaction fees equal to those fees paid by other customers, regardless of the fact that they were unable to use these services on a 24-hour basis unlike other, sighted customers. Accordingly, it was claimed that they received inferior quality services for the same charges. After exhausting legal remedies, they submitted a complaint to the Committee with the legal assistance of the HHC. After a lengthy procedure, on 23 April 2013 the Committee delivered its [decision](#) stating that Hungary has failed to fulfill its obligation stipulated in the CRPD by not ensuring accessibility of the banking card services for persons living with visual impairments on equal basis with others. The Committee therefore made numerous recommendations to Hungary including inter alia the following: providing remedy to the complainants; establishing minimum standards of banking services; creating a legislative framework with concrete, enforceable and time bound benchmarks; providing regular training on the scope of the CRPD to judges. In October 2014, the Ministry of Human Resources discussed the case with the HHC and its clients with the aim of reaching a settlement, but the Ministry claimed that due to the lack of their competency they cannot deliver a decision, so the case is currently pending before the Government.

Mayor harassed local Roma community

In relation to a murder in **Kiskunlacháza** (of which a non-Roma person became a suspect later on), the mayor of the small town spoke at a public demonstration about the town population having had enough of “Roma aggression” and made other statements giving the impression that in his view the murder had been committed by Roma people. The HHC argued that by doing so, the mayor had committed harassment in relation to the region’s Roma population, and filed an *actio popularis* claim with the Equal Treatment Authority concerning the statements made by the mayor. In its decision issued in January 2010, the Equal Treatment Authority established that harassment had been committed and forbade the continuation of the violation. The mayor requested judicial review, and a lower level court overruled the decision of the Equal Treatment Authority in 2012. However, in its decision delivered in October 2013, the Curia (the Supreme Court) [ruled](#) that the court procedure shall be repeated, because the lower level court failed to provide appropriate reasons for its decision. In June 2014, during the re-trial, the court shared the view of the HHC and the Equal Treatment Authority and established that the mayor committed harassment. The decision is final.

Direct discrimination and harassment by the police with regard to the Budapest Pride in 2012

The HHC represents **a private individual and the NGO Háttér Support Society for LGBT People**, acting as an *actio popularis* agent, in a civil lawsuit against the Budapest Police Department, claiming that the police committed

direct discrimination and harassment based on sexual orientation when banning the Budapest Pride march in 2012, citing that it obstructed traffic. The reasoning of the decision was almost identical to that taken in 2011, which was annulled by a court, ruling that the references of the police were ill-founded. Although later on the court annulled the police's decision related to the Budapest Pride 2012 as well, because of the identical reasoning and the fact that other major-scale demonstrations on nearly the same route as the Budapest Pride had been acknowledged by the police, the ban remained severely discriminatory. In the civil lawsuit launched the HHC requested the court to declare that the police committed direct discrimination and harassment based on sexual orientation, to impose a ban on committing such a violation in the future, and to award non-pecuniary damage compensation. In its decision delivered in January 2014, the first instance court accepted the latter claims, except for the damage compensation. In its [decision](#) delivered in September 2014, the second instance court maintained the first instance judgment with regard to the NGO acting as actio popularis agent, however, with regard to the gay person seeking damage compensation the claim was dismissed, citing that this plaintiff was not directly affected by the decision of the police.

Discrimination case of a detainee based on religion

The HHC represented a **Muslim detainee before the Equal Treatment Authority** who claimed that he could not attend Muslim religious services in the Budapest High and Medium Security Prison. The facts of the case, i.e. why the detainee could not attend prayers, could not be established in the course of the procedure, but it was revealed that the related internal rules of the penitentiary institution on documenting the willingness of detainees to attend religious services were inadequate. The case ended in 2014 with a friendly settlement, in which the Budapest High and Medium Security Prison undertook to amend its internal rules.

5. Activities related to the protection of Roma

5.1. NGO working group against hate crimes



GYŰLÖLET-BŰNCSELEKMÉNYEK
ELLENI MUNKACSOPORT

In the beginning of 2012, the HHC, together with Amnesty International Hungary, Háttér Support Society for LGBT People, the Hungarian Civil Liberties Union and the Legal Defence Bureau for National and Ethnic Minorities established a [working group](#) advocating for an appropriate hate crime legislation and application of law. In 2014, the following [activities](#) were carried out by the

working group:

- A [special issue](#) of the “Fundamentum – Journal of Human Rights” was published in January 2014, with a series of essays on topics related to hate crimes and hate speech, *inter alia* an alternative commentary to the new Criminal Code’s hate crime provisions, co-authored by members of the NGO working group, including the staff members of the HHC.
- Two [consultative meeting](#) were organized by the National Police Headquarters in order to jointly analyze the most serious events and issues related to hate crimes by the police and the experts of the NGO working group. The topics of the meetings where members of the HHC were present were the so-called “Devecser case”, in relation to which the HHC launched several legal proceedings earlier on, and events related to the annual Budapest Pride march.
- As agreed last year with the participants of the governmental “Human Rights Working Group”, set up in order to follow-up the recommendations received by Hungary in the framework of the Universal Periodic Review, the members of the NGO working group prepared a comprehensive analysis of hate crime cases in which their lawyers provide legal assistance to victims. Firstly, cases were analyzed on the basis of a standardized form both in English and in Hungarian. Then, a comprehensive analysis was prepared by six authors, two of them being staff members of the HHC. The [analysis](#) was published in 2014, and was also translated into English.
- The NGO working Group [translated and adapted](#) the International Association of Chiefs of Police’s guidelines on tackling hate crime and distributed several copies among police officers and professionals.
- Members of the NGO working group continued to represent victims of hate crimes before the authorities and advocate for the proper application of the law.

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

The HHC takes part in the [HELP program](#) of the Council of Europe. In cooperation with the OSCE Office for Democratic Institutions and Human Rights, the Council of Europe aims for the preparation of two e-learning master courses on hate crime and hate speech for training of judges and prosecutors of the region covered by the Council of Europe; Hungary was selected as a pilot country. For this reason, a Working Group was established which the HHC is a member of. In the reporting period, three Working Group meetings were convened (on 11 March, 7 May and 10 October 2014), which were attended by the HHC and which provided a platform for discussions over the design, structure and content of the modules on the elements of hate crimes and the international standards applicable with regard to the prosecution of hate crimes. The HHC was responsible for drafting the module of the course on international standards and was also providing assistance for the national tutor (a domestic prosecutor) throughout the preparation phase of the project. The courses based on the modules will be launched in 2015.

5.3. Individual cases and statements

- In April 2014, a judge, while rejecting the request of the prosecutor’s office to dissolve an extreme right-wing association, stated in her decision that using the term “Gypsy criminality” may be justified and made further racist statements. The HHC issued a [press release](#) together with three other NGOs, claiming that the statements of the judge are unacceptable and urging the respective authorities to take steps in order to prevent such rulings.

- In May 2014, a Hungarian politician from Serbia was insulted in front of the Parliament of Hungary, which was followed by a statement by the President of Hungary, condemning the attack and also the lack of on-site actions by the police. On 13 May 2014, the HHC issued an [open letter](#), welcoming the speech of the President, but also reminding him of instances of insults suffered by Roma or by LGBTQ people when the police also failed to intervene, but the President remained silent.
- In August 2014 the HHC, together with five other domestic **NGOs**, **requested the National Chief of the Police to set up a police-civil working group to analyze and tackle and practice of ethnic profiling**. The National Police Chief refused the request and claimed that ethnic profiling of the police does not exist in Hungary. In order to achieve the aim of discussing the problem and offer some kind of a solution, the HHC took the lead and the ad-hoc NGO coalition submitted a new and even more detailed letter to the National Police Chief with the same request, but did not succeed.
- In December 2014, the HHC joined an **advocacy campaign** in which many NGOs voiced concerns about an – at that point, planned – amendment of the Hungarian Public Education Act, which basically allows the Government to establish exemptions with regard to the prohibition of discrimination in educational institutions, thus makes e.g. **segregated education** legally possible in Hungary. The NGOs sent a letter to the European Commission and to commissioner Tibor Navracsics responsible for educational issues, asking them to step up against the unlawful initiative, and also requested the Ombudsperson to speak up. The NGO coalition also launched a public campaign to raise the attention to the negative consequences of school segregation. Despite the criticism voiced, the amendment was adopted by the Parliament, and entered into force on 1 January 2015.

6. Assisting victims of human rights violations

6.1. Human Rights Legal Counseling Program

Providing free legal counseling to victims of human rights violations is one of the HHC's core permanent activities. In addition to providing assistance to individuals, the cases taken by the HHC are also of strategic value in the organization's legal analysis and advocacy activities as they highlight gaps in legislation or legal practice.

Over the past decade, the HHC has gained special expertise and developed a profile in the following fields of law:

- immigration law (visas, stay and residence permits, expulsion, deportation, family reunification),
- asylum law (granting and withdrawing refugee, subsidiary and other protection status),
- criminal procedures concerning unlawful detention, forced interrogation, abuses in official procedure, assault against an official person,
- civil damages for excessive use of force by law enforcement agencies,
- complaint procedures concerning detention implemented in penitentiary institutions or police jails,
- equal treatment,
- cases before the European Court of Human Rights.

Clients turning to the HHC receive initial legal advice from the HHC's legal advisor in the framework of the Human Rights Legal Counseling Program, who in turn refers cases that fall within the HHC's profile to attorneys working with the HHC. Other clients are also given basic legal information and advice about where to seek further assistance. On average, the HHC's legal advisor assists around 15-20 people per day.

Attorneys Tamás Fazekas, Gábor Győző, Barbara Pohárnok and Aurél Nemesszeghy continued to work as permanently contracted attorneys of the HHC in 2014. In addition, the HHC works with a select group of attorneys around the country who provide legal assistance to asylum seekers and migrants in open and closed centers (see Section 2.1.)

In 2014, **804 persons received legal assistance** from the HHC's Human Rights Legal Counseling Program:

- 153 asylum cases;
- 76 family reunification cases of refugees and 11 of Hungarian nationals;
- 17 alien policing cases (visas, residence permits and expulsion);
- 6 citizenship cases;
- 1 statelessness case;
- 54 complaints regarding torture, inhumane or degrading treatment in prisons;
- 34 complaints about the lawfulness of pre-trial detention;
- 125 complaints about other detention conditions;
- 39 cases of complaints against police measures;
- 11 inquiries regarding procedures before the European Court of Human Rights;
- 3 complaints about petty offence procedures;
- 123 cases concerning pending or closed criminal procedures;
- 2 cases regarding hate crime
- 149 miscellaneous cases.

6.2. Select cases before domestic authorities

- With the help of the HHC, a detainee in 2014 sued **the Central Hospital of the Prison Administration** for damages, claiming that his health condition deteriorated substantially while he was held in pre-trial detention at the hospital, because it lacked adequately sterile physical conditions (he suffered various infections during detention which caused the status of his transplanted kidney worsening in an alarming amount) or with appropriate sport activities necessary to maintain his health.
- A young **man ill-treated by the police** during the 2006 riots (for which two police officers were convicted earlier) **was awarded** HUF 500,000 as **non-pecuniary damage compensation** by the first instance court in September 2014. The victim was represented by the HHC's attorney both in the criminal case launched because of the ill-treatment and in the civil procedure initiated for compensation.
- 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. (They received a warning for this in a petty offence procedure

later.) According to them, following apprehension and handcuffing the men **were ill-treated** (one of them suffered a broken rib) **and humiliated** (e.g. they had to lie for hours in the baking sun). The women were also threatened and humiliated verbally. The HHC provides legal assistance to them in the related criminal procedure launched against the police officers. Though the victims clearly identified the perpetrators from photos (and otherwise gave detailed and comprehensive testimonies), the prosecutor's office terminated the investigation without even interrogating the alleged perpetrators as suspects or witnesses. The victims' representative filed a complaint against the termination, and as a result, the decision on termination was annulled by the Chief Prosecutor's Office and the case was referred to further investigation. In the continued criminal procedure, the alleged perpetrators were officially charged, still, the prosecutor's office terminated the investigation again without pressing charges, citing that no crime has been committed, though the forensic medical expert backed up the statements of the victims regarding the date and the means of suffering the injuries. The victims' representative filed a complaint to the Chief Prosecutor's Office, which complaint was also rejected. The victims plan to submit a supplementary private prosecution indictment in the case. In addition, in the police complaint procedure launched parallel with the criminal procedure, the Independent Police Complaints Board found in 2014 that the fundamental rights of the victims were violated, and referred the case to the National Police Headquarters. However, the complaints were finally dismissed by the National Police Headquarters; the court review procedure is pending.

- In October 2012 journalists of index.hu (the biggest Hungarian online news portal) made a video report at a political demonstration where several **right-wing extremists** gathered, without notifying the police in advance and continuously shouting anti-Semitic expressions. The illegal assembly was not dissolved by the police in spite of the clear legal provisions allowing for dissolution; and **one of the journalists were attacked and hit** three meters from the police line-up. The HHC represents the journalist in the ongoing criminal procedure in which he is involved as a victim of a hate crime. In November 2014 the alleged perpetrator of the hate crime was sentenced to 2 years imprisonment, suspended for 5 years probation. The HHC also provides the journalist legal representation in a police complaint procedure initiated because of the negligence of the police, in which his complaint was rejected by the Budapest Police Chief in May 2013. In December 2013 the court, in line with the HHC's arguments, [overruled](#) the Budapest Police Chief's latter decision and ordered a new procedure, claiming that the facts of the case were not clarified. In April 2014 the Curia maintained the latter judgment, however, after analyzing the complaint restrictively, underlined that the dissolution of the illegal demonstration cannot be examined in the procedure. The next court hearing is scheduled to be held in April 2015.
- A man on a disability pension went to see his doctor due to his various chronic illnesses to get some certificates, and when failing to achieve this, he became angry in the waiting room, and hit on a glass table that broke. The staff called the police, but the man did not leave the premises, he met the police on the scene. Still he was arrested and taken to the local police department, where he spent about 7 hours until his subsequent release after being interrogated. Upon the complaint of the man represented by the attorney of HHC, the **Independent Police Complaints Board found** in a decision delivered in 2014 that his **arrest was disproportionate**, for he waited until the police arrived, so there was no risk of absconding, thus he could have been served a summoning order to appear at the police department for interrogation. The Independent Police Complaints Board also established that his apprehension was too lengthy, as it was unnecessary to detain him for 5 hours before his interrogation started. However, the complaint was finally rejected by the National Police Headquarters; the court review of this latter decision is pending.

6.3. Select cases before the European Court of Human Rights

Communication of cases concerning prison overcrowding

In 2012, HHC submitted five applications to the European Court of Human Rights (ECtHR) challenging detention conditions in different Hungarian penitentiary institutions. In all cases, the applicants were detained in prison cells where their living space had not reached the minimum 4 square meter per person prescribed by the European Committee for the Prevention of Torture (CPT) and the case-law of the ECtHR. Moreover, hygienic standards have not been respected and the privacy of the applicants could not always be guaranteed. In January 2014, altogether 100 applications submitted to the ECtHR were communicated to the government of Hungary concerning the severe overcrowding in Hungarian penitentiaries, including the applications above. The HHC replied to the Hungarian Government's observations, maintaining that Hungary violated the prohibition of torture and inhuman or degrading treatment and punishment (Article 3 of the European Convention on Human Rights) and also the right to an effective remedy (Article 13 of the Convention). On 19 November 2014 the ECtHR informed the representatives of the applicants that both they and the Hungarian Government are of the view that overcrowding of prisons is a structural problem, therefore, **the ECtHR considers launching a pilot procedure** regarding the issue.

Requests for interim measures and application in case of a seriously ill detainee

In January and in June 2014, two requests to adopt interim measures (Rule 39 requests) were submitted by the HHC to the ECtHR in the case of Mr S. M. A., who had been sentenced to four years of imprisonment, but a court-appointed medical expert established that he cannot be detained in a prison hospital without the very serious deterioration of his health. The medical expert said that "his repeated detention would entail such consequences that the infectious environment, the unhealthy nutrition, the unstable blood sugar level and the lack of possibility to exercise can lead to the deterioration of kidney functions, the extrusion of the transplanted kidney, the application of haemodialysis and in the worst case the death of the patient". The first request was submitted before the HHC's client began to serve his sentence, while the second request was submitted after the refusal of the first one, when it turned out that in the prison Mr S. M. A.'s health did in fact start to seriously deteriorate. The ECtHR also refused the second Rule 39 request. Therefore, a full application was submitted by the HHC on behalf of Mr S. M. A. to the ECtHR in September 2014, claiming the violation of Articles 3 and 8 of the European Convention on Human Rights.

Application because of forced interrogation

In February 2013 the client of the HHC, a Roma man was interrogated because he was suspected of stealing wood in a small village close to the southern border, in the course of which he was allegedly severely beaten. On the same day, right after the interrogation he went to the local doctor, while two days later he went to the hospital, and based on the medical reports of his injuries he initiated a criminal procedure against the police officers because of the ill-treatment, in which procedure he was represented by the HHC. In December 2013 both criminal procedures were terminated: in the theft case the client of the HHC provided credible alibi, whereas in the forced interrogation case not a single offender was identified and charged. In June 2014, with the help of the HHC, the victim submitted an application to the ECtHR, claiming that his right under Article 3 of the European Convention on Human Rights was violated when authorities terminated the forced interrogation case without a proper investigation.

Application in the case of a juvenile pre-trial detainee

In June 2014, the HHC [submitted an application](#) to the ECtHR on behalf of K. R., a juvenile person held in pre-trial detention for almost a year at that point for an alleged robbery of a T-shirt (which was eventually returned to the alleged victim), even though he had a clean criminal record, and even though even the victim said at his confrontation with K. R. that the K. R. had not committed anything, had not acted violently during their encounter, and had not threatened anyone for the T-shirt. K. R.'s pre-trial detention was upheld by the court even after the investigation had been closed, and the court phase of the criminal proceedings started. The courts upholding the pre-trial detention failed to take into account K. R.'s personal circumstances; the possibility of imposing alternative (non-custodial) coercive measures instead of pre-trial detention was not examined; and most of the court decisions prolonging the pre-trial detention of K. R. were repetitive and superficial, and did not contain any substantial reasoning. In the application, the HHC argued that because of the above features of K. R. pre-trial detention there has been a violation of Article 5 of the European Convention on Human Rights. The case received wide media coverage, and K. R. was eventually released in September 2014.

Application because of pre-trial detention being ordered in the absence of the defendant

In the autumn of 2014, the HHC [submitted an application](#) to the ECtHR on behalf of Sándor S., whose pre-trial detention was ordered while he was serving another sentence, in his and his defense attorney's absence, which was made possible by a deficiency in the text of the Code of Criminal Procedure of Hungary, being in contradiction with the principle of *habeas corpus*. In the application the HHC claimed that by not allowing Sándor S. to appear before the court, the Hungarian authorities violated his right under Article 5 of the European Convention on Human Rights.

ECtHR established the violation of Article 8 in case of a detainee (Császy v. Hungary)

Mr Császy, a suspect in a high-profile criminal case, was apprehended on 31 August 2010 at his home and a house search was conducted on the premises during the morning hours. During this time, he told the police officers that he intended to attend a funeral of his stepmother later that day, but his request was "unofficially" dismissed at once. On completion of the house search, he was committed to the offices of the Central Investigating Prosecutor's Office, about seven kilometres away from the cemetery where the funeral was about to be held. From 1.35 p.m. onwards he was interrogated as a suspect of attempted misappropriation of funds. At the beginning of the procedure, Mr Császy formally requested that the authorities allow his attendance at the funeral which took place on the same day, at 2.15 p.m. The request was rejected with the reasoning that its granting would have contravened the purpose of the arrest. The interrogation ended at 2.29 p.m. on the same day. With the representation of the HHC's attorney, Mr Császy submitted an application in the case to the ECtHR. In its [decision](#) delivered in October 2014, the ECtHR found that the refusal of leave to attend the funeral of the applicant's stepmother was a violation of the applicant's rights ensured in Article 8 of the European Convention on Human Rights, and awarded Mr Császy EUR 3,000 as just satisfaction.

7. Rule of law

7.1. “Rule of Law Defenders” – Human rights NGO platform

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

A) OVERALL ASSESSMENTS OF THE RULE OF LAW SITUATION IN HUNGARY

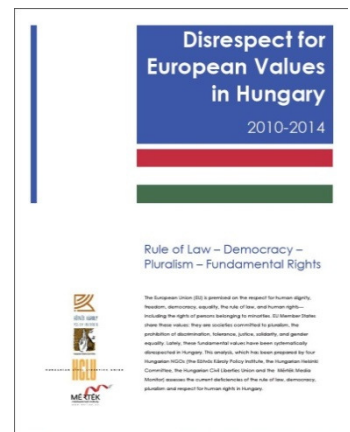
In the framework of the project, platform members carried out activities related to the issue of rule of law and the constitutional and human rights performance of the governing majority elected in 2010 in general, with the aim of raising awareness of the public to the overall result of legislative and governmental steps.

- In February-March 2014, **a series of articles** was published under the aegis of the NGO platform in the weekend edition of the daily newspaper called *Népszabadság* (being the largest newspaper in its genre) with the title “*The Last Four Years*”. Every article focused on a special topic related to the governing majority’s actions undermining the rule of law since the last elections, giving an overview.
- In September 2014, platform members and TI Hungary prepared a set of **factsheets** (in English) about the rule of law situation in Hungary, covering the following topics:

1.	Undermining constitutionality
2.	Disrupting the system of checks and balances; weakening independent institutions
3.	The violation of particular human rights
4.	Free but not fair elections
5.	Media regulation; distorting the market
6.	Building crony capitalism; opening the door to rent seeking

The factsheets were meant to provide up to date information about the situation in Hungary in a concise and easily understandable manner, and present how governmental steps taken since 2010 undermined the rule of law and violated human rights in Hungary. They were originally prepared as a background material for and were distributed at the **OSCE Human Dimension Meeting** in September 2014, where platform members and TI Hungary delivered a presentation about the state of affairs in Hungary. (The OSCE Human Dimension Meeting was attended by the representatives of OSCE’s 57 member states and those of the EU, and is the most important human rights event in Europe.) The factsheets were distributed among selected MEPs just before the EP hearing “Democracy, rule of law and fundamental rights in Hungary”, which took place on 21 October 2014, and were later on submitted to the **Commissioner for Human Rights of the Council of Europe**, as a follow-up to his visit to Hungary in July 2014.

- On 21 November 2014, the **analysis “Disrespect for European Values in Hungary, 2010-2014”** was published, in which platform members and the Mérték Media Monitor assessed the current deficiencies of the rule of law, democracy, pluralism and respect for human rights in Hungary. The analysis recalls that the European Union is premised on the respect for human dignity, freedom, democracy, equality, the rule of law and human rights, including the rights of persons belonging to minorities. The analysis concludes that lately, the latter fundamental values of the EU have been systematically disrespected in Hungary, and provides assessment and examples to that end concerning each of the areas referred to above. In order to widen the outreach and give more weight to the statements included in the document, platform members called upon other NGOs to express that they agree with the conclusions of the analysis. Finally, altogether 18 NGOs expressed their support. The analysis was widely disseminated among stakeholders.



B) ACTIVITIES RELATED TO THE ELECTIONS IN HUNGARY

Election laws in Hungary were thoroughly amended by the two-thirds majority elected in 2010, and amendments to the Fundamental Law of Hungary created a situation where political campaign is practically restricted to the public media. Accordingly, and with a view to the parliamentary and EP elections held in April and May 2014, and the municipal elections in October 2014, platform members also focused on **issues related to the elections** in 2014.

16 January 2014	Platform members issued a joint press release , raising the attention of the public that the new law on national referenda limits the citizens' right to initiate national referenda and abolishes the institution of 'people's initiative'.
24 January 2014	Platform members issued a joint call and a related analysis , in which they warned that a government decree imposed new restrictions as far as the placement of electoral posters is concerned, claiming that the new regulation results in an unnecessary and unconstitutional narrowing of the electoral campaign, and that no time was left to political parties to amend their campaign strategies according to the new regulation.
3 February 2014	The HHC sent an inquiry to the Head of the National Penitentiary Headquarters, asking what kind of information pre-trial detainees and other detainees entitled to vote receive with regard to the elections, and offering assistance in preparing an information leaflet for detainees in that regard.
27 February 2014	Platform members published a sample application to the European Court of Human Rights, designed for political parties. The application claims that the new campaign regulation violates the freedom of speech of political parties, and discriminates between them, since the government (thus, governing parties) has much more possibility to advertise its messages, and the campaign is practically restricted to the public media, having very low ratings
13 March 2014	In the beginning of March 2014 media sources claimed that there was a serious suspicion that in many cases personal data and signatures of the voters were copied by political parties from one recommendation sheet to another. (Under the law, recommendations from voters are required to stand as a candidate in the election, and voters may recommend more candidates.) On 13 March 2014, platform members published a sample request letter for those voters who wish to receive information on which recommendation sheets their personal data appear.
18 March 2014	Platform members issued an analysis related to certain questionable decisions of the Constitutional Court, the National Election Committee and the National Authority for Data Protection and Freedom of Information, which all have rejected various complaints in the first weeks of March 2014 related to the most problematic elements of the electoral procedure. The analysis (also available in English , along with the related press release) claimed that the fairness of elections was endangered not only by some of the new rules, but also by the decisions of the stakeholders referred to above.
11 June 2014	Platform members issued a statement (available also in English) and a related press release , criticizing the modification of the rules pertaining to the municipal elections in Budapest for violating the equality of the right to vote and for being adjusted to the outcome of the latest (the EP) elections, thus aiming to ensure the victory of the governing parties in the capital. The NGOs stated that the amendments call into question the legitimacy of the future elections in the capital. The analysis was also submitted to the Venice Commission.

Furthermore, in March 2014, the HHC and the HCLU met various representatives of the OSCE/ODIHR Limited Election Observation Mission Hungary, Parliamentary Elections 2014, along with a Senior Adviser of the OSCE High Commissioner on National Minorities on more separate occasions, in order to discuss issues related to election rules and campaign regulation. Both the [preliminary conclusions](#) issued by the OSCE/ODIHR Limited Election Observation Mission Hungary and its [final report](#) confirmed the concerns expressed by platform members earlier.

C) DECISIONS OF INTERNATIONAL BODIES REINFORCING THE CONCERNS RAISED BY PLATFORM MEMBERS

In 2014, two decisions were taken by international courts that confirmed the concerns expressed by platform members earlier. Platform members reacted to these decisions in press releases with the aim of raising awareness to the concerned issues and with the aim of shaping public opinion and discussion related to these decisions.

- The EKINT [warned](#) the Hungarian government already in May 2011 that the plans for abolishing the institution of the **Data Protection Commissioner** and terminating the mandate of the Data Protection Commissioner prematurely will result in an infringement procedure and a condemning judgment, but in vain. Subsequently, in October 2011, platform members [addressed](#) the President of the European Commission in order to raise his attention to the problem above, and claiming that



the planned move violates Directive 95/46/EC. Finally, the European Commission brought an action against Hungary regarding the matter. **The Court of Justice of the European Union** [decided](#) on the action on 8 April 2014, and **declared that** "by prematurely bringing to an end the term served by the supervisory authority for the protection of personal data, **Hungary has failed to fulfill its obligations under Directive 95/46/EC**", **echoing the concerns raised by platform members earlier**. The three NGOs issued a [statement](#) (available also in [English](#)) on the decision, and also issued an [open letter](#) addressed to the Minister of Justice, calling his attention that apologizing to the former Data Protection Commissioner (what the Minister did) does not in itself remedy the rights violation committed.

- On 27 May 2014 the European Court of Human Rights (ECtHR) decided on the application of Mr András Baka, who in 2009 was elected by the Parliament of Hungary as **President of the Supreme Court** for a six-year term. However, his mandate was terminated prematurely (three and a half years earlier) by the Transitional Provisions of the Fundamental Law. The government argued that his dismissal was necessary because of the reorganization of the court system, affecting the Supreme Court/Curia. Platform members warned already in 2011 that the removal of András Baka was not justified, and it violated the independence of the judiciary. The NGOs also claimed that apparently Mr Baka's mandate had been terminated and new rules to exclude him from being re-elected had been adopted because he publicly criticized several legislative actions of the new government. In its [decision](#), **the ECtHR held that the premature termination of Mr Baka's mandate violated the right of access to a tribunal**, because he could not challenge the termination of his mandate. The ECtHR also found that the dismissal "was not the result of a justified restructuring of the supreme judicial authority in Hungary, but in fact was set up on account of the views and criticisms that he had publicly expressed in his professional capacity on the legislative reforms concerned". Therefore, **his right to freedom of expression was also violated**. The three NGOs above were affected by the decision not only because it **confirmed their concerns expressed earlier**, but also because they were allowed by the ECtHR to intervene in the procedure on behalf of András Baka earlier on. In their [third-party intervention](#) the NGOs argued that the dismissal of Mr. Baka "constitute[d] an integral part and follow[ed] the general pattern of the weakening of the system of checks and balances" that has taken place in Hungary since 2010. As emphasized by the related [press release](#) of the NGOs (available also in [English](#)), the judgment "proves again that the transformation of the constitutional system as carried out by the Hungarian government since 2010 – in the present cases, provisions of the constitution itself – are incompatible with European standards".

In addition to the above activities, platform members prepared a series of **educational background materials**, designed **for secondary school children and teachers**, with the aim to raise students' attention to the importance and meaning of democracy, the rule of law and human rights. The background materials feature lesson plans with related exercises, and cover the following topics: freedom of speech, freedom of information and data protection, freedom of assembly, the right to vote. The series was made available [on-line](#) in March 2014. Furthermore, platform members [translated the opinion of the Venice Commission on the Fundamental Law into Hungarian](#).

The activities of the "Rule of Law Defenders" NGO platform were financed by the Trust for Civil Society in Central and Eastern Europe until March 2014, and were co-financed by the Open Society Initiative for Europe between December 2013 and November 2014.

7.2. Steps against the governmental attacks on the NGO sphere



A worrisome development of the year 2014 in Hungary was the **series of governmental attacks on the NGO sphere of Hungary**, specifically on the consortium of NGOs distributing the EEA/Norway Grants NGO Fund and NGOs receiving grants from the NGO Fund, including such renowned organizations as HCLU, TI Hungary, the NGO organizing the Budapest Pride and the foundation operating the investigative journalism news site [atlatszo.hu](#). The attacks included condemning public statements by high-ranking state officials (including the Prime Minister) alleging that the NGOs involved are closely linked to political parties and/or serve "foreign interests"; an illegitimate state audit by the Government Control Office into the use of the EEA/Norway Grants NGO Fund; criminal procedures launched against members of the above-mentioned consortium, the police raid of their offices, and the suspension of their tax numbers. In the view of the HHC (and the "Rule of Law Defenders" platform), the series of governmental attacks against Hungarian NGOs, which organizations operate by their nature as checks and critics of the state power and fight for reinforcing the rule of law and ensuring the protection of human rights, is **another step in the process aimed at establishing an "illiberal state", announced by the Prime Minister**

in the summer of 2014. Therefore, the HHC stepped up against the unjustified attacks both individually and with other NGOs.

Civil lawsuit against governing Fidesz party and its spokesperson

As one of the first instances of the governmental attacks against NGOs in Hungary, Mr Péter Hoppál, the spokesperson of the governing Fidesz party stated at a press conference in August 2013 that some Hungarian NGOs are paid by certain stakeholders in the United States for criticizing the government and the governing party. The spokesperson called these NGOs “fake” and “paid extras”, which regularly attack the Hungarian government’s actions in return for “American money”, mostly before forums abroad. The HHC, which was one of the NGOs named by the spokesperson, [asked](#) the spokesperson to issue a public apology for his untruthful statements. Since this did not happen, the HHC launched a civil lawsuit against the Fidesz and its spokesperson, claiming that the HHC’s right to good reputation was violated. In the course of the lawsuit the respondents did not submit any in-merit arguments and did not even try to prove that the allegations made by the spokesperson were true. On 7 July 2014 **the first instance court [concluded](#) that the statements of the spokesperson violated the rights of the HHC** and obliged the respondents to publicly apologize in two daily newspapers, and the Fidesz to do the same on its own website. The decision is not final.

Civil lawsuit against the Prime Minister’s Office

On 30 April 2014, Mr Nándor Csepreghy, Undersecretary of State at the Prime Minister’s Office, [called](#) the foundations acting as the operator consortium of the EEA/Norway Grants NGO Fund “party-dependent, cheating nobodies”. The Ökotárs Foundation, as the leading partner in the Hungarian consortium distributing the EEA/Norway Grants NGO Fund, decided to launch a civil procedure against the Prime Minister’s Office and its Undersecretary of State because of the above remarks, claiming that these remarks violated its right to good reputation. The Ökotárs Foundation is represented by the attorney of the HHC in the procedure. The first hearing in the case took place in November 2014.

Timelines of governmental attacks

Members of the “Rule of Law Defenders” platform and TI Hungary prepared and distributed a timeline of the governmental steps taken against NGOs in English (a more [detailed](#) and a [summary](#) version) at the OSCE Human Dimension Meeting in September 2014 (see also Section 7.1.). The timelines were updated and distributed among selected MEPs just before the EP hearing “Democracy, rule of law and fundamental rights in Hungary” in October 2014, while in November 2014 the NGOs submitted the timelines (after they updated again both the [detailed](#) and the [summary](#) version) to the Commissioner for Human Rights of the Council of Europe, as a follow-up to his letter to the Minister heading the Prime Minister’s Office concerning the situation of NGOs in Hungary. Furthermore, they provided the Commissioner for Human Rights with an English [compilation](#) of the provisions of international agreements and domestic legislation showing the lack of a legal basis for Hungary’s Government Control Office to audit the use of the EEA/Norway Grants NGO Fund. In addition, a [visualized version](#) of the timeline was also created.

Public statements

The HHC publicly [expressed](#) its solidarity with those NGOs who have been targeted by the government, stating that in its view that the governmental investigation is unlawful and it is merely a harmful power demonstration. In protest against the steps taken against the civil society, the HHC also [left](#) the government-operated Human Rights Roundtable in September 2014.

8. Other activities

8.1. International human rights advocacy activities

Apart from the international activities carried out as a member of the “Rule of Law Defenders” NGO platform (as detailed under Section 7. of the present report), targeting selected MEPs, the OSCE, the Venice Commission and the Commissioner for Human Rights of the Council of Europe, the HHC carried out the following international advocacy activities.

Institution/organization	Activity
Universal Periodic Review (UPR)	As a member of an NGO coalition, the HHC assessed the implementation of the recommendations received by Hungary in the framework of the UPR in 2011 which fell under the HHC’s mandate. The process was coordinated internationally by the NGO “UPR Info”, which issued the Mid-term Implementation Assessment on Hungary in June 2014.
Commissioner for Human Rights of the Council of Europe	In June 2014 the HHC provided the Commissioner for Human Rights of the Council of Europe with background information and a list of suggested key issues to cover during his visit to Hungary. On 1 July 2014, the HHC met the Commissioner to discuss issues of concern. The Commissioner’s report , issued in December 2014, reflects some of the HHC’s key concerns.
European Commission against Racism and Intolerance (ECRI)	An ECRI delegation visited Hungary in June 2014 as a step in the preparation of ECRI’s fifth round of country-by-country monitoring reports. Earlier, in February 2014, the HHC submitted a shadow report to the ECRI, covering topics such as legislative and law enforcement issues related to hate speech and hate crime, and racial profiling practices. The HHC also met the ECRI delegation during their country visit.
European Bank for Reconstruction and Development (EBRD)	On 7 September 2014, the HHC met the representatives of the EBRD to discuss the recent developments in Hungary in the context of the preparation of EBRD’s new country report/strategy for Hungary. Topics covered at the meeting included the rule of law and human rights situation, the independence of the judiciary, and the attacks on NGOs.
Community of Democracies	On 5 November 2014, the representative of the HHC met the Secretary General of the intergovernmental coalition of states called “Community of Democracies”, and presented their concerns regarding the rule of law situation in Hungary. (As to the background of the meeting: in September 2014, the Community of Democracies set in motion a process that could result in Hungary’s removal from its governing council and the country’s withdrawal from the Community of Democracies.)
Human Rights Watch (HRW)	The HHC consulted HRW on the facts of the draft letter HRW planned to send to the Prime Minister of Hungary, enumerating rule of law and human rights issues to be addressed. The final letter of the HRW, issued on 29 April 2014, echoed many concerns expressed by the HHC as a “Rule of Law Defenders” platform member earlier.
Human Rights First (HRF)	In April 2014, the HHC met representatives of HRF, who visited Hungary in order to prepare a country report. Alongside issues such as election rules, the independence of the judiciary, the problems pertaining to the Constitutional Court and the criminalization of homeless persons, they were also briefed by the HHC on the situation of the Roma, including hate crime and hate speech issues.
Norwegian Helsinki Committee (NHC)	In early March 2014, the NHC visited Hungary in order to follow-up on the situation in the country in the light of the findings included in their first country report on Hungary, issued in 2013. On 4 March 2014, the HHC organized a meeting between various Hungarian NGOs and the NHC. The second policy paper issued by the NHC echoed many of the HHC’s concerns.
Embassies seated in Hungary; US DOS	Consultations with embassies in Budapest and representatives of the U.S. Department of State on human rights and rule of law issues.

8.2. Human rights lectures and presentations

Date	Event
5, 11 and 20 February 2014	Lectures at the National University of Public Services for practicing police officers and university students about the methods of independent civilian oversight of police work
13 March 2014	Presentation at the event titled " Cardinal Changes – Changes in the Statutes on the Elections " in the framework of the roundtable discussion series on the amendment of cardinal laws between 2010 and 2014, organized by the Institute for Legal Studies of the Hungarian Academy of Sciences
14 March 2014	Lecture on the situation of Roma in Hungary for students of the Master Carrières Internationales, Université d'Auvergne (France)
28-29 April 2014	Course at the National University of Public Services on enforcing the principle of equal treatment in practice, with over 20 participants
12 June 2014	Presentation at the event titled " Cardinal Changes – Changes in the Laws on the Police and the Secret Services " in the framework of the roundtable discussion series on the amendment of cardinal laws between 2010 and 2014, organized by the Institute for Legal Studies of the Hungarian Academy of Sciences
18 June 2014	Training session at the International Law Enforcement Academy for 48 police officers from Hungary, Moldova and Romania
10 November 2014	Presentation on the standards of the European Court of Human Rights on pre-trial detention for the students of the CEU Legal Studies Department in the framework of a legal clinic course
12 November 2014	Training session at the International Law Enforcement Academy for 47 police officers from Bosnia-Herzegovina, Bulgaria, Serbia and Hungary
19 November 2014	Presentation at the kick-off meeting of the FAERLEO's anti-hate crime project on the NGO cooperation for the fight against bias motivated crimes, with the participation of approximately 50 high-ranking police officers

8.3. Reports for the EU Fundamental Rights Agency

The European Union Agency for Fundamental Rights (FRA) contracted the HHC in summer 2011 to provide country-specific information on developments in the area of the Multi-annual Framework of the FRA. In 2014, the HHC was requested by the FRA to prepare reports and studies concerning the following topics:

- Contribution to the FRA Annual Report 2013 – Hungary [finalizing the country report, including the following topics: (1) Asylum, immigration and integration, (2) Border control and visa policy, (3) Information society, respect for private life and data protection, (4) Rights of the child, (5) Equality and non-discrimination, (6) Racism, xenophobia and related intolerance, (7) Roma integration, (8) Access to justice and judicial cooperation, (9) Victims of crime, including compensation of victims, (10) EU Member States and international obligations, (11) References to the EU Charter of Fundamental Rights in national jurisprudence];
- Homophobia, transphobia and discrimination on grounds of sexual orientation and gender identity;
- EU mapping of child protection systems;
- Severe forms of labor exploitation;
- National intelligence authorities and surveillance in the EU: Fundamental rights safeguards and remedies;
- The right to independent living of persons with disabilities – Mapping institutionalization in EU Member States.

The reports and studies submitted by the HHC serve as background material for the FRA, and are used for its own public reports.