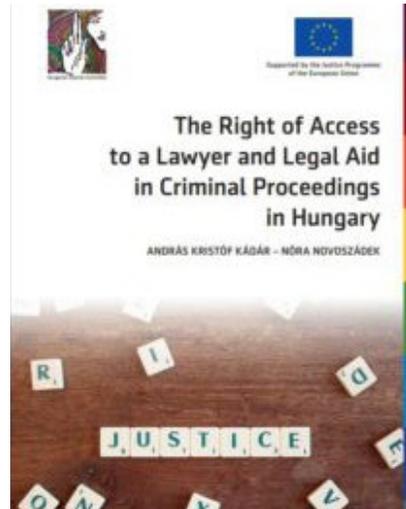




Hungarian Helsinki Committee

ANNUAL ACTIVITY REPORT HUNGARIAN HELSINKI COMMITTEE 2018





Despite a dramatic anti-democratic turn in Hungary and unprecedented government attempts to silence our critical voice, we remained a strong and effective human rights watchdog in 2018. We continued to courageously defend the rule of law; European democratic values; the right to asylum, family life and fair procedures; and the right to be free from torture. We provided free-of-charge legal assistance to 1 436 persons – detainees, victims of ill-treatment and police brutality, refugees and others. We significantly contributed to maintaining the international spotlight and pressure on Hungary for dismantling its democratic system: various EU, UN and Council of Europe bodies echoed our critical opinion in numerous statements. We won two strategic cases before the EU Court of Justice, with a mandatory impact on 28 EU Member States. We raised our voice on domestic and international media at least 871 times, and we multiplied the

number of our followers on social media, despite the government's targeted smearing campaign. Our online video campaign against the criminalisation of homelessness was viewed 385 652 times during the year. With concentrated litigation, advocacy and media work, we saved several particularly vulnerable asylum-seekers from deliberate starvation by Hungarian authorities while arbitrarily detained. We trained several hundreds of professionals on topics of our expertise, including judges and state authorities, even as far as in Johannesburg, Lima or Rio de Janeiro. We received as many as four prestigious human rights awards in 2018. These are just a few examples that show our spectacular impact on the defence of human rights in Hungary, Europe and beyond. Getting close to our 30th anniversary, we are proud to be a loud voice against injustice and a resilient role model of civil courage. We are here to continue!

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Committee



INTRODUCTION

a. Our mandate and methods

“The Hungarian Helsinki Committee has a fundamental role in securing the accountability of the state and also in providing immediate assistance to victims. At the same time, they are an indispensable source of information for their partners and international organisations.”

(Nils Muižnieks, former Council of Europe Commissioner for Human Rights)

As a leading Hungarian non-governmental human rights organisation with a globally recognised reputation, we work towards a world in which **everyone receives protection against human rights abuses.**

In our theory of change we focus our efforts:

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

Most issues we work on are **not addressed by any other similar organisation** in Hungary. To achieve our goals, we apply a variety of methods that mutually support each other:

Methods	
1. Free legal counselling	<ul style="list-style-type: none"> To help thousands of victims of human rights violations who cannot count on anyone else; To “channel in” cases for strategic litigation and up-to-date information about state practices for evidence-based advocacy (thus enhancing our credibility as a human rights watchdog).
2. Strategic litigation	<ul style="list-style-type: none"> To challenge unlawful state policies and practices before domestic courts, either by selecting strategic cases, or – if relevant – by mass litigation; To bring those human rights concerns that cannot be resolved domestically to competent international fora.
3. Monitoring and research	<ul style="list-style-type: none"> To make our evidence-based advocacy and training activities more credible with first-hand information from the field; To shed light on human rights concerns not yet researched and addressed by anyone else.
4. Legislative advocacy	<ul style="list-style-type: none"> To address shortcomings in legislation that directly or indirectly serve as basis for rights-violating policies.
5. International advocacy	<ul style="list-style-type: none"> To motivate international actors (in particular the EU, the Council of Europe and UN bodies) to positively influence problematic domestic policies by informing them in real time about any relevant development.
6. Awareness-raising and media work	<ul style="list-style-type: none"> To multiply the impact of our advocacy messages through direct outreach to journalists and through social media; To strengthen our constituency through social media, online campaigns and offline events, and thus to multiply our allies within Hungarian society.
7. International cooperation	<ul style="list-style-type: none"> To amplify our voice through active participation in networks such as the European Council on Refugees and Exiles, the European Network on Statelessness, the International Detention Coalition, the JUSTICIA European Rights Network, the LEAP Network, the European Implementation Network, the EU-Russia Civil Society Forum, the Civic Solidarity Platform and CLARITY – International Association Promoting Plain Legal Language.
8. Training and capacity-building	<ul style="list-style-type: none"> To empower potential change-makers with the knowledge, skills and attitude necessary to bring along positive change in human rights policies; To further strengthen our international reputation as a reliable expert organisation; To promote inclusive, innovative and interactive training methods world-wide.

Some of these methods (like legislative advocacy or monitoring) have become **less important** since the “illiberal turn” in Hungarian government policies, due to closing advocacy channels or terminated cooperation agreements. Others, especially international advocacy and litigation, have become **increasingly dominant**, for the same reason.

Through all these methods, we strive to achieve **sustainable and systemic policy change** (e.g. partly due to our decade-long efforts, the new Criminal Procedure Code is finally reforming the system of state legal aid in criminal matters, enhancing safeguards against torture and for due process). The HHC operates in **Hungary**, but many of our activities are implemented in **larger regional or pan-European** initiatives. Our training activities have an **increasingly global** scope.

b. Recognition of our work

As in previous years, our work received **outstanding international recognition** in 2018.

Human Rights First, the independent advocacy and action organisation awarded Márta Pardavi, HHC co-chair, with its prestigious 2018 [William D. Zabel Human Rights Award](#), in honour of her work fighting for the rights of refugees, migrants and other marginalised groups in Hungary and across Europe.

The prominent **German ProAsyl Foundation** honoured our co-chairs, Márta Pardavi and András Kádár with its [Human Rights Award 2018](#). In its decision, ProAsyl praised the HHC’s continuous efforts in defending the rights of refugees and asylum-seekers, despite the increasingly deteriorating situation surrounding civil society in Hungary.

The International Federation of Liberal Youth (IFLRY) and the Liberal Youth Foundation (LYF) presented us with their Freedom Award 2018. IFLRY Secretary General Sven Gerst said:

“The Hungarian Helsinki Committee has been a safeguard of the rights of migrants and refugees in times when it was most needed.”

We were one of the recipients of the Hungarian Antifascists Alliance’s **2018 Miklós Radnóti Anti-Racist Award**.

Our co-chair, **Márta Pardavi** was chosen as one of the [POLITICO 28 class of 2019](#), among the 28 people from 28 European countries who, according to Politico, will shape Europe in the year ahead.



Finally yet importantly, we received lots of kind words and **encouragement from our supporters**, which meant a lot to all members of our team.

“Lots and lots of strength and perseverance for your work. There is great need for what you’re doing!”

(Emese, an HHC supporter on Facebook)

“Thank you for existing. Day and night, non-stop.”

(HHC fan on Facebook)

“Congratulations! You are at the vanguard of a people who knows how to fight for liberty.”

(Mauricio, law professor from Bogotá, Colombia, member of our Latin American Refugee Law Reader network)





I. WE DEFEND THE RULE OF LAW AND A STRONG CIVIL SOCIETY IN A SHRINKING DEMOCRATIC SPACE

Context: The 2018 election campaign included a **constant aggressive smearing of prominent civil society organisations** in Hungary. On 12 April, Figyelő, a weekly magazine belonging to the government's propaganda machinery, published an article titled "The Speculator's People", which listed 200 persons who allegedly work for so-called "Soros organisations". This followed the often-repeated narrative in the election campaign that George Soros commands an "army of mercenaries" in Hungary. Those named included numerous academics of the Central European University, and the entire staff of human rights watchdog NGOs, including the Hungarian Helsinki Committee.

On 20 June – World Refugee Day – the Parliament adopted the so-called "[Stop Soros](#)" package, which indicated a **new level of intimidation** against civil society. The amendment introduces the **possibility to use criminal sanctions – actual imprisonment – against those who provide legal or other assistance to asylum-seekers**. While no criminal investigation has been launched against anyone based on these provisions until the time of writing, HHC attorneys working in the transit zones at the Hungarian-Serbian border noted that a new set of standard questions were added to the interviews conducted by the alien policing authority, suggesting that the Immigration and Asylum Office is gathering evidence to build potential criminal cases against HHC lawyers based on the new provisions.

On 20 July, the Parliament adopted another bill on the [special tax on immigration](#), which foresees a 25% special tax on certain migration-related activities, such as conducting "propaganda activities that portray migration in a positive light", to be paid by the donor financing or the organisation conducting the activities. Although leading government figures [made it clear](#) that the **HHC is one of the key targets** of the proposal, we remained firm in our position that the HHC's activities do not fall under the scope of these provisions.

In December, the Hungarian Government majority adopted laws **threatening judicial independence** in Hungary by establishing a separate administrative court system under unprecedented control of the Minister of Justice.

2018 witnessed **the centralisation of pro-government propaganda media** (with over 470 television and radio stations, print and online titles, and magazines brought under a single pro-government media foundation), while **the number of independent media outlets further decreased**. The shrinking media space made it increasingly difficult for Hungarian human rights NGOs to communicate their messages through traditional media channels, especially outside Budapest.

1. We step up against anti-rule-of-law measures in Hungary with multiple methods

HHC impact in brief: In an ever shrinking civic space, we managed to realise strategic victories against the Hungarian government's anti-democratic and anti-NGO policies through advocacy and litigation. Our work was crucial in triggering a new infringement procedure by the European Commission, unprecedented sanctions by the European Parliament and a critical UN Secretary General report focusing particularly on attacks against civil society. We won our third civil lawsuit against the governing party for the violation of our right to good reputation.

We continued to **resist the government's anti-democratic measures and rhetoric, and its attempts to hinder our activities and silence dissent**. We provided detailed and up-to-date information on a regular basis to the European Commission and key international stakeholders that already yielded **concrete results**, for example:

- The **infringement procedure** [initiated](#) by the European Commission against Hungary in extreme promptness after the Parliament adopted legislation criminalising the assistance to asylum-seekers (see above);
- Our reporting and advocacy efforts (like our [briefing papers](#) for members of the European Parliament following the April elections) significantly contributed to the adoption, with landslide majority, of the [Sargentini report](#) by the European Parliament and the launching of the so-called **Article 7 procedure against Hungary for the systematic violation of EU human rights and rule of law norms**. This unprecedented condemnation offered a

momentum for us to explain to a wider audience core issues concerning the dismantling of the rule of law, including the attacks on civil society;

- Information provided by us largely contributed to detailed mentions of reprisals against Hungarian civil society actors in the [Report of the Secretary General of the United Nations](#) on the cooperation with the UN, its representatives and mechanisms in the field of human rights;

A significant part of our litigation and counselling work is strongly connected to the deterioration of the situation of civil society in Hungary. We believe that **it is our duty to help other groups and individuals who challenge the illiberal state and the government's efforts to smear its critics**. Among others:

- We submitted [applications](#) to the European Court of Human Rights (ECtHR) concerning the 25% special tax on immigration, as well as the criminalisation of assistance to asylum-seekers (see above);
- We successfully sued the government party Fidesz for stating that the HHC's finances lack transparency, making this the **third lawsuit where courts found that either Fidesz and/or their politicians violated the HHC's right to good reputation**;
- We provided legal representation to a [member](#) of the Hungarian Academy of Sciences attacked by the pro-government media and to a [former prosecutor](#) who was fired for his political opinion;
- Provided legal counselling to [members of the Hungarian and the European Parliament](#) during anti-government demonstrations in December.

We successfully rose awareness about the government's attempt to dismantle judicial independence (see above) by being **the first to issue opinions and analyses of the law and its possible consequences, already long before it was adopted**. Our paper titled [Blurring the Boundaries: New Laws on Administrative Courts Undermine Judicial Independence](#) reached a wide range of key stakeholders in Hungary and in Europe. Partly as a result of our prompt analysis, the **Council of Europe Commissioner for Human**

Rights called upon Hungary to change the law.

Thanks to our research into the [current state of the independence of the judiciary](#), we are better positioned to understand and tackle challenges that individual judges face on a systemic level in this unfolding situation, and the information gained will serve as a crucial tool in our future work for defending the rule of law.

We continued to participate as speakers at **public events** related to the shrinking civic space, in Hungary and abroad, for example at the

- Annual Conference of the Eisenhower Fellowship in London;
- General Assembly of the European Council on Refugees and Exiles in Belgrade (with over a 100 NGO representatives present from all around Europe);
- "Occupy Kossuth tér!", a series of public lectures in Budapest for those protesting against the forced move of the Central European University.

2. We are a leading civil society actor and a role model for a courageous NGO in the region

HHC impact in brief: We remained a leading voice among the NGOs opposing attacks on civil society and the further democratic backsliding of Hungary, which helped us foster new alliances of resilient civil society actors in the wider region to tackle illiberal tendencies. We continued to act as a role model civil society actor, showing a courageous alternative to apathy and giving in.

Recognising worryingly similar trends, we participated in a **first-of-its-kind regional initiative** to tackle democratic backsliding in Hungary, Poland, Croatia and Serbia. The initiative strengthened existing ties with crucial NGO partners in the region, the Hungarian Civil Liberties Union, the Centre for Peace Studies and the Human Rights House Zagreb in Croatia, the Helsinki Foundation for Human Rights in Poland, the Lawyers' Committee for Human Rights in Serbia and Human Rights House Foundation. Our joint publication



[Resisting Ill Democracies in Europe](#) provides **hand-on tools and advice to NGOs committed to resist democratic backsliding** anywhere in the world. Also, it establishes a concise analytical framework to understand the commonalities of such trends, helping domestic and international actors recognise them as fast as possible. Márta Pardavi, HHC co-chair participated in public events

launching the report in Brussels in the European Parliament, as well as in Budapest at a highly attended [public event](#).

We also jointly examined **existing vulnerabilities of Hungarian and Polish NGOs** together with the Polish Helsinki Foundation for Human Rights and carried out strategic planning to find appropriate responses at meetings held in Budapest and Warsaw. Other targeted civil society organisations were invited from both countries to the two-day workshops, as well as Northern Irish, Israeli and Russian NGO representatives. In both cities, public events followed the discussions that bolstered a crucial message to a wider audience: **new alliances are being formed among civilian pro-democracy actors** in the region to help civil society become more resilient to authoritarian tendencies of their governments.

We provided good offices to the delegations of the **UN High Commissioner for Human Rights** and the **Council of Europe Commissioner for Human Rights** during their visits, hosting and arranging their meetings with the representatives of Hungarian civil society organisations. Being selected for these tasks further indicates the **central role the HHC plays in the Hungarian human rights community**.

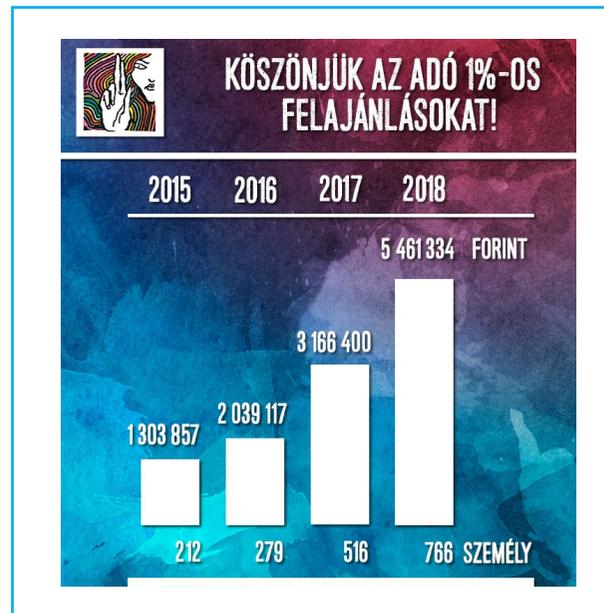
3. We maintained high visibility and kept our prominence as a credible public voice of civil society in Hungary

HHC impact in brief: Despite an ever shrinking media space in Hungary, we managed to maintain our spectacular media presence in 2018, reaching 618 registered representations in Hungarian, and 253 in international media. Our online outreach continued to grow, reaching 4 000 followers on Twitter and 29 000 on Facebook and registering over 370 000 visits on our blog. The number of those offering us financial support under the “1% of the income tax” scheme grew by 260% in the past four years.

Our online outreach showed further growth in 2018:

- The number of followers of our [Twitter account](#) (targeting mainly international media and partners, in English) nearly **doubled in 2018**, to reach over **4 000 users** by the end of the year;
- Our [Facebook account](#) (our main social media channel towards the wider Hungarian public), with an average of 3 posts daily, attracted **over 29 000 followers** by the end of the year;
- We continued to communicate regularly with the over **2 200 members** of our [#küllista2018](#) Facebook group of HHC friends and supporters (created in response to government media attacks);
- Our [Helsinki Figyelő blog](#) featured **217 posts** in 2018, receiving over **370 000 individual visits** (with several posts attracting more than 10 000 visits). The blog continued to feature the popular **Human Rights Calendar stories**, as well as reflecting on important current topics;
- We launched the HHC [Instagram](#) account (targeting, in particular, a younger Hungarian audience), and have already garnered over **600 followers in two months**.
- Our [website](#) received over **154 000 visits**;
- The number of our main **newsletter** recipients **grew slightly**, reaching 2 175 people by the end of the year.

Our annual “1% of the income tax” campaign was very successful, as both **the number of donors and the amount of donations grew significantly** (by 50% and 73%, respectively, to 766 individuals and HUF 5 492 866). We **doubled the amount of the regular donations** from the first semester (to HUF 5 949 302 in 2018).



We continued to reach **spectacular media coverage** throughout the year. We appeared **618 times in the Hungarian media**. 226 media appearances were related to the 2018 anti-NGO laws (see earlier), while 116 appearances covered asylum-related issues (in particular the deliberate starvation of asylum-seekers in the transit zones in August). Other important topics triggering Hungarian media attention towards the HHC included the criminalisation of homelessness, the independence of the judiciary, as well as the Sargentini report and our successful civil lawsuits against the government (see earlier). We continued to appear on important commercial TV channels’ news programmes (RTL Klub, ATV). Our online

presence included the most important independent news portals (such as index.hu, hvg.hu, 24.hu and 444.hu) and we were regularly invited to shows of the government-critical popular radio channel Klubrádió.

Our presence in the **international media** also remained strong, resulting in **253 registered appearances** (the actual number is expected to be higher, due to the difficulty of tracing all instances of media coverage globally). The leading topics of interest were the same as in the Hungarian media, while other rule of law issues and, in particular, the restructuring of the judiciary also garnered high interest. We continued to be featured in many globally relevant news agencies and outlets, such as Reuters, Politico, EU Observer, BBC, the Guardian, Euronews, Aljazeera, New York Times, Washington Post, Le Monde, France24, TV5, Die Presse, Newsweek, El País, Deutsche Welle, CNN, Frankfurter Allgemeine Zeitung, El País or La Vanguardia.

We further strengthened our relationship with existing and potential supporters, donors, professional partners and the general public. We organised and participated in several events, thus **reaching out to over 3 300 people**. These events included:

- A joint **press conference** with Amnesty International Hungary on the 2018 Anti-NGO legislation;
- “**Helsinki Evenings**”, aiming at fundraising and sharing information about our work with supporters;
- **Panel discussions** at cultural or human rights events, festivals or film screenings;
- Presentations at **conferences** or events about the situation of human rights, the rule of law and asylum in Hungary.



II. WE DEFEND THE RIGHT TO ASYLUM AGAINST INHUMAN GOVERNMENT POLICIES AND INCREASING XENOPHOBIA

Context: The **criminalisation of assistance to asylum-seekers**, [entered into force on 1 July 2018](#), cast a long shadow over HHC's asylum-related activities. The governing majority also introduced a [25% special tax](#) on immigration in order to curb legitimate activities that do not fall in line with the government's xenophobic policies and propaganda. Despite the threatening environment we managed to continue to provide legal representation to asylum-seekers and beneficiaries of international protection, as well as we kept on advocating for their fundamental rights.

The amendments hastily adopted in June and July 2018 included changes to the Fundamental Law and the Asylum Act as well, further restricting the chances of forced migrants to receive protection in Hungary. The essence of these changes was the introduction of a **new inadmissibility criterion**, which allows – basically obliges – the asylum authority to **automatically reject every (!) protection claim in a fast-track procedure**. The European Commission swiftly [launched an infringement procedure](#) against Hungary in July 2018, indicating that the amendment, in itself, is in flagrant violation of EU law. This was only the last in a series of blows to the Hungarian asylum system that was reduced to the bare minimum by 2018:

- Asylum-seekers are **arbitrarily denied access** to the territory of Hungary (by only admitting 2 applicants to the country per working day since January 2018) and are **massively pushed back**, sometimes violently, towards Serbia from anywhere on Hungarian soil (4 151 push-backs in 2018 according to official police statistics);

- Asylum-seekers are **automatically and arbitrarily detained** in the transit zones on the Serbian-Hungarian border throughout the entire asylum procedure (with the only exception of unaccompanied minors under 14);
- The government terminated state-sponsored integration support in 2016, and cancelled all integration-focused calls of the EU's Asylum, Migration and Integration Fund in January 2018, resulting in a **radical decrease in available integration** services in the second half of the year.

By August 2018, the most dramatic consequence of the new inadmissibility ground became evident: all applicants who applied for asylum after 1 July 2018 began receiving inadmissibility decisions and were placed under an alien policing procedure.

Owing largely to the election campaign during the spring, refugees and migration remained a dominant topic for government propaganda during a significant part of the year. This resulted **constant pressure and almost daily attacks by the government and its media**, aiming at threatening refugee-assisting NGOs.

Despite these dramatic circumstances, the HHC successfully managed to find avenues to continue to provide **free-of-charge legal assistance** to asylum-seekers arbitrarily detained in the transit zones, provide legal representation in **strategic litigation** cases before domestic courts, the European Court of Human Rights and the Court of Justice of the European Union, and stepped up its **international advocacy** activities.

4. We are the only organisation that provides legal assistance to asylum-seekers, refugees and stateless persons in Hungary

HHC impact in brief: We provided free-of-charge legal assistance to asylum-seekers and other forced migrants in as many as **626 cases 2018**, remaining the **only organisation offering such crucial help in Hungary**. **188 HHC-represented clients received some form of international protection in 2018**, despite a **massively hostile political and legal context**. **84% of our asylum appeals were successful at court**. As a result of our decade-long advocacy and litigation work, **the EU Court of Justice finally banned the unscientific and discriminatory "psychological testing" of sexual-emotional orientation in asylum cases in Hungary and the entire EU**.

After two decades, the HHC is still **the only independent provider of free-of-charge, professional legal assistance** to foreigners in need of international protection in Hungary, and the only implementing partner of the UN Refugee Agency (UNHCR) in this respect. Without the HHC's dedicated services, in lack of a functioning state-funded legal aid scheme, applicants for refugee status, stateless status or family reunification, as well as irregular migrants in detention would be left without adequate legal guidance or support.

Despite ever growing challenges, the HHC continued to **maintain presence at most venues where asylum-seekers and foreigners under return proceedings were being detained**, including immigration jails and the two land-border transit zones (where, since March 2017, the vast majority of asylum-seekers are held). The HHC Refugee Programme continued to assist a **particularly high number**

of forced migrants in the reporting period (most of whom came from war- and terror-torn countries, such as Afghanistan, Syria and Iraq):

Cases assisted by the HHC Refugee Programme in 2018:	626
...among which asylum procedures:	464
...among which alien policing procedures:	77
...among which family reunification:	39
...among which statelessness determination procedures:	9
...among which naturalisation procedures:	27

We continued to pay specific attention to particularly vulnerable asylum-seekers: 63 of our clients were unaccompanied minors, 62 torture survivors and 9 lesbian, gay or transgender persons.

Our legal assistance continued to have a **crucial impact** on the quality and the outcome of the asylum procedure. **188 HHC-represented clients (in 83 cases) received some form of international protection** in 2018, despite a massively hostile political and legal context:

Clients of the HHC Refugee Programme receiving international protection in 2018	188
Refugee status	25
Subsidiary protection	159
Tolerated stay	1
Stateless status	3

The HHC's **strategic litigation** efforts also continued to be particularly impactful in the field of asylum. As many as **84% of the HHC-represented asylum appeals that were decided upon in 2018 were successful**.

In November 2018, the Győr Administrative and Labour Court **ordered the Immigration and Asylum Office (IAO) to pay a fine of HUF 1 000 000**. The Court in its landmark ruling agreed with the HHC attorney, who requested the Court to enforce that the IAO shall follow the previous judgement of the Court, in which it had ordered the IAO to grant subsidiary protection status to a Pakistani asylum-seeker (which order the IAO did not follow).

In March 2018, **we prevented the deportation of a torture victim asylum-seeker to the Democratic Republic of Congo**, by obtaining an interim measure from the European Court of Human Rights (ECTHR).

We continued to advocate for convincing Hungarian judges to request the **EU Court of Justice** (CJEU) to clarify whether certain problematic aspects of Hungarian law are compatible or not with EU norms. For example:

- We have been, for years, challenging the Hungarian practice of **"testing" asylum-seekers' sexual-emotional orientation** (where this is the ground for seeking protection) through psychological tests carried out by an "expert psychologist". The scientific validity of the methods applied is highly questionable, and they are based on the homophobic and unscientific concept of homo- or bisexual orientation being a psychological disorder, co-morbid with other characteristics such as narcissism. After over a decade of publicly denouncing this particular Hungarian state practice and a number of condemning domestic judgments, a Hungarian judge – as a result of our intervention – submitted a request for preliminary reference to the EU Court of Justice, to clarify whether such methods are in line with relevant EU law. In January 2018, the CJEU [ruled](#) that determining asylum-seekers' sexual-emotional orientation through projective personality tests **represents a violation of their right to private life, in breach of the EU Charter of Fundamental Rights, and consequently banned this practice in the entire EU**.
- In June 2018, a judge of the Budapest Administrative and Labour Court, following the submission of the HHC, requested the CJEU to clarify the compatibility of Hungarian legislation – according to which courts cannot grant protection status to asylum-seekers but only order the asylum authority to conduct a new procedure and according to which courts have only 60 days to examine an asylum appeal – with the obligation to ensure the **right of asylum-seekers to an effective remedy**.
- In September 2018, a judge of the Budapest Administrative and Labour Court – due to the submission of the HHC –

[requested](#) the preliminary ruling procedure of the CJEU, in order to establish whether or not the newly introduced inadmissibility provisions (see above) are in line with EU law. The CJEU's ruling (expected for 2019) can help the asylum-seekers currently detained in the transit zones access a fairer asylum procedure, and be released sooner. Furthermore, the CJEU is **expected to prohibit in the entire EU the introduction of such fast-track procedures lacking basic guarantees**.

- As a major strategic litigation success, the CJEU [ruled](#) in September 2018 in an HHC-represented case that asylum seekers who have been convicted of a serious non-political crime **should not be automatically excluded from protection considering exclusively the provisions** of the country's criminal code. Obliging EU Member States to carry out a complex analysis in these cases (including the assessment of mitigating circumstances, etc.) confirmed our legal position on this matter, following a decade of advocacy and litigation efforts.

5. We help refugees to be reunited with their loved ones

HHC impact in brief: With our help, 26 persons could join their refugee family member in safety in Hungary. Thanks to our strategic litigation efforts, Hungarian jurisprudence has continued to gradually address unlawful policies that prevent refugees from bringing their beloved ones from danger to safety in Hungary, such as the non-acceptance of religious marriage or unduly restrictive approaches regarding evidence assessment.

In 2018, we continued to help refugee families to be reunited in safety in Hungary, often after years of painful separation. Thanks to our help, **26 persons could lawfully and safely join their family member living with refugee status in Hungary** throughout the year.

We engaged in **strategic litigation** before Hungarian courts regarding family reunification cases of refugees in order to **address systemic gaps in law and practice** that prevent refugees from lawfully reuniting with their beloved ones:

- We successfully litigated the case of a Cameroonian woman who would like to be reunited with her underage brother currently being on his own in Cameroon. The immigration authority rejected the brother's application, arguing that the data in his birth certificate was forged. The first-instance court, however, confirming our legal arguments and ruled that the immigration authority **unlawfully assumed the applicant's malicious intent** and it failed to justify the argument that the applicant wilfully submitted a fake document.
- We successfully litigate the case of a Bangladeshi refugee's family reunification case before the Supreme Court (Kúria), which ordered the immigration authority to conduct a new procedure. The Supreme Court concluded that the **immigration authority unlawfully stated** that the applicant family members presented false data to substantiate the family link between them and the refugee family member living in Hungary.



- After the first-instance court agreed with the HHC ordering the immigration authority to **accept religious marriage as a valid family link**, in July 2018, our Syrian refugee client (in the picture) and his wife **could finally reunite after 4 years of forced separation**.
- To be eligible for family reunification, Hungarian law requires the siblings of refugees to prove that they cannot provide for themselves *due to health reasons*. This is in **breach of the EU family reunification directive**, which only requires siblings to be dependent on the refugee sponsor, without having to prove any health issues. Based on the HHC's submission, in August 2018, the judge of the Budapest Administrative and Labour Court [requested](#) the preliminary ruling procedure of the EU Court of Justice on this issue, in the case of an Iranian refugee aiming to reunite with his dependant sister. The CJEU's ruling (expected for 2019) will **clarify in the whole EU how Member States are allowed to interpret the concept of dependency** between refugees and their family members, as well as determining how Member States should deal with the reunification of refugees with family members other than their spouses and children.



6. We challenge the massive arbitrary detention of asylum-seekers

HHC impact in brief: Our strategic litigation work continued to shed light on the systemic arbitrary detention of asylum-seekers in Hungary and the lack of effective judicial oversight in this respect, pushing international actors to take action. We saved **10 asylum-seekers from deliberate starvation while in detention in the transit zones by obtaining 6 interim measures from the European Court of Human Rights**. We secured **5 additional ECtHR interim measures that obliged Hungary to ensure adequate living conditions to vulnerable asylum-seekers in the transit zones, in line with the prohibition of inhuman treatment**. We reached the release of a particularly vulnerable asylum-seeking family from arbitrary detention in the transit zone through obtaining an interim measure from a domestic court.

The [amendments](#) to the Asylum Act in March 2017 envisaged the [automatic transfer of all asylum-seekers staying in Hungary to the transit zones](#), without any individual assessment, formal administrative decision or appeal possibility.

Striving to **save at least the most vulnerable asylum-seekers from arbitrary detention in inhuman conditions** in the transit zones, we obtained **11 interim measures from the ECtHR** in 2018. In 5 cases, the ECtHR ordered Hungary to ensure adequate living conditions in the transit zones, compatible with the prohibition of torture and inhuman treatment. These cases concerned particularly vulnerable families, such as:

- An Iraqi family of 6, with a 10-year-old child unable to use her limbs and confined to a wheelchair. She is completely dependent on her parents in all aspects of everyday life, especially because none of the premises of the transit zone is accessible for wheelchair users;
- An Afghan family of 4, including a mother and a 3-year-old child who are traumatised victims of domestic violence, left without adequate psychological support.

Unfortunately, the government [refused to make the necessary substantial changes](#). Finally, **the Afghan family was released from the transit zone** based on the domestic interim measure we obtained from the Budapest Administrative and Labour Law Court.

In addition, we successfully obtained **6 interim measures halting the deliberate starvation of 10 affected asylum-seekers** in the transit zones.

We submitted a [third-party intervention to the ECtHR](#) in a case against Croatia challenging the detention of families, collective expulsion, the lack of access of NGOs to places of detention and the denial of asylum-seekers' right to access legal assistance.

At the time of writing, we represent numerous other asylum-seekers before the ECtHR to seek redress against detention-related human rights violations, including:

- 25 pending applications regarding **arbitrary detention in the transit zones**;
- 2 unaccompanied minor asylum-seekers who were **detained despite the clear legal ban on detaining unaccompanied children**;
- 8 adults who were **unlawfully detained** in immigration or asylum jails;
- 2 irregular migrants who were **ill-treated** in immigration detention.

These large-scale strategic litigation efforts (in lack of any effective domestic remedy) aim at **shedding light on the systemic arbitrary detention of asylum-seekers** in Hungary and the **lack of effective judicial oversight** in this respect, as well as to **push other international actors** – the European Union in particular – to take action.

7. We are the only voice publicly and constantly denouncing human rights violations against forced migrants in Hungary

HHC impact in brief: Our successful advocacy efforts ensured that international pressure is maintained on Hungary for its inhuman and unlawful asylum policies. Our advocacy work and the strong international criticism it generated put an end to the deliberate starvation of asylum-seekers detained in the transit zone in August 2018. The Sargentini report, adopted by the European Parliament with a landslide majority, referred to and echoed our criticism regarding the dismantling of the Hungarian asylum system. The specific 20 information briefs we prepared in 2018 were downloaded altogether as many as 13 409 times from our website.

Our asylum-related advocacy efforts focused on **three key issues** in 2018: the [situation of asylum-seekers and forced migrants](#) along the Hungarian-Serbian border, as well as the [government's legislative attempts](#) to shut down the Hungarian asylum system in practice and the [legislative attempts](#) to silence organisations and individuals who assist refugees and vulnerable migrants.

We remained an indispensable source of information for the domestic and international media, as well as other international stakeholders, including the EU and its Member States, Council of Europe and UN bodies and partner NGOs. We continued to publish **brief information updates (15 in 2018) and statistical updates (5 in 2018)** in [English](#) and in [Hungarian](#). These updates provide **prompt, precious and otherwise usually unavailable information** to the international community. Their impressive outreach demonstrates their major impact: the 20 information briefs were **downloaded altogether as many as 13 409 times** from our website in 2018.

Major advocacy successes in 2018 included that:

- Through concerted litigation, media and advocacy work we [stopped the deliberate starvation of asylum-seekers in detention](#);
- The European Parliament [adopted the "Sargentini Report"](#), calling on the Council of the European Union to trigger the Article 7 procedure against Hungary (see Section 1 above). The report, among others, cites the destruction of the Hungarian asylum-system and the treatment of refugees as a major concern, **referring to and echoing the findings of the HHC**.
- Similarly to previous cycles, the **HHC submitted its comprehensive shadow report to the UN Human Rights Committee (HRC)** to be considered for the sixth periodic report on Hungary on its compliance with the International Covenant on Civil and Political Rights. At the briefing held during the HRC's session, the HHC presented its key recommendations and provided further information to members of the Committee. As a major advocacy success, our work resulted in **unusually strong concluding observations, largely echoing our concerns**.
- We continued to provide analysis and information to **international delegations conducting monitoring visits** to Hungary, including the Committee on the Prevention of Torture of the Council of Europe (CPT) and the UN Working Group on Arbitrary Detention. The CPT's 2018 report exemplifies the impact of this work, as it [echoes many of our key findings and concerns](#) regarding the situation of detained asylum-seekers in the transit zones as well as the systematic abuse of migrants at the Hungarian-Serbian border.



Our pioneering 2018 research study [Safety-Net Torn Apart](#) described, for the first time, how **women and LGBTI** (lesbian, gay, bisexual, trans and intersex) asylum-seekers are treated in the dismantled Hungarian asylum system. The report concluded that these groups are **particularly harshly affected by the deliberate destruction of the of the once functioning Hungarian asylum system,**

as both the asylum procedure and the detention regime is completely blind to such gender-based vulnerability factors and offer no specifically tailored services to these groups. The limited specific support for integration process is provided exclusively by non-state actors, most of whom had to cease providing services due to the termination of state-controlled funding schemes in 2018.

8. We are a globally reputed promoter of inclusive and innovative training in the field of forced migration

HHC impact in brief: In 2018, the HHC Refugee Programme's staff trained, in 6 languages, over 865 asylum and migration professionals and students from over 50 countries. We continued to bring sustainable refugee law education to Latin America and Northwest Africa, representing an outstanding global impact of our work. We remained a global promoter of the rights of stateless people through training, as well as probably the only refugee-assisting European NGO whose innovative training services are often requested by state and judicial authorities.

In the past ten years, the HHC has reached global reputation as an **expert organisation in training** in the field of asylum and forced migration, recognised not only for its **globally relevant leading expertise** on particular issues (such as

credibility assessment and multidisciplinary approaches in asylum procedures, strategic litigation on detention and access to territory, or nationality and statelessness), but also for its **inclusive and innovative approach** to teaching. In 2018, we remained probably the only refugee-assisting NGO in Europe, whose training services are **regularly requested by state and judicial authorities**. In 2018, the Swedish Migration Agency invited our Refugee Programme director, as the only foreign expert and trainer, to its project "Understanding Asylum", aiming at further developing the quality of asylum procedures.

In the reporting period, we provided professional training to **865 asylum and migration professionals and students**, who came from over **50 countries**. These training events included specialised and advanced-level training for state officers, judges and lawyers, capacity-building sessions for less experienced partner NGOs, sensitisation and awareness-raising activities with students, as well as longer, in-depth training courses for university professors and practitioners. We provided training in **6 languages:** Hungarian, English, French, Italian, Spanish and Portuguese.

In 2018, we continued our pioneering [Refugee Law Reader](#) initiative in cooperation with the UNHCR Global Learning Centre, aiming at **bringing sustainable refugee law education to regions where it is most needed**, as well as strengthening the HHC's global reputation and outreach as a credible human rights expert. Our 3rd North African Academic Capacity-building Course – "Le Maghreb Protège 3" (Tunis, October, 22 participants from Tunisia, Algeria and Morocco) and our 5th Latin American Conference on Refugee Law (Lima, November, 35 participants from 10 Latin American states) both received outstanding evaluation.

Besides these, some of our most prestigious and/or impactful training activities in 2018 included (among others):

- Seminars for lawyers on human rights safeguards in **immigration detention** in Italy and Bulgaria (altogether 61 participants);
- Training on **intercultural communication and self-care** in the asylum profession for senior asylum officers of the Swedish Migration Agency (30 participants);

- Training sessions on how to tackle **collective expulsions and police violence** at the border through litigation for Serbian, Bosnian, Croatian and Slovenian NGOs (altogether 45 participants);
- Training session on **credibility assessment** in asylum procedures for judges coming from all EU Member States in Helsinki, upon invitation by the European Judicial Training Network (25 participants);
- Training on **asylum, credibility assessment and statelessness** for directors and senior staff members of asylum authorities in former Soviet Union countries and the Western Balkans in Rome (33 participants);
- Training on **statelessness** for NGOs, UNHCR staff and human rights activists, hosted by the Holocaust and Genocide Centre in Johannesburg, South Africa (approximately 30 participants);
- Online training on tackling **multilingual and intercultural difficulties** in the asylum context for Japanese asylum officers (20 participants);
- Complex training on **nationality, statelessness and international protection** for immigration authorities and NGOs from around the EU, as well as EU and UNHCR representatives in Athens (49 persons);
- Training on **nationality law, statelessness and strategic litigation** for Brazilian professors and students in Rio de Janeiro (130 participants);
- Several lectures and training sessions for students of **Hungarian universities** (approximately 210 persons).





III. WE DEFEND THE RIGHTS OF DETAINEES AND FAIRNESS IN THE CRIMINAL JUSTICE SYSTEM

Context: The criminal justice system continued to **favour deterrence and retribution**, implement tough-on-crime policies that **further marginalise the poor and the disadvantaged**. EU directives on the rights of suspects and accused persons continued to provide an entry point for our advocacy work in 2018 in Hungary and in Europe.

Since the termination of cooperation agreements with relevant authorities in 2017, we have been developing **new strategies** that shaped our work in 2018:

- **Data collection and research:** such as the wider use of fieldwork and working on developing a network of relatives of detainees;
- **Advocacy and outreach:** either acting on behalf of wider alliances, involving other experts from the field and/or strategically using issues such as accessible language and the issue of hate crimes as an entry point for dialogue with criminal justice decision-makers.

9. We champion the issue of accessible information in criminal procedures in Hungary and Europe

HHC impact in brief: We continued to be the leading civil society actor advocating for more accessible, comprehensible and plain-language information to be provided to suspects and accused persons in criminal proceedings in Europe. We initiated the establishment of a Europe-wide network of plain language and accessible legal information experts. The Petty Offence Working Group, led by the HHC, developed 2 pioneering information booklets on petty offence procedures (for homeless people and prostitutes) using plain language.

Knowing one's rights is fundamental for a fair trial. We know from our practice that information provided to criminal suspects or petty offenders about their rights ("Letter of Rights") is often **written in a highly technical legal language, and it is therefore incomprehensible even for the better educated**. This combined with the legal aid system's deficiencies in Hungary – makes it close to impossible for indigent defendants in criminal and petty offence procedures to understand and exercise their rights.

The HHC has surveyed European experts on **plain language and literacy training needs** in criminal procedures. We particularly focused on the information provided to defendants about their rights at the beginning of their interrogation. According to our [previous research](#) **the information provided is not comprehensible**. Our research suggested that key actors of the criminal justice system of the respondents would welcome specific training on plain language, therefore we joined our forces with three other NGOs to develop a specific training module focusing on using accessible language (both written and verbal) in criminal justice systems across Europe. **We have made the first steps to establish a Europe-wide network of plain language experts** and we are in the first phase of developing training modules and more accessible Letters of Rights.

Petty offenders may be sanctioned inappropriately severely and unjustifiably if they do not receive accurate and accessible information on the procedure. According to our field experiences, **petty offenders do not receive information in a simple and accessible manner** on their right (1) not to pay a fine on the spot, (2) to present their arguments at a hearing, or (3) to substitute their fines with community work instead of confinement. The [Petty Offence Working Group](#) led by the HHC developed and disseminated two **information booklets targeting two vulnerable target groups of petty offences: homeless people and prostitutes**, explaining the legal procedure in a plain manner. The booklets were distributed widely in the streets and in shelters.

10. We push for rights-respecting and fair petty offence procedures

HHC impact in brief: We effectively challenged the criminalisation of homelessness by successfully requesting the Ombudsman to initiate the review of the relevant provisions by the Constitutional Court, as well as launching an “*amicus curiae* campaign”, resulting in numerous prestigious actors submitting such contributions to the Court. Our online video campaign aiming at raising awareness about the inhumanity and ineffectiveness of criminalising homelessness has been particularly successful: the first two campaign videos were viewed 385 652 times by the time of writing.

One of our strategic goals is to **decrease unjustified pre-trial detention** in Hungary, and to ensure that the regulation and practice of pre-trial detention complies with the standards set by the European Court of Human Rights. We maintained our efforts working closely with the Hungarian Civil Liberties Union and the Street Lawyers Association to challenge the petty offence law and practice. One of our primary goals was to combat the criminalisation of homelessness. We applied various legal and advocacy tools to challenge the Petty Offence Act, which stipulates that “residing on public premises for habitation” is a petty offence.

It was partly due to our request that the **Ombudsman initiated the review of the Act by the Constitutional Court**. In October 2018, we submitted an *amicus curiae* to the Hungarian Constitutional Court. Also, we launched an “*amicus curiae* campaign”, as a result of which further submissions were presented to the Court by other civil society organisations, academics and judges, including the [submission of the UN Special Rapporteur](#) on adequate housing, and a [joint submission](#) of two former Constitutional Court judges. We prepared and disseminated a **briefing material for attorneys** who can be potentially appointed as public defenders in cases of “residing on public premises for habitation”. The Street Lawyers Association, as a member of the Working Group, organised a network of *pro bono* attorneys (including our lawyers) who provided **legal representation to homeless people held in 72-hour detention** in the petty offence proceedings.



We have launched an [online video campaign](#), raising public awareness about the inhumanity and ineffectiveness of the criminalisation of homelessness. The campaign is still on-going at the time of writing, the first two videos of our series were **viewed 385 652 times** (by the time of writing).

Aiming at the protection of vulnerable groups (people living in deep poverty, homeless, Roma, prostitutes) from inappropriately severe sanctions of the petty offence system we prepared **submissions challenging municipal decrees** with rules on community living in five different counties (altogether 125 decrees). These decrees often sanction conducts or situations related to poverty, violating the right to human dignity and privacy, and lacking procedural safeguards. We successfully continued to **raise our profile as expert on the petty offence system**, appearing several times in the media, as well as taking part in panel talks, roundtable discussions and delivering university lectures. We also directly assisted **13 persons** with their complaint regarding a petty offence procedure.

11. We advocate for everyone’s right to a fair trial and equality before the law

HHC impact in brief: We remained the leading NGO in Hungary in terms of advocating for the enforcement of defendants’ procedural rights in criminal procedures and for the correct implementation of the related EU directives. We were the first to analyse the experiences of the implementation of the new Code of Criminal Procedure. We conducted and acted as catalyser for in-depth research on suspects’ rights and the use of audio-visual recording of interrogations as a measure to promote fairness and equality. Our innovative handbook provides gap-filling support to defence

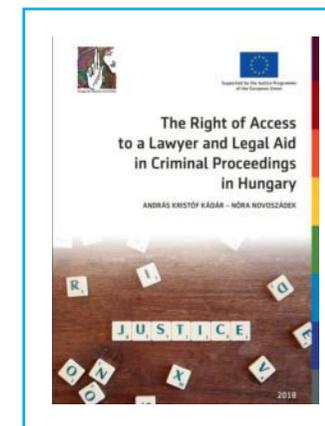
lawyers working with children in criminal procedures. We provided direct legal advice to 96 persons concerning their human rights complaint related to criminal proceedings

We enhance access to effective legal assistance in the early stages of criminal procedure

Access to effective legal assistance in the early stages of the criminal procedure has a crucial impact on the entire procedure. As part of our efforts to develop the capacities of defence attorneys in 2018, we gathered the **first experiences related to the implementation of the recently introduced Code of Criminal Procedure**. We focused on the process of the new system of appointing *ex officio* lawyers and the quality of the pre-trial detention decision-making process. We **strengthened our professional network with defence lawyers** and convened meetings for sharing experience. We compiled our first-hand experiences related to the *ex officio* appointment of defence lawyers, and shared our analysis with the Budapest Bar Association and the Ministry of Justice (among others).

In 2018, we **published a gap-filling research paper** on the implementation of the EU directive on **access to a lawyer** and the EU recommendation on legal aid in Hungary, to raise awareness about related problems and propose solutions for domestic policy-makers, while also **informing and calling for action the EU**.

We continued to enhance the capacities of defence attorneys through **training on access to a lawyer and legal aid, reaching over 40 professionals**. We also developed a [handbook for defence counsels](#) on related international standards to be relied on in the course of their work.



As reported earlier, the **new Code of Criminal Procedure**, entering into force on 1 July 2018, brings along changes in several areas covered by the HHC's earlier work and **mirrors several of our recommendations** made in the course of the drafting process. Among others, our decade-long advocacy work paid off with the new rules prescribing that *ex officio* (legal aid) defence counsels will be appointed independently, by bar associations instead of the police. In the first half of 2018, the HHC continued to [comment](#) on lower-level draft laws implementing the new Code of Criminal Procedure, and prepared a background material on the aspects to consider when establishing the new system of appointing ex-officio defence counsels.

We **conducted research on suspects' rights** in the investigative stage of the criminal process, focusing on the right to have access to a lawyer and legal aid. We examined the practical implementation of the relevant EU directive in light of the new Hungarian legislation. The results of our research were discussed with lawyers and academics at a professional experience exchange event.

We advocate for the audio-visual recording of interrogations

In an international research project coordinated by HHC, we assess the legal framework and practices regarding the **audio-visual recording of interrogations**, with special focus on vulnerable suspects and accused persons. We argue that audio-visual recording is a simple and practical measure that, by **enhancing transparency and the accountability of interrogators**, fosters the right to a fair trial and equality before the law. We established **an international research framework**, which supported partners in five EU countries to conduct national research on law and practice. The research outcome was discussed at an international experience exchange meeting organised by the HHC and Fair Trials Europe, attended by external experts from 9 European countries and the United States (police officers, prosecutors, judges, attorneys, academics and NGO representatives). 5 country reports and a comparative report compiled by the HHC will be published in June 2019.

We support the defence of children as members of the most vulnerable group in criminal justice

Children, even if they violate the law, are primarily children. These young citizens are exceptionally vulnerable if they encounter actors of the criminal justice system. We participated in the development of a **practical handbook for defence lawyers aiming at the improvement of their communication skills and the skills in representing the best interest of the child in a criminal procedure**. We introduced the handbook at a [multidisciplinary training](#) delivered to 40 defence lawyers. The training methodology and materials are available to future training providers.



In addition to our thematic work, we also provided **direct legal advice to 96 persons** concerning their human rights complaint related to closed or pending criminal proceedings.

12. We challenge the overuse of unjustified pre-trial detention

HHC impact in brief: We remained the only organisation that systematically provides free-of-charge legal assistance and legal representation in Hungary with regard to unjustified pre-trial detention (25 persons in 2018). We set up an innovative circle of defence lawyers for training and information exchange purposes on pre-trial detention.

One of our strategic goals is to **decrease unjustified pre-trial detention** in Hungary, and to ensure that the regulation and practice of ordering pre-trial detention complies with the standards set by the ECtHR.

In 2018, we assessed the first practical experiences of the new Code of Criminal Procedure related to the pre-trial decision-making process in order to evaluate whether the practice follows the international standards. We set up a **circle of defence lawyers**, with whom we maintain regular contact, from whom we gain experience and to whom we provide [training](#). Our aims are to transfer knowledge about the ECtHR standards of pre-trial detention, to strengthen the self-confidence of lawyers and to offer professional assistance in case they submit applications to the ECtHR.



We challenged before the European Court of Human Rights the detention of a young boy living with disability, who spent almost two years in pre-trial detention without any individualised reason (case pending). In addition to successful strategic litigation, we continued to be **the only organisation that systematically provides free-of-charge legal assistance** and legal representation in Hungary with regard to unjustified pre-trial detention (25 cases in 2018).

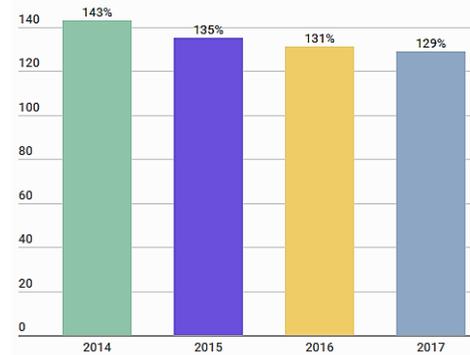
13. We advocate for humane prison conditions and respect for detainees' human rights

HHC impact in brief: We played a key role in successfully pushing Hungary to reduce massive prison overcrowding in recent years through litigation and advocacy. In 2018, we continued our international advocacy work on this issue, as well as for the respect of detainees' right to family life, resulting in both UN and Council of Europe bodies echoing our concerns. We provided legal assistance to 162 and 42 persons concerning these issues in 2018 (respectively).

We effectively contribute to reducing prison overcrowding

Our strategic litigation work culminated in the 2015 *Varga and Others v. Hungary* [pilot judgment](#), in which the ECtHR concluded that prison overcrowding is a systemic problem in Hungary. This resulted in the Parliament introducing a **domestic complaint and compensation procedure** for persons detained in overcrowded cells, and **prison overcrowding has in fact decreased significantly** since then (see chart on the right). We have [followed up](#) on the execution of the judgment closely, and repeatedly raised the attention of the Government and the Council of Europe to the fact that while the progress made was significant, the complaint and compensation procedure introduced was [far from ideal](#). As part of these efforts, we submitted a [communication](#) to the Council of Europe Committee of Ministers in 2017, providing a

unique and evidence-based insight into how the new complaint and compensation system works in practice. The decision of the Committee of Ministers in March 2018 **widely echoed our concerns**.



The HHC raised the issue of prison overcrowding also in its [shadow report](#) submitted to the UN Human Rights Committee (HRC) and at a **briefing held for UN HRC members** in Geneva in March 2018. As a result, the UN HRC [concluded](#) that Hungary "should strengthen its efforts to eliminate overcrowding in places of detention, including by increasing the use of non-custodial alternative measures to incarceration".

Also, we provided **legal assistance to 162 persons** complaining about prison overcrowding and/or inhuman detention conditions.

We advocate for respecting the right to family life while in detention

Detainees' regular contact with the family is a pre-condition of successful reintegration into society. Yet, instead of helping maintain this contact, **the penitentiary system further alienates the detainees and their relatives**. We raised this issue with numerous international organisations, such as the Council of Europe Committee on the Prevention of Torture (CPT) and the UN Committee on the Rights of the Child, with particular emphasis on the following issues, for instance:

- Due to a Plexiglas wall separating detainees from their visitors, they **cannot get into physical contact with their family members** during their visits, e.g. they cannot give a kiss to them, cannot take their children on the lap;
- **Phone tariffs at penitentiary institutions are excessive** compared to those applied in the outside world, resulting in significant costs when detainees want to maintain regular phone contact with their families. We submitted official information requests with regard to the excessive tariffs, and gained access to data through litigation after the information was denied.

Also, we provided **legal assistance to 42 detainees** with complaints regarding their right to maintain contact with family and friends and to receive visits while in prison.

14. We step up against the impunity of perpetrators of hate crimes, torture and ill-treatment in Hungary

HHC impact in brief: We continued to be the only organisation in Hungary that effectively challenges impunity for torture and ill-treatment, as well as a champion of the struggle to end impunity for hate crimes. We provided legal assistance to 44 people who complained about abuse and ill-treatment by authorities, 52 prisoners who complained about inadequate medical treatment in prisons and 43 persons with complaints about police measures. We continued to play a crucial role in the Working Group against Hate Crimes, officially qualified as international good practice by the European Commission.

We are an active member of the [Working Group against Hate Crimes](#), a unique NGO coalition operating in close and successful collaboration with various stakeholders of the criminal justice system. We are one of the few actors who support hate crime victims before domestic and international courts. The Working Group achieved that the [new registration system of crimes](#) indicates whether the crime was committed with bias motivation, as well as the protected group which the victim belonged to.

Based on our achievements and our cooperation with the authorities, the **European Commission qualified the Working Group as a good practice**. We contributed to international workshops on the fight against bias-motivated crimes, including the 18th Informal [ASEM Seminar](#) on Human Rights and Violent Extremism in November.



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

Despite the unilateral termination of cooperation agreements by national authorities (e.g. the National Police Headquarters and the National Penitentiary Headquarters) we maintained opportunities for our torture prevention work through **cooperation with the OPCAT national preventive mechanism (NPM)**, as a member of its civil consultative board. We successfully advocated for the improvement of the NPM, a **number of our proposals appeared in the report issued by the UN Subcommittee on Prevention of Torture**. We contributed to the preparation of a [comparative report](#) and we prepared the Hungarian version of the [report on the role of European National Human Rights Institutions in defending the rights of suspects](#) in a criminal procedure. The comparative report will be discussed at an international workshop co-organised by the HHC in 2019.

We maintained a specific **focus on the prevention and repression of ill-treatment** while analysing the latest amendments of the **Code on Criminal Procedure** and the new Code that entered into force in July 2018. The findings, based on numerous research interviews with different stakeholders, were included in a [country report](#).

In 2018, we provided **legal assistance to 44 people who complained about abuse and ill-treatment by authorities, 52 prisoners who complained about inadequate medical treatment in prisons and 43 persons with complaints about police measures**.

In July, a man (under the influence of drugs) was seriously injured during a police measure. He was allegedly beaten up by a police officer, and fell into coma during his short-term arrest. As a consequence of severe brain swelling he died in the hospital one week later. The HHC provides legal representation to his family before the domestic authorities (case currently pending) and, if the Hungarian investigation does not prove to be effective, we will bring the case before the ECtHR.

In addition to the cases of legal assistance mentioned in this report in relation to specific themes, we also provided miscellaneous legal information on procedures before the European Court of Human Rights in 21 cases. In 312 cases not falling under the specific mandate of the HHC, we suggested to the complainant other specifically competent bodies or organisations to turn to.