



HUNGARIAN  
HELSINKI  
COMMITTEE

2021 ANNUAL REPORT



## What we do and how:

As a leading Hungarian non-governmental human rights organisation with a globally recognised reputation, we work towards a world free of human rights abuses. In our theory of change, we focus our efforts to defend:

- 1) Democratic values, the rule of law and strong civil society;
- 2) The right to asylum and international protection; and
- 3) The rights of detainees and the fairness of the criminal justice system.



# The year in figures

## Beneficiaries of the HHC's free-of-charge legal assistance services

Asylum, statelessness expulsion	813
Detention and criminal proceedings	317
Ill-treatment by authorities	42
Unlawful police measures	73
Rule of law-related rights violations	34
General legal information or referral	635
<b>Total number of beneficiaries</b>	<b>1 914</b>

## Social media

Platform	Followers 31 December 2021	Growth in 2021
Facebook	44 971	21%
Twitter	6 650	16%
Instagram	4 388	53%
YouTube	581	109%

## Media outreach

Hungarian media representations	1 032
Foreign media representations	185
HHC blog total number of visits	557 000

## Training outreach

Asylum, migration, statelessness	865
Rule of law	95
Criminal justice	35

## Advocacy outreach (public and closed-door briefings with EU representatives, international organisations and foreign diplomats)

Rule of law	80
Asylum, push-backs	45



# Strategic litigation impact highlights

As an impact of years of the HHC's tireless litigation, the European Court of Human Rights (ECtHR) finally acknowledged in 2021 that the placement of asylum-seekers in Hungary's infamous transit zones amounts to unlawful detention, as well as it issued its first ever judgment condemning Hungary's extrajudicial push-back policy in place since 2016.

We successfully represented a young man before the ECtHR, by demonstrating that the state had unjustifiably resorted to violence against him and proving that the Hungarian Prosecutor's Office had not conducted an effective investigation to identify and punish those responsible.

Our strategic litigation efforts prompted a Hungarian judge to turn to the EU Court of Justice to clarify whether the Hungarian practice of using classified data for excluding asylum-seekers from international protection is in line with EU law.

78 percent of our asylum appeals were successful at domestic courts.

More than a dozen individuals turned to the Constitutional Court to challenge the illegal complete ban on demonstrations adopted under the pretext of the COVID-19 pandemic, using our sample complaint.

We won a freedom of information lawsuit, obliging the respective Ministry to share the document ordering the highly controversial mass 'freeing up' of hospital beds in 2020.

We won a lawsuit against a government-affiliated newspaper which spread lies about a lesbian association.







## Legal assistance impact highlights

With our help, a man with a mental disability who was unlawfully detained for 71 days for littering and other minor offences was released from prison.

We successfully helped a Roma woman and a 17-year-old girl seek redress against their humiliation by the police.

Despite the quasi-impossibility of obtaining refugee status and international protection in Hungary, we managed to help 56 asylum-seekers acquire or preserve such protection in 2021, as well as we could successfully assist 5 refugee families to reunite in safety in Hungary after years of painful separation.





# Advocacy impact highlights

We effectively contributed to keeping the international spotlight on the deterioration of the rule of law in Hungary. Together with partners, we convinced the European Commission not to approve Hungary's Recovery and Resilience Plan (RRP) until tangible changes in the rule of law framework are introduced.


Our concerns were regularly and explicitly echoed by international stakeholders, such as the European Commission, the UN Human Rights Committee, the UN Special Rapporteurs on the independence of judges and lawyers, and on the human rights of migrants, the Venice Commission, the Committee of Ministers of the Council of Europe, or the organisation reviewing the Ombudsperson's national human rights institution status.

In April 2021, the government finally repealed the law stigmatising 'foreign-funded' NGOs, which represented a major victory for our advocacy efforts in defence of independent Hungarian civil society.

Our advocacy efforts in the fight against illegal push-backs on the Serbia-Hungary border also bore landmark results: Frontex was left with no option but to suspend its operations in Hungary, and the European Commission decided to take Hungary back to the CJEU to impose financial penalties for continuing carrying out push-backs.

As a result of our persistent efforts, the Commission also decided to take Hungary to the CJEU in an unusually speedy process over the introduction of insurmountable obstacles to access the asylum procedure in May 2020.





# Innovative approaches impact highlights

Through our pioneering support platform for detainees and their families we continued our impactful community-building and empowerment activities. Our petition complaining about excessively high phone tariffs in prisons (a major obstacle for maintaining contact between inmates and family members) was signed by over 2 000 people and contributed to the reduction of phone tariffs in 2021 and easier access to phones in prisons. Through a Facebook group for relatives, we reach more than 1 500 family members of detainees who turn to us with their questions, and who provide us with gap-filling information regarding prison conditions.

We translated relevant laws from 'legalese' to plain Hungarian, and, as a major success, the police started using some of our plain-language leaflets.

We developed an innovative card game that explains in plain language what each of the 20 types of law enforcement agents is and is not authorised to do, and what remedies exist against their measures.

In 2021, we became an accredited training institution of the Hungarian Bar Association.

We carried several innovative empowerment activities for refugees and migrants, including a 10-session-long legal empowerment course, sessions for 70 Afghan residents of Hungary to help them exercise their right to freedom of assembly and expression, as well as a creative sensitisation campaign featuring the posters of refugee girls and women living in Hungary, establishing ground-breaking cooperation with a district municipality of Budapest.

We carried out gap-filling analysis about how the government vested the military with new extraordinary powers and gained wide discretion to resort to it for any purpose; about how the increased reliance on trial waiver systems might undermine the right to a fair trial; about the use, implementation and experience of non-custodial sentences in Hungary, as well as the systematic abuse of classified data related to national security in expulsion cases.



# OUR METHODS





# METHODS      WHY?

## Free legal counselling

To help thousands of victims of human rights violations who cannot count on anyone else;  
To identify cases for strategic litigation and collect up-to-date information about state practices for credible, evidence-based advocacy.

## Strategically focused litigation

To challenge unlawful state policies and practices before domestic courts, either by selecting strategic cases or by mass litigation;  
To bring those human rights concerns that cannot be resolved domestically to competent international fora.

## Monitoring and research

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.

## Legislative advocacy

To address shortcomings in legislation that directly or indirectly serve as a basis for rights-violating policies.

## International advocacy

To motivate international actors to positively influence problematic domestic policies, by informing them in real time about any relevant development.



## Awareness-raising and media work

To multiply the impact of our advocacy messages through direct outreach to journalists and through social media;

To multiply our allies within Hungarian society and strengthen our constituency through social media, online campaigns and offline events.

## Training, education and capacity-building

To equip potential change-makers with the knowledge, skills and attitude necessary to bring about 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 worldwide.

## Empowerment

To enhance marginalised groups' rights-awareness and capacity to defend their own rights;

To inspire democratic participation in wider segments of Hungarian society.

## International cooperation

To amplify our voice through active participation in networks such as the [International Federation of Human Rights](#), the [World Organisation Against Torture](#), 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 \(International Association Promoting Plain Legal Language\)](#).

Some of these methods (like legislative advocacy or monitoring) have become **less important** since the authoritarian turn in Hungarian government policies, due to closing 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**. 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.





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



**Context:** In 2021, the governing majority **continued to erode the rule of law in Hungary**, further degrading the system of checks and balances and the possibilities of effective human rights protection. Steps to undermine the **independence of the judiciary** continued. The governing party intensified its efforts to cement their power and create a '**parallel state**', i.e. new structures and institutions that secure in crucial areas the informal influence of the present incumbent party even if there is a change of government in the next general elections. For the first time ever, the European Commission referred Hungary to the Court of Justice of the European Union (CJEU) over its **failure to comply with a previous CJEU judgment**. Although the infamous law stigmatising 'foreign-funded' NGOs was repealed, the governmental vilifying of human rights NGOs continued. The ruling majority adopted new legal measures that **openly violated the rights of LGBTIQ people**, and the government's hate propaganda extensively targeted this group.







We defend  
the rule of law  
in Hungary through  
advocacy and  
research


We defend the rule  
of law in Hungary as  
a member state of  
the European Union

We advocate  
for a strong and  
independent civil  
society

**HHC impact in brief:** In an ever-shrinking civic space and amidst the continuing pandemic, we managed to contribute to keeping the international spotlight on the deterioration of the rule of law in Hungary, and to raise awareness of the government's measures further dismantling the system of checks and balances. Our concerns voiced in submissions and at briefings were regularly echoed by international stakeholders, such as the UN Special Rapporteur on the independence of judges and lawyers, the Venice Commission, the Committee of Ministers of the Council of Europe, or the organisation reviewing the Ombudsperson's national human rights institution status. We won a freedom of information lawsuit, obliging the respective Ministry to share the document ordering the highly controversial mass 'freeing up' of hospital beds the previous year. We held over 80 advocacy briefings about rule of law-related developments in Hungary for foreign diplomats, EU representatives and international organisations.

**HHC impact in brief:** The HHC has not only maintained its level of engagement with various elements of the EU's rule of law toolbox, but also managed to widen its horizon and scope of activities in this regard. The European Commission's annual Rule of Law Report echoed and confirmed, again, several of the concerns we highlighted in our submission. Our activities have contributed to an increased domestic awareness towards the EU's rule of law toolbox and Hungary's related performance. Together with key partners, we convinced the European Commission not to approve Hungary's Recovery and Resilience Plan (RRP) until tangible changes in the rule of law framework are introduced.

**HHC impact in brief:** We remained a leading voice opposing attacks on civil society in Hungary, and played a proactive role in the capacity-building of civil society actors in Hungary and beyond. In April 2021, the government finally repealed the law stigmatising 'foreign-funded' NGOs, which represented a major victory for our advocacy efforts. We successfully represented civil society representatives and journalists in various legal procedures. We won a lawsuit against a government-affiliated newspaper which spread lies about the Labrisz Lesbian Association.







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



**Context:** Since 2015, the Hungarian government has been carrying out **the first-ever politically motivated dismantling of a functioning asylum system in Europe**. The process has been characterised by border fences, arbitrary admission quotas, extrajudicial push-backs, unlawful detention in inhuman conditions, violence on the border, the elimination of procedural safeguards and all integration support, as well as a massive, publicly funded xenophobic hate campaigns. In May 2020, the government introduced new asylum rules that made it **almost impossible to request asylum** in Hungary. Under these rules, apart from a few rare exceptions, asylum-seekers are not allowed to submit an asylum application on Hungarian territory or at the border. Instead, they are only allowed to submit a 'declaration of intent' to lodge their applications at Hungarian embassies in Belgrade and Kyiv. Based on these declarations, the asylum authority may or may not decide to provide asylum-seekers with a single-entry permit to make an application in Hungary. As a consequence, the number of asylum-seekers dramatically decreased, and, as confirmed by the UNHCR, this practice may expose asylum-seekers to serious human rights violations. The unique absurdity of the system is well-demonstrated by the story of HHC-assisted Hasib, a student from Afghanistan living in Hungary, who, despite willingly approaching the asylum authority to ask for refugee status, was immediately pushed back to Serbia, a country he has never been to. At the same time, the HHC has observed the emergence of **a new, extremely concerning caseload in which long-term residents and refugees are routinely expelled** based on obscure national security concerns and without any possibility to challenge these decisions on the merits.



# We are the only organisation in Hungary that provides free legal assistance to asylum-seekers, stateless persons and vulnerable migrants

**HHC impact in brief:** As many as 813 persons benefited from our free legal assistance services in 2021; including asylum-seekers, refugees, stateless persons and migrants threatened by unlawful expulsion. We continue to be the only organisation offering such crucial help in Hungary. Despite the quasi-impossibility of obtaining international protection in Hungary, we still managed to assist 56 persons acquire a protection status. 78 percent of our asylum appeals were successful at court. Given the absence of a functioning state-funded legal aid scheme, vulnerable migrants in need of protection would be left without any adequate legal support without our services. With 50 pending HHC-represented cases before the European Court of Human Rights on 31 December 2021, and with 9 victories achieved before the EU Court of Justice in recent years, we have undoubtedly become a leading European strategic litigation actor in the field of asylum.



## We effectively tackle unlawful asylum policies through strategic litigation

**HHC impact in brief:** We achieved two strategic litigation victories before the European Court of Human Rights in 2021. The Court finally found that placement of an asylum-seeking family in the transit zone actually amounts to unlawful detention. The Court also issued its first ever judgment condemning Hungary's extrajudicial push-back policy in place since 2016, which has affected more than 70 000 people. Our strategic litigation efforts resulted in an important preliminary reference being submitted to the EU Court of Justice in a case of exclusion from international protection based on national security grounds.



# We help refugee families to reunite in safety in Hungary

**HHC impact in brief:** Despite the ongoing challenges caused by the COVID-19 pandemic and the complete dismantling of the Hungarian asylum system, 5 refugee families were able to reunite in safety in Hungary in 2021 with our help after years of painful separation.



Illustration: Judit Fischer

## We are the only public voice consistently denouncing human rights violations against refugees and migrants in Hungary

**HHC impact in brief:** Our advocacy efforts in the fight against illegal push-backs on the Serbia-Hungary border bore landmark results: Frontex was left with no option but to suspend its operations in Hungary, an unprecedented move in the Agency's history. Equally unprecedented was in Hungary's tenure as a member of the EU that the European Commission decided to take Hungary back to the CJEU to impose financial penalties for continuing carrying out push-backs. As a result of our persistent efforts, the Commission also decided to take Hungary to the CJEU in an unusually speedy process over the introduction of insurmountable obstacles to access the asylum procedure back in May 2020.





# We empower refugees and sensitise Hungarians in a context of growing xenophobia

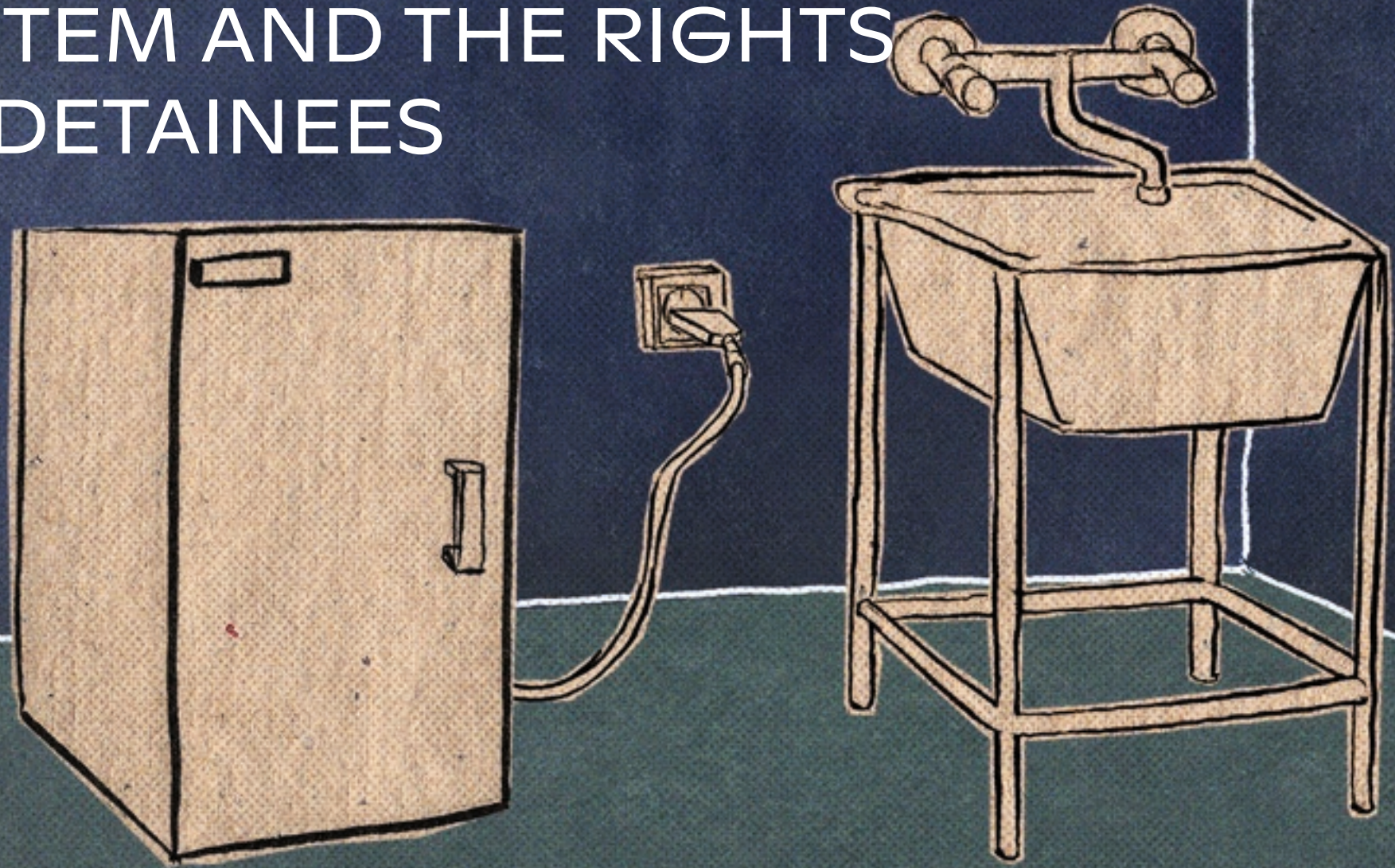
**HHC impact in brief:** We stood up for a more inclusive Hungarian society and tackled years of xenophobic government propaganda through innovative empowerment and sensitisation. We held a 10-session-long legal empowerment course for refugees and assisted 70 Afghan residents of Hungary to exercise their right to freedom of assembly and expression. We held 4 workshops with refugees to equip them against workplace and labour market discrimination, as well as a creative sensitisation campaign featuring the posters of refugee girls and women living in Hungary in various ways, establishing ground-breaking cooperation with a district municipality of Budapest.

# We are a globally reputed trainer organisation in the field of forced migration

**HHC impact in brief:** In 2021, the HHC preserved its long-standing reputation as a globally relevant training expert in the field of forced migration and international protection. Our Refugee Programme staff trained over 865 persons from all over the world. We continued to globally support sustainable refugee law education with innovative methods, including designing and leading the annual conference of Latin American refugee law educators and commissioning a model curriculum for the teaching of refugee law in Spanish. We continued to be a key training expert on statelessness at a global level. We are probably the only refugee-assisting European NGO whose innovative training services are often requested by state and judicial authorities in several countries.



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







**Context:** The Hungarian criminal justice system continued to **favour deterrence and retribution**, as well as to 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 2021, both in Hungary and in the larger European context. Since the cooperation agreements with relevant authorities, which previously made independent prison monitoring possible, were terminated in 2017, we have been developing new strategies that focus on **data collection, research, advocacy, empowerment and outreach**. The outbreak of the **COVID-19 pandemic** left prison populations even more vulnerable than before. The overall ban on visits did not prevent the epidemic outbreak in Hungarian prisons, and the measures introduced by authorities to provide alternative avenues of maintaining family relations did not sufficiently offset the visit ban.







We are the  
primary source  
of information  
on trends  
and practices  
concerning  
the criminal  
justice system

**HHC impact in brief:** We are the key expert organisation analysing criminal justice reforms and providing gap-filling evidence of the numerous related human rights concerns. In 2021, we analysed how the government vested the military with new extraordinary powers and gained wide discretion to resort to it for any purpose; we assessed how the increased reliance on trial waiver systems might undermine the right to a fair trial; as well as we looked into the use, implementation and experience of non-custodial sentences in Hungary.





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

**HHC impact in brief:** We continued to act as the leading civil society actor advocating for more accessible, comprehensible and plain language information for suspects and detained persons. We translated relevant laws from 'legalese' to plain Hungarian, and, as a major success, the police started using some of our plain-language leaflets. We developed an innovative card game that explains in plain language what each of the 20 types of law enforcement agents is and is not authorised to do, and what remedies exist against their measures.

## We stand up against torture, ill-treatment and hate crimes 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 champion the struggle to end impunity for hate crimes. We successfully represented a young man before the European Court of Human Rights, by demonstrating that the state had unjustifiably resorted to violence against him and proving that the Hungarian Prosecutor's Office had not conducted an effective investigation to identify and punish those responsible. We provided legal assistance to 42 persons who complained about ill-treatment by law enforcement agencies, and remained one of the few actors in Hungary who support hate crime victims before domestic and international courts.



Illustration: Dorottya Poór



# We defend and empower those who are left alone against the abuse of power

**HHC impact in brief:** We continued to effectively help vulnerable persons who fall victim of power abuse. With our help, a man with a mental disability who was unlawfully detained for 71 days for littering and other minor offences was released from prison. We successfully helped a Roma woman and a 17-year-old girl seek redress against humiliating treatment by the police. We provided legal assistance to 73 persons who complained about unlawful police measures.

# We fight for the rights of detainees and their families

**HHC impact in brief:** Through our pioneering support platform for detainees and their families we continued our impactful community-building and empowerment activities, and advocated for change through petitions, submissions and advocacy events. Our petition complaining about excessively high phone tariffs in prisons (a major obstacle for maintaining contact between inmates and family members) was signed by over 2 000 people and contributed to the reduction of phone tariffs and easier access to phones in prisons. Through a Facebook group for relatives, we reach more than 1 500 family members of detainees who turn to us with their questions, and who provide us with gap-filling information regarding prison conditions. We provided legal assistance to 317 persons in connection with detention and criminal justice-related matters. We are the main source of information regarding the human rights situation in Hungarian prisons.

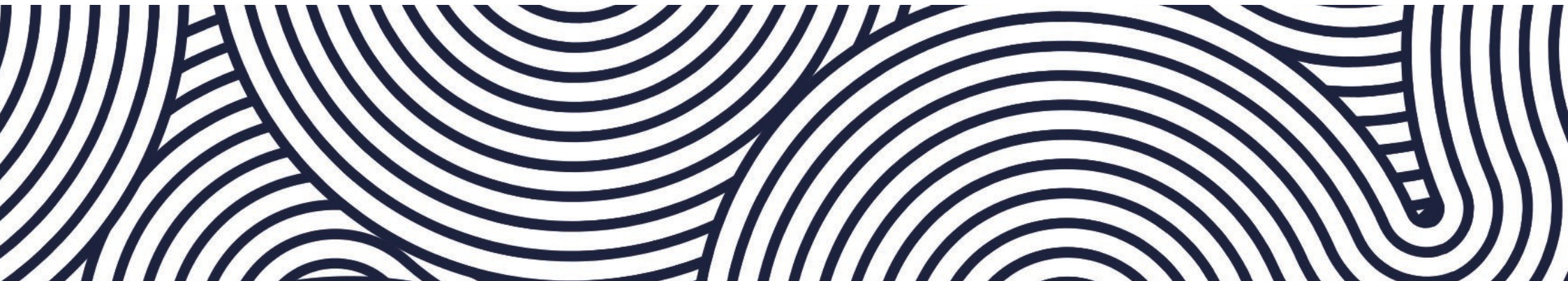






# We defend the right to peaceful assembly

**HHC impact in brief:** We publicly denounced the illegal complete ban on demonstrations adopted under the pretext of the COVID-19 pandemic. More than a dozen assembly organisers and individuals turned to the Constitutional Court challenging the ban using our sample complaint. We assisted demonstrators who were unlawfully banned from protecting against the homo- and transphobic policies of the government.







IV. WE BUILD  
A HUMAN RIGHTS-CONSCIOUS SOCIETY  
AND A RESILIENT ORGANISATION





**Context:** A decade of 'illiberal' transformation and democratic decline has left a serious mark on various segments of Hungarian society, from education, through the media, to public attitudes. In recent years, it has become increasingly clear that a sustainable return to democracy, the rule of law and a progressive society is unimaginable without multiplying our efforts to **reach wider segments of Hungarian society**. Our successful advocacy, legal intervention and strategic litigation is, therefore, increasingly completed with efforts of a comparable dimension in the field of **communication, awareness-raising and constituency-building**. The permanently and increasingly **difficult political, legal and media context**, coupled with the challenges of the **prolonged COVID-19 pandemic**, made it more important than ever to invest in the HHC's resilience, organisational development and staff retention.



We are a prominent  
public voice  
defending human  
rights in Hungary  
and beyond

**HHC impact in brief:** Despite an alarmingly shrinking media space in Hungary, we managed to maintain our strong media presence in 2021 by reaching 1 032 registered relevant mentions in the Hungarian press and at least 185 in international media. Our online outreach continued to grow dynamically, reaching 6 650 followers on Twitter, 44 971 on Facebook and 4 388 on Instagram. Our popular blog had 557 000 individual visits during the year, with 12 blogposts reaching more than 10 000 readers each. We reached over 1 869 people through online and offline events. Our successful legal awareness-raising campaign (#bárcsakérténem) attracted over 4 000 users to the campaign landing page.





# We successfully preserved our resilience and renewed our image despite a challenging context

**HHC impact in brief:** Despite a permanently and increasingly difficult political, legal and media context, coupled with the challenges of the prolonged COVID-19 pandemic, we kept on operating as an effective and resilient human rights organisation. We kept on ensuring the possibility of HHC-funded psychological supervision to our staff, with altogether 175 such sessions held in 2021. The HHC provided free-of-charge COVID rapid antigen tests to all its staff members for weekly testing. In 2021, we became an accredited training institution of the Hungarian Bar Association and completely renewed our visual identity, to reflect current trends and respond to changing practical needs.

