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COMMITTEE



**Submission by the Hungarian Helsinki Committee  
and the Support Network for Detainees and Their Families**

for the fourth cycle of the

**Universal Periodic Review**

of

**HUNGARY**

**on criminal justice and law enforcement**

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The **Hungarian Helsinki Committee** (HHC) is an independent human rights watchdog based in Hungary. The HHC focuses on defending and promoting democratic values, the rule of law and a strong civil society; the rights to asylum and international protection; the right to be free from torture or inhuman treatment, as well as fairness in the criminal justice system.

The **Support Network for Detainees and Their Families** (FECsKE) is a grassroots organisation that brings together people with lived experience of detention, their relatives, civil society practitioners, and professionals working together for a fair and humane prison system in Hungary.

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## Lack of adequate rights protection

1. Concerns persist regarding the lack of independence and effective oversight of detention by Hungary's National Human Rights Institution, the Commissioner for Fundamental Rights.<sup>1</sup> The Commissioner, appointed in a non-transparent manner by the ruling parties, has demonstrated inaction in politically sensitive cases. As the Commissioner also acts as the country's National Preventive Mechanism (NPM) under the OPCAT, **the independent and effective monitoring of places of detention is severely constrained.**<sup>2</sup>
2. Since the unilateral termination of cooperation agreements with civil society organisations in 2017, the NPM has been the only external actor monitoring places of detention. Despite repeated calls and specific offers of assistance, civil society organisations with relevant and specialised expertise remain excluded from NPM monitoring visits. This situation, coupled with the abolition of lay monitoring, has significantly weakened the protection of detainees' rights and reduced the likelihood of uncovering systemic issues.
3. As regards the procedure of the prosecutor's office in charge of the legal supervision of the penitentiary system, prosecutors typically find a violation only where a specific provision of the Penitentiary Code or other sectoral, prison-related legislation has been breached. If no such violation is identified, but there is, for example, an infringement of inherent personality rights, such as human dignity or health, they typically consider the complaint unfounded, even though these rights are not limited by the Penitentiary Code and are expressly guaranteed by the Fundamental Law or the Civil Code of Hungary, as well as by international conventions such as the ECHR.
4. *Recommendations:*
  - **Ensure the functional independence of the NPM** and provide sufficient resources for the regular and effective monitoring of places of detention;
  - **Ensure civil society organisations have access to places of detention and introduce the 'Ombudsman-plus' model**, involving them in exercising the NPM function.

## Prison overcrowding and inhumane detention conditions

5. Despite the rulings of the European Court of Human Rights<sup>3</sup> and repeated calls by the Committee of Ministers of the Council of Europe over the past 14 years,<sup>4</sup> Hungary has failed to address prison overcrowding and inhumane detention conditions.<sup>5</sup> As a result, overcrowding continues to lead to substandard detention conditions for around 40,000 detainees annually. According to the most

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<sup>1</sup> See third-cycle recommendations 128.35 (Uzbekistan), 128.36 (Sri Lanka), 128.37 (Pakistan), 128.28 and 128.38 (Czechia), and 128.39 (Montenegro).

<sup>2</sup> For more information, see the report [The last piece of the puzzle? Assessing the performance of Hungary's national human rights institution](#) by Háttér Society and the Hungarian Helsinki Committee, 2024.

<sup>3</sup> See the *István Gábor Kovács and Varga and Others v. Hungary* group of cases (Application nos. [15707/10](#), [14097/12](#)).

<sup>4</sup> See Interim Resolution no. [CM/ResDH\(2025\)32](#), 6 March 2025.

<sup>5</sup> See also third-cycle UPR recommendation 128.105 (Colombia).

recent Council of Europe SPACE I data, Hungary's **prison population rate is 195 per 100,000 inhabitants**, significantly exceeding the Council of Europe average of 105.<sup>6</sup>

6. As of 15 December 2025, there were 19,750 prisoners for 18,654 places, corresponding to an occupancy rate of 106%.<sup>7</sup> At the same time, 20 out of 30 penitentiary institutions were operating above capacity, with eleven significantly exceeding the national average, reaching occupancy levels between 110% and 142%. Moreover, 4,761 prisoners were being held for pre-trial detention, accounting for approximately 24% of the incarcerated population and significantly contributing to prison overpopulation.<sup>8</sup>
7. Inadequate material conditions, including unsanitary environments, insufficient temperature control and ventilation, lack of proper yards, and limited access to showers and natural light, as well as inadequate quality of food and high subsistence fees, impede humane detention. Additionally, no tangible progress has been made in addressing the deficiencies in the compensatory remedy system already identified by the Committee of Ministers of the Council of Europe.<sup>9</sup>
8. Overcrowding is also exacerbated by the inadequate use of non-custodial alternatives for petty and low-level offences. In 2023, approximately 20% of prisoners were admitted for petty offence confinement,<sup>10</sup> mostly for failing to pay fines. This practice particularly violates the rights of persons with disabilities, who, despite legal protections, are still at times detained for such offences or for unpaid fines converted into confinement.
9. Although the government has decided to further expand the prison estate, the HHC concurs with the CPTs findings<sup>11</sup> that the steady increase in the prison population demonstrates that expanding capacity alone is unlikely to provide a sustainable solution to prison overcrowding or to ensure adequate living conditions for all prisoners.
10. Furthermore, recent developments – including the expansion of punitive drug enforcement, combined with the restricted use of non-custodial alternatives, and the integration of reformatories into the penitentiary administration – further exacerbate pressure on an already overburdened prison system.<sup>12</sup>

11. *Recommendations:*

- **Develop a coherent and comprehensive penal policy** that provides a **sustainable solution** to overcrowding and inhumane detention conditions;
- **Increase the use of alternatives to detention** and ensure adequate access to compensation and effective remedies;

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<sup>6</sup> Council of Europe, [SPACE I – 2024, Annual Penal Statistics \(SPACE I\) 2024](#), p. 37.

<sup>7</sup> Response no. 30500/5371/2025 issued by the NPA to the HHC's FOI request on 14/01/2026.

<sup>8</sup> Ibid.

<sup>9</sup> Interim Resolution no. [CM/ResDH\(2025\)32](#), 6 March 2025.

<sup>10</sup> Response no. 30500/3951/2024 issued by the NPA to the HHC's FOI request on 9 August 2024.

<sup>11</sup> 2023 CPT Report, § 44.

<sup>12</sup> For more information, see the HHC's latest Rule 9.2 communication in the *István Gábor Kovács and Varga and Others v. Hungary* group of cases (Application nos. [15707/10](#), [14097/12](#)): [DH-DD\(2026\)147](#), 28 January 2026.

- **Take appropriate measures to reduce the number of pre-trial detainees** and promote the use of non-custodial pre-trial measures.

### Ill-treatment

- Humane detention is undermined by ongoing deficiencies in the prevention, investigation, and sanctioning of ill-treatment.<sup>13</sup> Between 2019 and 2024, indictments were filed in only 3.6–8% of alleged cases of ill-treatment in official proceedings and in 0–9.2% of alleged cases of coercive interrogation,<sup>14</sup> leaving most violations without consequence.<sup>15</sup>
- Detainees alleging ill-treatment often lack access to independent and adequate medical examinations, and police officers and prison staff are generally present during these examinations, contrary to the recommendations of the CPT. Their presence has reportedly deterred detainees who have been ill-treated from voicing their complaints, as they fear retaliation and see no hope of achieving accountability.
- Doctors employed by the police or the penitentiary administration are still the ones who examine detainees prior to their placement in detention facilities and record potential injuries. However, they do not receive any training in the Istanbul Protocol and do not automatically photograph injuries, despite the crucial role such evidence would play.
- Moreover, experience and several ECtHR cases<sup>16</sup> indicate that prosecution offices often fail to investigate ill-treatment cases in a fair manner, neglecting to gather all relevant evidence, conducting superficial inquiries, and drawing flawed conclusions.
- Recommendations:*
  - **Establish victim support mechanisms**, including confidential complaint channels, genuine access to legal aid, and appropriate psychological and medical care, while ensuring effective protection against retaliation;
  - **Enhance the use of video recording** of police work and in detention facilities;
  - **Ensure by law that police officers and prison staff should not, as a general rule, be present during medical examinations of detainees;**
  - **Establish an independent medical examination body;**
  - **Provide training on the Istanbul Protocol and victim-centred approaches** to medical practitioners and criminal justice actors;

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<sup>13</sup> See the HHC's latest Rule 9.2 communication in the *Gubacsi v. Hungary* group of cases (Application no. [44686/07](#)): [DH-DD\(2026\)168](#), 30 January 2026. See also: Report to the Hungarian Government on the visit to Hungary carried out by the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT) from 16 to 26 May 2023 (hereinafter: 2023 CPT Report), [CPT/Inf \(2024\) 36](#).

<sup>14</sup> For more information, see the HHC's latest Rule 9.2 communication in the *Gubacsi v. Hungary* group of cases (Application no. [44686/07](#)): [DH-DD\(2026\)168](#), 30 January 2026. The ratio is calculated based on cases in which the prosecution reached a decision each year, not based on the number of criminal proceedings initiated that year. Notably, the rate of alleged "coercive interrogation" cases was 0% in four of the six years concerned.

<sup>15</sup> See also third-cycle recommendation 128.105 (Colombia).

<sup>16</sup> See the *Gubacsi v. Hungary* group of cases (Application no. [44686/07](#)).

- **Provide systematic training** for law enforcement officials, criminal justice actors, and judges **to ensure prompt, independent, and effective investigations into all allegations of torture and ill-treatment;**
- **Address judicial leniency towards law enforcement officials** and ensure that those convicted of ill-treatment are not allowed to remain in service.

### **Ill-treatment in child and juvenile institutions**

17. Reports of the Commissioner for Fundamental Rights from 2011–2025 reveal recurrent findings of physical, psychological, and sexual abuse across children's homes, special institutions, and reformatories.<sup>17</sup> These reports consistently document unlawful physical restraint, corporal punishment, degrading disciplinary practices by staff, peer violence, and sexual exploitation, with identical violations recurring years after earlier findings.<sup>18</sup> Persistent underfunding of the system, staff shortages, lack of specialised training, high turnover, and inadequate supervision continue to contribute to these systemic abuses. Follow-up inquiries found that corrective measures were largely formalistic, failing to address the root causes of ill-treatment.
18. Institutional safeguards remain inadequate. Many facilities lack confidential complaint mechanisms, and children are often unable to communicate privately with child-protection guardians or children's rights representatives; but even when such communication is possible, these actors are often unable to provide effective support due to insufficient training or capacity. In some childcare homes, ombudsman reports indicate that up to 40% of residents had been previously, or were actively involved in prostitution, while staff repeatedly failed to discharge their mandatory reporting obligations.
19. Although the Commissioner's reports document serious abuses against children in care, there is no information on effective and robust measures taken to prevent such acts or address structural shortcomings. The state agencies concerned (including ministries, the police, childcare institutions, and supervisory bodies) have not provided, upon request, public interest data on the implementation of the Commissioner's recommendations or steps taken to prevent child abuse.
20. In May 2025, the arrest of the former director of the Budapest Szőlő Street Reformatory – formerly an institution responsible for the pre-trial detention of juvenile boys and the execution of deprivation-of-liberty sanctions against them – brought to light widespread deficiencies. By this point, at least eleven people had been identified as suspects, underscoring the widening scope of the scandal and the depth of alleged abuses across the child protection system. In December 2025, responsibility for reformatories was transferred to law enforcement oversight, raising concerns about the adequacy of child-specific safeguards and the humane treatment and protection for children in institutional settings.

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<sup>17</sup> Hungarian Helsinki Committee, Synthesis of ombudsman reports and institutional findings (2011–2025): Analytical overview of systemic abuse in closed institutions. Available in Hungarian at: <https://helsinki.hu/intezeti-bantalmazasok-ajbh/>.

<sup>18</sup> Contrary to third-cycle recommendations 128.22 (Angola), 128.139 (United Kingdom), 128.140 (Kyrgyzstan), 128.222 (Malaysia), 128.224 (Namibia), and 128.234 (Azerbaijan).

21. In January 2026, the government began phasing out reformatories, replacing them with facilities within the prison system. This shift raises serious concerns that a custodial, security-oriented approach may become further entrenched in settings intended for children, potentially undermining child protection safeguards.

22. *Recommendations:*

- **Ensure prompt, independent and effective investigations into all allegations of abuse and exploitation of children in institutional settings**, and hold perpetrators accountable;
- **Strengthen safeguards in children’s homes and juvenile institutions**, including confidential complaint mechanisms, adequate staffing and specialised training;
- **Ensure that reformatories operate within a child protection framework** with appropriate safeguards, guaranteeing the rights and protection of all children;
- **Restore independent external civil society monitoring** of child protection and juvenile institutions.

### **Pre-trial detention**

23. Pre-trial detention continues to be applied excessively, while non-custodial alternatives remain underused.<sup>19</sup> The excessive length of pre-trial detention and delays in judicial review constitute enduring systemic concerns. The proportion of pre-trial detainees increased from 16.6% in 2019 to 24.6% in 2022, contributing to the highest prison population in decades. As of 15 December 2025, pre-trial detainees accounted for over 24% of the total prison population.<sup>20</sup>

24. *Recommendations:*

- **Take measures to reduce the number and proportion of pre-trial detainees** within the total prison population;
- **Expand the use of non-custodial pre-trial measures.**

### **Life sentences**

25. Hungarian law continues to permit life imprisonment without the possibility of parole (whole life sentences), with a mandatory clemency procedure only after 40 years of imprisonment, which lacks procedural safeguards, such as reasoned decisions. The ECtHR has found Hungary in violation of the prohibition of torture and inhuman or degrading treatment or punishment in several cases concerning both whole life sentences and life sentences with parole.<sup>21</sup>

26. Despite these judgments, the government has shown no political will to abolish whole life sentences or implement the ECtHR’s rulings, disregarding an interim resolution of the Committee

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<sup>19</sup> For more information, see the HHC’s latest Rule 9.2 communication in the X.Y. v. Hungary group of cases (Application no. [43888/08](#)): [DH-DD\(2024\)638](#), 5 May 2024.

<sup>20</sup> Response no. 30500/5371/2025 issued by the NPA to the HHC’s FOI request on 14/01/2026.

<sup>21</sup> See the *László Magyar v. Hungary* group of cases (Application no. [73593/10](#)).

of Ministers<sup>22</sup> and recommendations by the CPT.<sup>23</sup> The absence of a legal reform, combined with the practice of Hungary's apex court, continues to obstruct individual measures required to remedy these violations, leaving affected detainees without a realistic prospect of release or redress.<sup>24</sup>

27. *Recommendation:*

- **Abolish whole life imprisonment** without the possibility of parole.

## Vulnerable detainees

28. Despite limited progress, detainees with disabilities in Hungary continue to face systemic barriers to equal treatment and humane conditions in detention. Legislative and practical shortcomings persist in ensuring access to barrier-free facilities, therapeutic and psycho-social units, and adequately trained staff.<sup>25</sup> In practice, prisoners with disabilities are frequently placed in standard cells that do not meet their needs and are compelled to rely on fellow inmates for assistance with daily activities, undermining their dignity and equal treatment.

29. The persistence of these shortcomings, coupled with the absence of accessible and effective remedies, constitutes degrading treatment and discrimination, contrary to the standards set by the Convention on the Rights of Persons with Disabilities (CRPD).<sup>26</sup>

30. Under current legislation and practice, detainees are placed based on the sex recorded in their official documents (i.e., their sex at birth), irrespective of their gender identity or any gender-affirming treatment they may have undergone. Body searches of transgender individuals are conducted by staff members of the same sex as the detainee's sex at birth. The same rule applies when a detainee is escorted to the shower or to the doctor. Moreover, experience shows that LGBTQI+ detainees are frequently placed in psychosocial units or single-occupancy cells without substantive contact with other detainees due to the security risks arising from their vulnerabilities, which entails additional restrictions and isolation.<sup>27</sup>

31. *Recommendations:*

- **Ensure reasonable accommodation and adequate treatment for detainees with disabilities**, including proper needs assessment upon admission, access to barrier-free facilities, appropriate health and psychosocial services, and trained staff;
- **Ensure the rights, safety and dignity of LGBTQI+ detainees**, including by respecting gender identity in placement and searches and preventing isolation and discrimination.

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<sup>22</sup> [CM/ResDH\(2024\)202](#), 19 September 2024.

<sup>23</sup> 2023 CPT Report, § 93.

<sup>24</sup> For more information, see the HHC's latest Rule 9.2 communication in the *László Magyar v. Hungary* group of cases (Application no. [73593/10](#)): [DH-DD\(2025\)506](#), 22 April 2025.

<sup>25</sup> For more information, see the HHC's latest Rule 9.2 communication in the *István Gábor Kovács and Varga and Others v. Hungary* group of cases (Application nos. [15707/10](#), [14097/12](#)): [DH-DD\(2026\)147](#), 28 January 2026.

<sup>26</sup> See also third-cycle recommendations 128.231 (Poland) and 128.234 (Azerbaijan).

<sup>27</sup> See third-cycle recommendation 128.79 (Spain).

## Means of restraint and searches

32. The excessive use of means of restraint, including the practice of transporting and holding prisoners at court hearings and healthcare facilities in handcuffs and other restraints without an individual assessment, directly undermines detainees' rights and contravenes both EU law and international human rights standards. The HHC has had numerous cases indicating that this practice is applied uniformly, even in the case of seriously ill detainees and those with disabilities.

33. Strip searches are frequently conducted as part of the daily custodial routine, yet without proper risk assessments and adherence to strict criteria, this practice violates the human dignity of detainees. The CPT has expressly criticised the high frequency and extensive use of strip searches, deeming them completely disproportionate.<sup>28</sup>

34. *Recommendations:*

- **Restrict the use of restraints and strip searches**, ensuring they are applied on the basis of meaningful, case-by-case individual risk assessments and only where strictly necessary, proportionate, and duly justified;
- **Ensure that detainees are duly informed** of the reasons for the use of restraints or searches;
- **Ensure that individual assessments are meaningful and comprehensive**, taking full account of personal circumstances and relevant vulnerabilities.

## Access to case files

35. It is a common practice in penitentiary institutions to reject a detainee's request for a "benefit" (such as transport to a funeral or placement in reintegration custody) based on police or prison reports or opinions containing negative statements about the detainee. Penitentiary law prohibits the disclosure to the detainee or their legal representative of certain substantive documents on which the decision is based, and the decisions based on those documents are not explained.

36. As a result, detainees are unaware of the reasons for the rejection of their application. A complete refusal to grant access to the documents containing the reasons for a decision that rejects a request constitutes a violation of fundamental rights and undermines the procedural guarantees to which a detainee is entitled, hampering the ability to mount an effective defence.

37. *Recommendation:*

- **Allow access to documents**, restricting access only to necessary and limited data, and ensure that such decisions are duly reasoned.

## Deficiencies in reintegration

38. Reintegration prospects in Hungarian prisons remain constrained by entrenched structural deficiencies, including persistent overcrowding, staff shortages, and the limited availability of work, education, and other out-of-cell activities.<sup>29</sup> Reintegration-oriented measures, such as early

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<sup>28</sup> 2023 CPT Report, § 141.

<sup>29</sup> See, for example, 2023 CPT Report, § 74.

release schemes, remain markedly underused, while prison regimes continue to prioritise disciplinary measures over positive incentives.<sup>30</sup> Such conditions not only undermine rehabilitation efforts but also prolong detention and exacerbate pressures on an already overburdened prison system.

39. Moreover, excessive restrictions on prisoners' visiting rights remain, including the general use of physical separation during visits, and the infrequent (once every six months) allowance of visits under open conditions.

40. *Recommendations:*

- **Ensure meaningful out-of-cell time for all prisoners**, including those on remand, with access to work, education, and other reintegration-oriented activities;
- **Improve access to open visits for all categories of prisoners**, particularly those with children, in terms of both conditions and frequency.

### **Freedom of movement for persons on conditional release**

41. Individuals serving the remainder of their sentences under conditional release in Hungary are automatically prohibited from travelling or residing abroad, including within the EU.

42. This blanket restriction applies without any individualised assessment, judicial review, or consideration of necessity and proportionality, despite the jurisprudence of the Court of Justice of the European Union (CJEU),<sup>31</sup> which allows such limitations only in cases of a concrete and serious threat to public order, established through an individual assessment and accompanied by procedural safeguards.

43. The restriction constitutes a disproportionate interference with the right to liberty of movement and residence under Article 45 of the EU Charter of Fundamental Rights. Additionally, those affected have no effective judicial or administrative remedy to challenge the restriction.

44. *Recommendations:*

- **Abolish automatic and blanket restrictions on travel and residence for persons on conditional release**, ensuring that any limitations are individualised, necessary, and proportionate;
- **Ensure effective judicial and administrative remedies** to challenge travel and residence restrictions for persons on conditional release.

### **Deficiencies in the ex officio defence counsel system**

45. As of July 2018, the power to appoint ex officio defence counsels (including legal aid lawyers) in criminal proceedings was, as a general rule, transferred from the proceeding authorities (in the

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<sup>30</sup> For more information, see the HHC's latest Rule 9.2 communication in the *István Gábor Kovács and Varga and Others v. Hungary* group of cases (Application nos. [15707/10](#), [14097/12](#)): [DH-DD\(2026\)147](#), 28 January 2026.

<sup>31</sup> See, for example, *C-249/11 Byankov* and *C-33/07 Jipa*.

case of investigations, primarily the police) to regional bar associations. However, if a lawyer is not assigned within one hour of notification or cannot be reached for an urgent procedural action (most commonly the suspect's first interrogation), the police may appoint a "substitute" ex officio defence counsel.<sup>32</sup>

46. Lawyers surveyed in 2025 reported that these exceptions are frequently exploited by investigating authorities to ensure the presence of defence counsels of their choosing at key procedural moments. These practices effectively reinstate the pre-2018 system and undermine defendants' right to an effective defence. The police do not collect data on the proportion or grounds of "substitute" appointments.<sup>33</sup> Moreover, thresholds for qualifying for state-provided legal aid remain unrealistically low.<sup>34</sup> In 2025, the European Commission opened an infringement procedure against Hungary for failing to correctly transpose Directive (EU) 2016/1919 on legal aid in criminal proceedings.<sup>35</sup>

47. *Recommendation:*

- **Ensure transparent and independent assignment of ex officio defence counsel** and prevent the misuse of substitute appointments by investigating authorities.

### **Peaceful assembly and AI-assisted surveillance**

48. Recent amendments to the regulation of assemblies, petty offences, and the use of digital and AI-assisted surveillance in Hungary have significantly restricted the conditions under which individuals may exercise their rights to freedom of peaceful assembly and association.<sup>36</sup> Adopted in 2025 and building on the 2021 anti-LGBTQI 'Propaganda Law', these amendments allow authorities to ban assemblies alleged to 'promote' homosexuality or gender variance, classify participation in such gatherings as a petty offence, and enforce fines as taxes without effective access to remedy.

49. Crucially, the amendments extend the use of facial recognition technology to all petty-offence proceedings, vastly expanding the state's surveillance powers. In practice, events deemed to be LGBTQI-related have been banned, and organisers of some of these events have been subjected to criminal investigations – demonstrating how the justice system is being instrumentalised to deter public participation and suppress dissenting voices.<sup>37</sup>

50. *Recommendations:*

- **Abolish blanket authorisations for the use of digital and AI-assisted surveillance**, including facial recognition, and limit its use to necessary and proportionate, case-by-case measures;

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<sup>32</sup> Act XC of 2017 on the Code of Criminal Procedure, Articles 46–49.

<sup>33</sup> For more details on the practice and the lack of data, see the HHC's submission to the CM: [https://helsinki.hu/en/wp-content/uploads/sites/2/2025/09/HHC\\_Rule\\_9\\_MHB\\_v\\_Hungary\\_31082025.pdf](https://helsinki.hu/en/wp-content/uploads/sites/2/2025/09/HHC_Rule_9_MHB_v_Hungary_31082025.pdf).

<sup>34</sup> Act LXXX of 2003 on Legal Aid, Articles 5, 7–9 and 19.

<sup>35</sup> INFR(2025)2163, [https://ec.europa.eu/commission/presscorner/detail/en/inf\\_25\\_2481](https://ec.europa.eu/commission/presscorner/detail/en/inf_25_2481).

<sup>36</sup> Contrary to third-cycle recommendations 128.118 (Timor-Leste), 128.132 (Switzerland), and 128.133 (Uruguay).

<sup>37</sup> For more information, see HHC et al., [Submission to the UN Special Rapporteur on freedom of peaceful assembly and of association on digital and AI-assisted surveillance](#), 7 November 2025.

- **Guarantee effective safeguards against the misuse of surveillance technologies**, including independent oversight, transparency, and access to effective remedies to protect the rights to freedom of assembly and association.