

ANNUAL REPORT
2013

hclu



Dear Friends and Partners of the HCLU, Dear Citizens,

The Hungarian Civil Liberties Union, a human rights watchdog NGO, will celebrate its 19th birthday in 2013.

The HCLU staff is often asked whether it is still possible to protect human rights in Hungary: a country where freedom is being consciously destroyed, human dignity is being disrespected, the laws directly affecting human rights are being amended from one day to the other virtually without any prior consultation, reliance on the institutions serving as restrictions on the powers that be is becoming impossible, and only a diminishing segment of the media keeps showing interest in what we say.

In fact, we have observed constant and system-level attacks against the rights for the extension of which we work, including citizen autonomy, privacy protection, the ban on discrimination, and the rights related to participating in public affairs.

The range of advocacy tools we can deploy has also been narrowed. The Fourth Amendment of the Fundamental Law in 2013 made it clear to everyone that the current Government knows no actual constitutional limits. Rights are only guaranteed by the Fundamental Law to the extent to which they serve the interests of the political elite. The environment created by the state has become hostile in a country where civil society could never grow strong because Hungary has been unable to nourish a generation of citizens aware of and willing to speak up for their rights not even after the major political changes in 1989.

Despite all this, or rather, because of all this, the answer to the above question is an absolute yes, even if we have to revise our usual activities and approaches; the objective is to sufficiently retune the existing methods rather than inventing completely new ones. We will continue to litigate, and opionate pieces of legislation; however, we also wish to place appropriate emphasis on encouraging an increasing number of people to see human rights and the rule of law as values for which they

Stefania Kapronczay

Executive Director

would be willing to and also able to stand up.

In the past, the HCLU did not prepare annual summaries on its activities for the general public. In 2013, we decided to publish this document, i.e., an annual report, on the occasion of the Human Rights Day for the two reasons. On the one hand, we also recognise that after the outrageous measures of the past years which violate both human rights and the rule of law, it is easy to become insensitive to these issues. With this summary, we wish to underline the rights violations encountered in connection with the activities and programs of the HCLU which we cannot ignore because they violate the freedom and dignity of all of us. On the other hand, we wish to demonstrate – in conjunction with the question we are often asked and have just replied to – that it is worth being a human rights watchdog organisation even in such stern times. The present report also highlights the successes of 2013: we make boast of them as we believe that they are a victory for all citizens. In addition, it lists a few of the several publications, litigations and video footages that provide evidence of our not being idle this year either: we have managed to live up to our reputation as being one of the most active NGOs in Hungary.

2013 was a difficult year for the already adult HCLU in organisational terms, too: a number of our colleagues are no longer with us.

However, in response to, among others, the above challenges, we decided to strengthen the professional management in order to further improve the high quality professional work, to continue to open towards the public, and to enhance the usual high-level collaborative operation of the HCLU. We can safely promise to everyone that we will continue to be the bad conscience of the powers that be. However, this would be impossible without the staff and lawyers constituting the HCLU team or, of course, without our supporting members and volunteers.

We wish to express our gratitude to them for doing their best to disseminate the idea:

You have the right to be free!

Máté Dániel Szabó

Director of Programs



WHAT IS HCLU?

The Hungarian Civil Liberties Union (HCLU) has been protecting the rights of citizens against unjustifiable attacks from the part of the powers that be for 19 years now. We stand up for the defenceless who are not aware of their rights or are unable to enforce them.

Our tools include legal representation of those whose rights have been violated in individual cases such as in lawsuits, law improvement such as strategic litigation, opinionating pieces of legislation, and providing information to the citizens and the gen-

eral public. We are equally present in courtrooms and ministerial consultations, at international events, urban universities and smaller villages. Our partners include numerous Hungarian, foreign and international organisations.

The staff and the volunteers of the HCLU work together in order to ensure that the fundamental rights and legal principles are indeed enforced in Hungary. To preserve our independence, we do not solicit nor accept financial support from the state or its bodies, or from political parties.



In 2013, the following people worked for the HCLU:

Ferenc Bagyinszky, Levente Baltay, Rita Bence, Róbert Bordás, András Darányi, Dalma Dojcsák, Péter Erdey, György Folk, Tamás Fazekas, Gabriella Harmat, Szabolcs Hegyi, Fanny Hidvégi, Judit Horváth, Tivadar Hüttl, Andrea Jokán, Eszter Jovánovics, Stefánia Kapronczay, Tamás Kardos, György Kerényi, Anna Kertész, Tibor Kis, Attila Mráz, Andrea Pelle, Nóra Perlik, Márk Pető, Andrea Polgár, Szabolcs Miklós Sánta, Péter Sárosi, Éva Simon, Mihály Simon, László Siroki, Katalin Sós, Ádám Surányi, Máté Dániel Szabó, Gábor Szöllősi, István Gábor Takács, Gábor Attila Tóth, Tamás Verdes, Anita Vodál, Melinda Zsolt.

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IMPRESSUM

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PROGRAMS ON THE PROTECTION OF THE RULE OF LAW, THE RIGHT TO ASSEMBLY AND FREEDOM OF CONSCIENCE

PROTECTION OF THE RULE OF LAW



The HCLU, together with the Hungarian Helsinki Committee and the Eötvös Károly Policy Institute, has fought against the dismantling of constitutionalism and rule of law since 2010. Our primary focus is on the criticism of those legislative and Government actions that relate to the constitutional order and the rule of law, as well as on the dissemination of information to the public.

Since the Venice Commission has evaluated the Fourth Amendment of the Fundamental Law and the Government has reacted to the criticism, the three human rights organizations undertook an analysis of the Government's performance in a report.

The HCLU, together with the Hungarian Helsinki Committee and Mertek Media Monitor, analyzed the Tavares Report, adopted by the European Parliament, and we reacted to the Government's viewpoint on the report.

ON THE IDEOLOGICALLY BIASED FUNDAMENTAL LAW



The right to freedom of conscience aims at guaranteeing the freedom of an individual's most personal decisions, therefore we judge any interference with our right to form convictions or to dispose of our own body under the most rigorous scrutiny. The entry into force of the ideologically biased Funda-

mental Law of Hungary created new possibilities for restricting freedom of conscience: the mandatory courses on ethics and religion in public education, the restriction on the right to dispose of our own body and the intertwining of the state and church merit enhanced attention.

We had already attacked the disenfranchising and discriminative church law last year both in front of the Constitutional Court and the European Court of Human Rights. The Constitutional Court annulled the most problematic parts of the law this year [Constitutional Court decision No. 6/2013 (III.1.) AB] – the Government, however, maintains the illegal situation. We are still waiting for a decision from Strasbourg.

We have prepared a primer on what we consider to be the merit of freedom of conscience, and also on the constitutional issues raised by the mandatory ethics and religious courses in public education.

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RIGHT TO ASSEMBLY



The police levied a misdemeanor fine for resisting law enforcement against high school students who closed down the parking lot of the Parliament as a demonstration against the Fourth Amendment of the Fundamental Law. However, during the subsequent judicial review we managed to convince the court to mitigate considerably the penalties against the students.

With the participation of activists, human rights

-defenders and political theorists, we organized a conference on the fundamentals of citizen disobedience and political demonstration as well as their Hungarian possibilities.

We consider the right to peaceful assembly to be a cornerstone of freedom of expression and demonstration in a democracy, therefore we provide any and all assistance to those who wish to protest and in case of unlawful interference from authorities we are willing to take the matter to court. The statute on the right to assembly is the only remaining basic law that still originates from 1989, the period of the political transition and it has not yet been modified by the current Government with a two-thirds majority. The relevant decisions of the Constitutional Court and the European Court of Human Rights provide an important interpretative framework for the judicial application of the law; however, the application by law enforcement bodies is a constant object of our criticism.

held in the proximity of a high level official when it otherwise qualifies as an expression of a political opinion.”

We have also prepared an opinion on the Ministry of Interior’s draft ordinance on police activities relating to the right of assembly, which would unreasonably and unlawfully regulate elementary questions regarding demonstrations. Fortunately, the ordinance has not been issued as of yet.

PUBLICATIONS



The “Take the Streets Back” report, which introduces the distinct varieties of law enforcement action against peaceful assembly through examples from nine countries, has been prepared in cooperation with human rights organizations, including the HCLU’s international network (INCLO – International Network of Civil Liberties Organizations).



In 2013, the HCLU’s attention centered on the following items regarding the right to assembly:

Based on the Constitutional Court decision No. 3/2013 (II.14.) AB, we launched a successful judicial attack on both the police and the Counter Terrorism Center: the CTC, assisted by the police (which regularly denied to accept the notification of assemblies near the home of the Prime Minister, citing a lack of authority), has tried to exclude public places from assemblies via artificial closures. We have succeeded in getting the court to state that “it is unnecessary in a democratic society to limit a peaceful demonstration on the sole basis that it is


Szabolcs Hegyi

*Head of Protest Right &
Freedom of Conscience Program*




PROGRAM FOR FREE SPEECH AND THE FREEDOM OF EXPRESSION

ABOUT THE PROGRAM

 HCLU aims to counter the unjustified restraint of free speech and protect all persons before any court of law or media publication regardless of their worldviews and beliefs. We stand by journalists whose work represents one of the pillars of a democratic state and the rule of law and we protect the freedom of press against political and economic powers. HCLU safeguards free speech, a right entitling every person to say what they please as long as such does not violate the freedoms and rights of others and which also entails the right of reticence (negative free speech).

FOURTH AMENDMENT OF THE FUNDAMENTAL LAW AND THE RULES OF THE NEW CIVIL CODE

 The Fourth Amendment of the Fundamental Law not only creates a title for the legislator to limit the freedom of expression based on generally accepted principles of law but the Government also incorporated substantial restraints in the Fundamental Law itself thereby attesting to an absence of trust in the Parliament. As a result, the amendment of the Fundamental Law not only authorizes the adoption of legislation limiting free speech and intending to reduce - supposedly in an efficient fashion - the judicial revision of such legislation by the Constitutional Court, but also offers ready-to-use restrictions as well. Moreover, the rules of the Fundamental Law limiting free speech have previously been declared, in part, as unconstitutional by the Constitutional Court. According to the newly adopted provisions of the Fundamental Law, not only human beings are entitled to the right of dignity but also certain communities, moreover certain groups benefit from an extra protection against criticism. Free speech may therefore be restricted with regard to the above. The premise that free speech may not be exercised to violate the dignity of others may create the false illusion that free speech would be triumphed in the event of the violation of the dignity of any person.

The amendments of the Fundamental Law are reflected by the new Civil Code. This Code which has been adopted as a result of an undemocratic legislative process results in the prejudice of free speech and the freedom of expression as it obstructs the expression of criticism by the public power-holder and other public life actors.

JOURNALISTS CONTINUE TO BE FORCED INTO SELF-CENSORSHIP DUE TO THREAT OF CRIMINAL SANCTIONS

Journalists are under pressure due to the current criminal definition of defamation and libel and the possible law enforcement procedures lodged against them as a result. They are therefore threatened personally by such public power. Said definitions ensure an extra protection for public figures in comparison to private citizens whereas the rule of law normally requires the exact opposite. In other words, the representatives of the state should endure heavier criticism. The aim of HCLU is to decriminalize defamation and libel so that political critique is not threatened by criminal sanctions.

OUR ACHIEVEMENTS

A Freedom of Speech Case Won Against TV2

A final and binding ruling has been adopted by the court rejecting the claim and the respective appeal of MTM-SBS Television Zrt., responsible for operating TV2, in the lawsuit initiated by the television broadcast against Mr. István Vágó. The Municipal Court of Appeal corroborated that the conclusions drawn from the available information qualify as an opinion subject to constitutional protection and therefore the claimant is obliged to tolerate any such expression of opinion

Tomcat Convicted For Incitement Of Hatred

Mr. Tamás “Tomcat” Polgár was convicted by a court of law of incitement after having encouraged the readers of his blog to assault persons of gypsy origin.

HCLU’s freedom of speech program salutes the fact that the law punishes such statements, which are not subject to the protection of free speech. It would be welcome progress if the state enforced its criminal public powers in a consistent manner in other cases of greater implications.

HCLU Acquitted From Violating The Good Business Reputation of HírTv

The Municipal Court rejected the request of HírTv in May lodged against the HCLU and the legal counsel of Chance for Children Foundation (CFCF), Ms. Lilla Farkas. In its first instance, non-binding ruling, the court stated that the defendants merely exercised their freedom of speech when criticizing the TV program disseminated by HírTv, which denied the existence of school segregation of children in Gyöngyöspata.

OUR PARTNERS



The following domestic groups help us regularly in our endeavors: Eötvös Károly Policy Institute, Hungarian Helsinki Committee, Mérték Media Monitor and CivilMedia.




Dalma Dojcsák


*Head of Political Liberties Program,
Freedom of Speech Expert*

POLITICAL PARTICIPATORY RIGHTS PROGRAM

ABOUT THE PROGRAM IN A NUTSHELL

 Political participatory rights, such as the right to vote and the right to stand for elections, are the cornerstones of democracy. The objective of the program is to coordinate and further develop the activities of HCLU in order to advocate for free and equal suffrage, public and transparent election procedures, as well as for the freedom of political speech and the fairness of opportunities to exercise it. The new Electoral Procedure Act, the campaign regulation created in the spirit of the constitution's most recent amendment, and also the exclusion of certain groups from political participation are raising serious fundamental rights issues in each of the areas mentioned above.

TRANSPARENCY: PUBLICITY OF VOTE BY MAIL VOTERS' ELECTORAL ROLLS AND OF THE PROCESSING OF THEIR VOTES

 In May 2013, jointly with other organizations (Eötvös Károly Policy Institute, Hungarian Helsinki Committee, Political Capital Institute, Transparency International) we objected to the new Electoral Procedure Act. The regulation did not give any opportunity for international observers to inspect the electoral rolls of vote by mail voters. Moreover, it did not ensure the publicity of the names and total headcount of vote by mail voters. Also, the processing of mail votes would not have been traceable neither for international observers, nor for the media. Reacting to our call, the Parliament amended the Electoral Procedure Act: as a result, the obstacles to transparency and freedom of information just mentioned were removed. However, the legislator, contrary to our proposal, still has not ensured the full publicity of the vote by mail voters' electoral roll by making it available to any Hungarian citizen who wishes to inspect them. This omission still creates risks for the fairness of the electoral procedures.

FREEDOM: CAMPAIGN RESTRICTIONS, UNDUE RESTRICTIONS ON THE PUBLIC SPACE FOR POLITICAL SPEECH



We raised our voice - to no avail - against the Fourth, and then the Fifth Amendments of the Fundamental Law, which prescribe that political advertisements can only be broadcasted free of charge on any television channels. This unjustified restriction on political speech deprives citizens of valuable information necessary for their informed voting, and it seriously sets back the rights and interests of citizens, parties and institutions who wish to present their political views in public.

EQUALITY: THE DISCRIMINATIVE PRACTICE OF VOTING IN LETTER



We filed a constitutional complaint with the Constitutional Court in which we submit that the procedure of voting by mail is not available to all citizens who are abroad on election day. The present regulation is discriminative: some are given the opportunity to vote by mail, while others can cast their votes only at embassies and consulates. There is no reasonable justification for the unequal opportunities of the two groups to exercise their right to vote. Although the currently available procedure of voting by mail cannot provide sufficient guarantees for the fairness of the elections, the discriminative restriction of access to this procedure is an inadequate remedy for this lack of guarantee.

OUR PUBLICATIONS



Voting abroad FAQ

OUR PARTNERS



The program cooperates with the following Hungarian organizations regularly: Eötvös Károly Policy Institute, Hungarian Helsinki Committee, Political Capital Institute, Transparency International.




Attila Mráz

Head of Political Participatory Rights Program


DATA PROTECTION AND FREEDOM OF INFORMATION PROGRAM

ABOUT THE PROGRAM

 The objective of the HCLU's Data Protection and Freedom of Information Program is on the one hand to ensure that the handling of citizen data by the state and the business sector is limited to the indispensable extent, and that people are allowed to decide on who to share private information with. In this program, we seek to explore the risks involved in the legislative process, and provide legal advice in specific cases.

On the other hand, freedom of information ensures transparency in the activities of the public authorities and in the uses of public funds. This is enforced through freedom of information requests and litigation, as applicable, in which the HCLU offers assistance to anyone, and we have developed particularly strong cooperation with journalists in this regard.

DESTRUCTION AND RESUSCITATION OF THE FREEDOM OF INFORMATION

 During the spring of 2013, a corruption scandal emerged in relation to the nationalisation of tobacco distribution, i.e., the tender – infamously referred to as 'trafikmutyi' (tobacco shop conspiracy) by the media – in which entitlements to operate a tobacco shop were allocated. In order to ensure the transparency of suspicious applications, several NGOs and major online newspapers submitted a freedom of information request under the direction of the HCLU. We wished to know the scores given to winning and non-winning applications and whether such scores were justifiable based on the submitted proposals, and the names of the individuals assessing the applications. As the Ministry of National Development rejected to disclose the data, a freedom of information litigation was jointly initiated. Despite the fact that the hearings of such lawsuits should be given priority, the competent court has to this day failed to set the date of the first hearing although the action was submitted back in May.

However, the most severe consequence of the tobacco shop scandal was not the outcome of this specific tender but an amendment of the Freedom of Information Act. A few days after the disclosure of our intention to submit a freedom of information request, the Parliament – amidst the protest of civil organisations and journalists – adopted a scandalous amendment imposing fundamental restrictions on the freedom of information within two days in the framework of an extraordinary urgent procedure. The President of the Republic imposed a political veto against the amendments and returned the text of the amendment to the Parliament

for reconsideration but failed to use his most effective means, i.e., to request the Constitutional Court to assess whether the new regulations are unconstitutional and restrict fundamental rights.

This amendment – more specifically the justification thereof – introduced the notion of “abusive information requests” into public speech. The codifier’s intention was to enable data holders to reject requests containing too many questions, imposing too high burdens on the relevant governmental body, or originating from individuals submitting information requests too frequently on grounds that such requests are abusive. The HCLU’s position is that this is complete nonsense since fundamental rights – which are also guaranteed by the Fundamental Law (which replaced the previous Constitution in 2012) – cannot be abused. Of course, data holders may reject any information requests but in that case, they have to prove to a court that the rejection was justifiable and lawful.

As a result of the above veto, the provision narrowing the scope of the Freedom of Information Act was not included in the wording of the new legislation but the Parliament ultimately enacted a rule that grants unrestricted opportunities to data holders discharging public duties to reject information requests. This newly enacted provision of the Freedom of Information Act has the potential to completely ruin the freedom of information by allowing data holders to reject requests on grounds that they are comprehensive, detailed or invoice-level requests. Common sense is sufficient to understand that public expenditure is almost impossible to check in the absence of the corresponding contracts and invoices. From the perspective of fundamen-

tal rights, the most serious concerns have been raised in relation to the term ‘comprehensive’: it is a “rubber concept” the application of which disproportionately restricts the fundamental right to know and to disseminate information in the public interest.

Now it awaits court implementation to establish the interpretation of the new regulations and the HCLU will initiate strategic litigation to influence this.

THE HCLU’S SUCCESSES



The biggest success we have achieved in this field so far was a lawsuit of the ParlagfüPollenNO (‘RegweedPollenNo’) Association in which we provided legal representation: the first instance judgement by the court stated that such rejections should not become an automatism from the part of data holders but they have right of consideration in relation to fulfilling information requests. However – in accordance with Constitution and the decisions of the Constitutional Court –, the Freedom of Information Act specifies that the grounds for rejection in such cases should be interpreted in the narrow sense. The overriding public interest in the disclosure of information is clearly justified by the number of stakeholders and the public funds involved.

Although this judgement is progressive in terms of the future of the freedom of information despite the entry into force of the amended regulations, it fails to guarantee the rectification of the restriction of rights in itself.

THE SURVEILLANCE SCANDAL



Secret surveillance by the CIA and its British partner organisation was unveiled by Edward Snowden. After the tragic events of 11 September 2011, several countries extended their surveillance activities due to national security – especially anti-terrorism – reasons. However, it is important to note that such surveillance activities can only be regarded as lawful if (procedural) guarantees are in place to ensure the protection of privacy (e.g., the requirement for court approval to pursue secret surveillance activities). It had been suspected that there may be extensive surveillance systems that transgress legal frameworks and use the massive quantities of personal data available to service providers as a result of the expansion of the internet. But being uncovered to do that, which happened to the United States now, is unprecedented in the history of modern politics. To our best knowledge at the moment, the US and UK intelligence agencies had an almost unrestricted access not only to operational data (e.g., the start and end of a telephone call) but to the contents of the communications (e.g., the text of an email) as well.

Of course, the issue also affects Hungary. In the framework of an international cooperation, the HCLU – represented by Liberty, a British NGO – instituted a legal action against the UK secret services because the HCLU's communication is also likely to have been under surveillance in the framework of the so-called Tempora program (the UK equivalent of PRISM in the US). It will depend on the outcome of this lawsuit whether we consider the leaks about the surveillance activities as a step back or a step forward.

VICTORY OF THE SUPREME COURT OVER CONFIDENTIAL BUSINESS INFORMATION



Finally, the HCLU also won the lawsuit on a freedom of information request regarding the frequency use contracts of national commercial TV channels against the Media Council of the National Media and Infocommunications Authority at the Supreme Court. TV2 and RTL (two major commercial TV channels) participated in the litigation as intervening parties in support of the Media Council in order to avoid the disclosure of the contracts.

The legal issues of the litigation were focussed on the notion of confidential business information. The Supreme Court upheld the binding verdict, underlining the publicity of data related to public expenditure, which is also stipulated in the Fundamental Law and pointing out that entire contracts may also be the subject of freedom of information requests. In the oral justification, the Court stated that the arguments of the National Media and Infocommunications Authority in relation to confidential business information were not substantiated.

This case is a perfect example of the importance of provisions including exceptions from the notion of confidential business information. The HCLU raised voice against the absence of such a provision from the Civil Code on several forums. The wording of the Civil Code that enters into force on 15 March 2014 only defines what is confidential business information but does not consider the data related to public expenditure as an exception. The HCLU was seriously concerned by a consequence of this: pursuant to the new Civil Code, organisations managing public assets may blanket their contracts and investment data on grounds that they constitute confidential business information, and this is a hotbed of corruption. Although a rule for exceptions was included in the Freedom of Information Act instead of the Civil Code, this provision leaves much room for improvement.

SOME IMPORTANT POSITIONS



The HCLU had been involved in the anti-corruption work team of the Ministry of Public Administration and Justice until the scandalous, transparency-limiting amendment of the Freedom of Information Act, which forced key NGOs to leave the team. By joint civil pressure on the legislation process, we have achieved the President's veto of the amendment. Unfortunately, the outcome still represents restrictions on the right of access to information in the public interest, but at least some of the provisions that violate fundamental rights have been removed from the text of the act.

During the consultations, the HCLU issued a legal opinion on the concept of the Whistleblower Protection Act. Unfortunately, the act which was finally adopted does not include the recommendations of the NGOs, but we managed to give great publicity to the anomalies of this act, chiefly in connection with the recent corruption scandal involving the National Tax and Customs Authority. The HCLU offered legal representation services to the whistleblower in the related criminal prosecution process.

An amendment of the National Security Act allows for the surveillance without court approval for 2×30 days per year of all medium and top executives working in the public sphere, and any methods of secret data collection (such as the interception of telephone calls, the bugging of apartments, etc.) can be used for this. The HCLU's opinion also met with international response, and our criticism of the National Security Act has become a key element of the Tavares Report.

A number of HCLU programs raised objections against the provisions of the new Civil Code. The amendments related to confidential business information threatened to result in serious injuries to the transparency and traceability of public funds. This was prevented and we managed to make the Parliament adopt the most important guarantee provisions, although in a suboptimal form.

OUR PARTNERS



In 2013, the HCLU continued to reinforce its international relations. Thanks to the cooperation within the International Network of Civil Liberties Organisations (INCLO), we instituted an action against the British national security agencies for violating the privacy of several NGOs by their massive surveillance activities.

In another international cooperation called Open Government Partnership, the HCLU has been actively involved in establishing the commitments of Hungary. Although the Hungarian Government ultimately prevented the introduction of the provisions that would ensure transparency, local and international publicity helped to have control over the process.

Átlátszó.hu, Energiaklub, K-Monitor, Transparency International Hungary



Fanny Hidvégi
*Head of Freedom of Information and
Data Protection Program*

ROMA PROGRAM

ABOUT THE PROGRAM



The goal of the Roma Program is to decrease prejudice, discrimination and racist violence against the Roma.

The program focuses on discrimination by authorities and public institutions; we fight this harmful and unlawful tendency with legal and communication tools. We primarily deal with negative discrimination by police and other State authorities, for instance with disproportionate police measures against Romani people and with the double standards applied in connection with hate crimes. We regularly review statutes discriminating against people living in deep poverty, especially the Romani who are overrepresented among them. We make videos about our cases and issues to inform and shape public opinion positively.

DOUBLE STANDARD IN LAW ENFORCEMENT



The nine Romani men from Sajóbáony (a small town in Eastern Hungary) who, fearing a racist assault attacked the car of persons they believed to be extremists in 2009, the year of the serial murders, were convicted of a racist crime committed against Hungarians at the appellate court in the fall of 2013. The Court of Appeal of Debrecen even increased the prison sentences of the convicted men. HCLU considers the double standard in law enforcement excessive. While cases of racist crimes against Roma people are almost impossible to bring to in-

dictment, in cases of crimes committed by Roma people the judicial system uses “hate crime” unjustifiably, or even wrongfully. The Sajóbáony case is an example of the latter, and that was why we represented one of the defendants at court. And since in our view the final judgement, through a series of serious errors in law application, wrongly classified the crime committed, we will ask a review from the Supreme Court.

CRIMINALIZING DEEP POVERTY



In 2013 the Government continued to create laws criminalizing people living in deep poverty. In the spring, the Parliament passed an amendment proposal by the Government that makes it possible to disqualify people from the public work program (which is the only income source in most small villages for the unemployed) based on the fact that a minor offence procedure has been started against them because of their child’s absenteeism at school (even without the necessity of a legally binding official judgement in the minor offence case). The modification can also lead to disqualification from the public workfare program for people who cannot afford to keep the surroundings of their residence clean and in order, and can also lead to the revocation of other social benefits, if such rules are set by the local municipalities. The Roma Program of the HCLU reviewed the Government’s bill. We established that the proposed new legislation violates several constitutional principles and fundamental rights, such as the principle of the rule of law, the presumption of innocence, the right to equal treatment, the right to a fair trial, and the

right to an effective remedy. When Parliament passed the modification of the bill, we turned to the Parliamentary ombudsman. He agreed with our objections and contested the legislation at the Constitutional Court.

ANTI-HUNGARIAN MOTIVE UNVERIFIABLE



In a case very similar to the one that happened in Sajóbáony (see above), some Roma people assaulting the vehicle of a group considered to be extremist, were charged with anti-Hungarian violence, but the appellate court – unlike the trial court – found that the anti-Hungarian motivation could not be proved. Therefore – similarly to the HCLU’s viewpoint – it reclassified the charge as public nuisance, which is a less serious crime than a racist attack, and also decreased the penalties. The final judgement of the Miskolc tribunal court - which also highlights the errors in the secondary decision of the Debrecen Court of Appeal in the Sajóbáony case – is very important on one hand because it recognizes that the decision of the trial court is unacceptably based on the principle of collective guilt, and on the other hand because it declares that extremist, racist groups may not enjoy special criminal protection.

A UNIQUE ANTI-DISCRIMINATION LAWSUIT



In 2013 we started the HCLU’s first *actio popularis* lawsuit, vindicating a public claim in our own name instead of the injured persons. We sued the police who infringed the rights of the Roma residents of Gyöngyöspata to equal treatment in the spring of 2011, when they did not proceed against extremist “patrols”, and concurrently harassed the local Roma people for months afterwards, with penalties for insignificant minor offences for which the non-Roma were not fined (ethnic profiling).

IMPORTANT LEGAL OPINIONS



In September 2013, together with five other human rights organizations, we sent a letter to the minister of interior affairs, to the national police chief, and to the police chief of Hajdú-Bihar County, asking that they investigate the actions of the police in the Konyár case of September 5. On this day a bus stopped in front of the school in Konyár, and extremists disembarked who, according to the local Roma people, may have intimidated the Roma children with their exclamations. However, the police did not initiate an investigation.

The HCLU asked the ombudsman for fundamental rights to make a motion at the Constitutional Court that would declare that one of the authorizing provisions of the bill regulating local municipalities is unconstitutional. Under this provision local Governments can arbitrarily penalize - without legal guaranties - infringements of norms that they qualify as “basic rules of coexistence in a community”. The ombudsman for fundamental rights has affirmed our opinion that the bill authorizing local municipalities to create the rules of coexistence in a community threatens the principle of the rule of law; therefore he petitioned to Constitutional Court.

OUR PARTNERS



Amnesty International Hungary, European Roma Rights Centre, Háttér Society, Legal Defence Bureau for National and Ethnic Minorities, Chance for Children Foundation, Hungarian Helsinki Committee



Eszter Jovánovics

Head of Roma Program

PATIENTS' RIGHTS AND SELF-DETERMINATION PROGRAM

BRIEF SUMMARY OF THE PROGRAM



The objective of this program is to prevent unnecessary governmental interference with people's lives during the provision of healthcare services, and to ensure free decision-making. Furthermore, it is our goal to guarantee equal access to healthcare services for certain vulnerable groups.

One priority issue is the right of self-determination in healthcare, and special attention is paid to abortion, infertility treatments, mandatory vaccinations, and end of life decisions. We strive to prevent unjustifiable or ideologically driven limitations to the right of self-determination both during the legislative process and in applying the law.

Fighting against the criminalization of homelessness is also a part of this program.

We provide legal assistance in relation to emerging issues on a daily basis, and provide legal representation in cases of strategic importance.

CRIMINALIZATION OF ROUGH SLEEPING



One of the most severe recent rights violations is the handling of homelessness through law enforcement. Presently, residing habitually in public spaces – rough sleeping – is once again penalized by law even though in November 2012, the Constitutional Court declared that a previous regulation – which is essentially identical to the current one – infringes upon the right to human dignity. In response to this, the Fourth Amendment to the Fundamental Law raised the criminalization of the life situation of the homeless to the highest legislative level. With this, the Government ignored the warnings of both Hungarian and

international organizations, including the concerns raised by the United Nations Special Rapporteur on extreme poverty and human rights, who have called Hungary to review the regulations that classify homelessness as a petty offence.

We objected against these amendments of the Fundamental Law and of the Act on Petty Offences, and provided our legal opinion on them. We communicated our concerns regarding the Fundamental Law and several other reservations to the Venice Commission, which shared our position and condemned Hungary. Together with eight other NGOs, we issued an open letter to the Minister of Interior – who proposed the amendments – to repeal these motions. In addition, we plan to attack the adopted piece of legislation through strategic litigation in order to protect human dignity and personal privacy.

THE ABSENCE OF THE RIGHT TO COMPLAIN



The possibility of enforcing of patients' rights has been stagnating. Despite the fact that the Act on Healthcare provides a several possibilities to exercise the right to complaint, the current regulations in force fail to ensure effective legal remedy in case such rights are violated. We spoke out against this situation on several occasions in the form of opinions on pieces of legislation, blog entries, and presentations. Moreover, we endeavour to help in all cases through legal aid, and to forward complaints to the still available forums. In a number of cases, we were able to find a solution to the given problem without resorting to the official ways by acting in a mediatory role.

LEGAL AID TO REUNITE A FAMILY



Through synchronized efforts with the Roma Program, we successfully recovered a mother's child, her legal capacity to the extent necessary for living an independent everyday life, and her right to vote. This case is an excellent example of the defencelessness of some of the most vulnerable people against repressive governmental measures, and of the interference by the authorities with the most fundamental issues of our private and family lives. Citing mental disability as the justification, the mother was placed under guardianship excluding legal capacity. Her child was taken to state custody right after she returned home after giving birth, despite the fact that the mother's common-law husband issued a statement of paternity of full legal force. We provided legal representation during the court procedures, and helped them to find their way through the labyrinth of the proceedings of the child welfare authorities. During the repeated forensic psychiatric examinations and through our argumentation, it was made clear that it was unnecessary to preclude the mother's legal capacity because she possesses the essential abilities required to complete her daily routines and, most importantly, to raise her child.

SOME IMPORTANT LEGAL OPINIONS



Issuing opinions on pieces of legislation is a substantial part of this program. We forwarded our comments to law-makers with regard to the amendment of the "insulin decree", the stricter rules of surgical sterilisation, the Child Protection Act and the Act on Petty Offenses.

Together with three other organizations, we filed a submission with the Committee on Petitions of the European Parliament regarding the absence of independence of midwives, and in this connection, women's right to freedom of choice.

PUBLICATIONS



- Abortion FAQ
- The fundamental rights of pregnant women

FILMS



- What is the present stance on homebirth?
- This is not our idea of order!
- They are working on the expulsion of the homeless

OUR PARTNERS



We maintain close cooperation with many international organizations. In the field of reproductive rights, our partners include the ASTRA, the Catholics for Choice and the Center for Reproductive Rights. With FEANTSA, we are in a joint fight against the criminalization of homelessness. In the field of patients' rights, the European Active Citizenship program is our main partner.

National partners include: 'The City is For All' Group, Alternatal Association, 'Patent' – Association Against Patriarchy, NANE – Women for Women Against Violence, BirthHouse Association, TAVAM, Society of Ten, 'One Drop' Foundation, VIMOR, Nebáncs Association.



Rita Bence

Head of Patients' Rights Program

HIV/AIDS PROGRAM

ABOUT THE PROGRAM



Our HIV/AIDS program strives for the right to equal treatment of those living with HIV/AIDS via legal advocacy activities. Its goal is to reduce the stigma they suffer and end the discrimination they face, especially when it comes to access to health-care and the protection of personal data. The program also aims to develop the legal awareness of infected people and other fragile groups by providing and spreading useful information, which also improves society's knowledge concerning HIV.



ACHIEVEMENTS

The greatest achievement of 2013 was that the Equal Treatment Authority declared in its condemning decision, that refusing to provide health care to people living with HIV and AIDS not related to their infection directly violates the principle of equal treatment. HCLU petitioned against the Central Stomatology Institute and the Hungarian State, as the Institute was openly announcing that it refused people living with HIV and AIDS (PLHA) patients' care not related to their infection, and the state, though being totally aware of this practice, undertook no action in order to eliminate it. The Authority ruled against the Institute, while our team succeeded in reaching an agreement with the State Secretariat for Health Care, a representative of the Hungarian State. As part of the agreement, an informative leaflet was produced and distributed to all healthcare institutions. The leaflet contains basic information on infection control and epidemiology in connection with HIV and other diseases that may be transmitted by blood. Also, it draws the attention of the institutions to their obligation to provide care for PLHIV. Besides the informative leaflet, the Ministry agreed to revise outdated and discriminative legislation and treatment guidelines according to international standards. Moreover, part of the agreement allows for the establishment of regional HIV centres, significantly improving the access of PLHA to HIV care in the country. In the long run this may reduce prejudice towards those living with HIV, which is especially sensible when it comes to their medical care. The team of our HIV/AIDS program was always present on the meetings preparing the establishment of these regional centres.

PROTECTION OF HEALTHCARE INFORMATION, REPORTING HIV CASES



One of the biggest worries of those living with HIV is that information about their HIV-status would fall into unauthorized hands. Healthcare information constitutes sensitive personal data, and its protection is particularly important when it comes to people living with HIV, as HIV is still strongly stigmatized. Thus, revealing HIV-status can, for example, lead to prejudice and discrimination at one's work. The Hungarian regulations in force have significant weaknesses regarding protection that could lead to misuse of personal data. An example to this is the specialist's obligation to report to the family doctor. The so-called opt-out system makes it possible for the specialist to automatically forward any information related to medical attendance to the family doctor. The only exception is when the patient specifically prohibits this, but, as the specialist is not obligated to inform the patient about forwarding the information. In most of the cases the patients are not aware of the process, nor of having the right to stop it. This practice was the target of legal monitoring we carried out as part of the agreement with the Ministry, and our team proposed to amend this opt-out system and to introduce the obligation of informing the patient about their rights. Another data protection related issue is the practice of the epidemiological reports of the HIV/AIDS cases. HCLU had turned to the office of the ombudsman back in 2009, as the reporting and recording practice of the National Centre for Epidemiology (NCE) was not in line with the regulation. HIV/AIDS cases, as for several other infectious diseases, should be reported in a form where the possibility of identification is precluded. The NCE – for the sake of avoiding duplication – is using social security numbers when reporting and recording new cases. The ombudsman stated the infringement of lawful rights in its annual report of 2010 and called upon the NCE to cease this practice because it is not in line with the operative regulations. The ombudsman also proposed a poten-

tial practice in which duplication would be avoidable without using social security numbers, but the NCE still has not changed its practice.

LACKING COMMITMENT OF THE GOVERNMENT



The only national HIV/AIDS strategy that Hungary has had so far applied during the period of 2004-2010. Although HCLU always pushed for a new strategy, and our team expressed its opinion on numerous drafts and made recommendations to them, a new strategy was never introduced. Besides this, in 2012 the National AIDS Committee that was until that time responsible for the coordination of the fight against AIDS ceased operation and the body that took its responsibilities, the National HIV/AIDS Working Group, did not have a single session until the 20th of November 2013. The commitment of the Government is noticeably lacking in the field of combatting HIV, while the number of recorded new cases of HIV and AIDS infections have increased radically the recent years.

OUR PARTNERS



HCLU is an active organisation in the field of HIV/AIDS on the international level as well. The head of our HIV/AIDS program is a member of the Steering Committee of AIDS Action Europe (AAE) and board member of the European AIDS Treatment Group (EATG). These two organizations co-chair the EU HIV/AIDS Civil Society Forum, the civil advisory group of the European Commission. The head of our program delivered a speech on behalf of EATG on November 7, 2013 in a public hearing called 'LGBTI Health', held in the European Parliament. His speech covered the issues of the European HIV epidemic and good practices in this field.



Ferenc Bagyinszky
Head of HIV/AIDS Program

DISABILITY RIGHTS PROGRAM

ABOUT THE PROGRAM



The Disabilities Program deals with the rights of people with intellectual and psychosocial disabilities. The aim of the program is to help people with disabilities live their lives as equal citizens, participate in supported decision-making instead of substitute, live together with non-disabled people, and make decisions freely about their own lives. To this end, we are urging the elimination of totalitarian mass institutions and the development of community-based care, the reform of the legal guardianship system and the recognition of the political rights of the affected individuals. We are cooperating with organizations that bring people with disabilities and their families together, and we are doing everything through our own efforts so that the public becomes aware of the situation of people with disabilities.

SELF-DETERMINATION AND POLITICAL PARTICIPATORY RIGHTS



No step forward has been made concerning the rights of self-determination and political participation. Hungary has been and is still maintaining a severely restrictive legal system. The new Civil Law accepted in 2013 restricts the legal capacity of people with disabilities in every aspect of their lives: they can be placed in institutions against their will or can undergo medical intervention – even abortion – despite protests.

Hungary's Fundamental Law allows the restriction of the rights to vote and to be elected for people under

guardianship. Both of those restrictions are unlawful and are in contradiction with the rules of the international law.

The HCLU has been offering legal assistance and legal representation for clients living with disabilities, so that they can win their capacity for action and their voting rights back, or so that they don't lose those during the guardianship process.

We have drawn attention to the need for change on both national and international levels, and we have requested the President of the Republic not to sign the new Civil Law. We have made a film on the topic.

SCHOOLCHILDREN – STILL WITHOUT SCHOOL



The schooling of children with severe multiple disabilities is still unsolved: there are approximately 3500-4000 children whom even the special education schools are not obligated to enroll. Therefore, the affected families choose to renounce their child's schooling or they are compelled to send their children to residential institutions that provide schooling which are often far away. Hungarian public education still does not recognize the schooling of children with severe multiple disabilities as a true pedagogical activity, which in turn makes the system indirectly responsible for the disruption and poverty of the affected families. In 2013, the HCLU frequently drew public attention to the situation, and supported the affected families in the enforcement of their rights.

COMMUNITY HOUSING: THE USE OF EU SOURCES AND THE FIASCO OF SZILVÁSVÁRAD



The Hungarian state is finally making some progress concerning the elimination of totalitarian mass institutions and the development of community programs. Although the funds given in 2009 by the European Union were supposed to be used for the construction of new institutions, the civil union organized by the HCLU has re-targeted the majority of the funds towards the construction and purchase of community housing.

Hungary has been spending close to 6 billion HUF since 2013 so that people with disabilities formerly living in isolation could return to their home and their community of origin. The relocation process did not happen without local conflicts: in Bélapátfalva and Szilvásvár, both the local residents and the local Government representative bodies have tried to hinder the settlement of people with disabilities. Once the HCLU had made the exclusionary manifestations and decisions of the representatives of Szilvásvár public, the decision makers were pressured to change their legal opinion quickly: a new decision was made establishing group homes in the center of both Bélapátfalva and Szilvásvár.

MOVIES



We made several films within the program. Our film entitled *Outcast in School* was about the education rights of children with severe multiple disabilities. We have presented how mass institutions are predominant in Europe and we have given an insight into the interrelation between disability and poverty in Hungary. We were filming at the representative board meeting of Szilvásvár and we have recorded their decision against the relocation of people with disabilities.



COMMUNITY ORGANIZING— EXPERIMENTATION WITH THE NEW ACTIVITIES OF HUMAN RIGHTS ORGANIZATIONS

Clear progress can be noticed concerning the support of local initiatives. The human rights initiatives relying on vulnerable groups can become the newest instrument of law reform. Community organizing and active advocacy has begun in Eger and its surroundings with the support and the participation of the HCLU together with the Parents' Association of People with Multiple Disabilities of Heves County. In 2013, the affected families became active participants in the local media, they have been lobbying for access to health care and to initiate the closing of mass institutions, as well as the development of community housing. The aim of the parents' union is to enforce their rights against the local authorities more efficiently and more independently.

OUR PARTNERS



The program is active internationally; we have shot a movie together with the Mental Health Europe organization about the use of the European Union Structural Funds for de-institutionalisation and the life experiences of people living with mental disorders. Together with the European Network on Independent Living, we have taken action so that European funds are used more efficiently during the closing of mass institutions.

National Association for Autism, Down Foundation, Disability Rights Center, Mental Disability Advocacy Center, National Federation of Disabled Persons' Associations, Care Europe, OSF – Mental Health Initiative, Mental Health Europe, The Tizard Centre, University of Kent



Tamás Verdes
Head of Disabilities Program

DRUG POLICY PROGRAM

ABOUT THE PROGRAM



The HCLU has been active in protecting the liberties of Hungarian drug users in courtrooms and on almost all possible forums of drug policy, in fighting against the stigmatisation and prejudices, and in standing up for the provision of correct evidence-based information since 1994. We believe that punitive drug policy can be neither effective nor fair as it causes more harms than drug use itself, which it is unable to eliminate or prevent anyway.

A desirable drug policy would be guided by the principle of regulation instead of prohibition, of reducing the harms of drug use instead of pursuing the idea of a drug-free society, and of compassion instead of moralisation. Drug Reporter, the program's website, is the most popular source of drug policy news in Hungary, and our films have gained international reputation.

UNDER THE SPELL OF THE ILLUSION OF A DRUG-FREE HUNGARY



In was on 26 June 2013 – the International Day against Drug Abuse and Illicit Trafficking – that State Secretary István Simicskó announced that the objective of the Government's drug policy is to make Hungary drug-free by 2020. In order to achieve this, a new drug strategy has been developed, and more stringent provisions have been adopted in relation to drugs in the new Criminal Code. After 2010, when the Government rejected the existing national drug strategy, which had been adopted a year before with the support of the entire professional community, Hungary had no national drug strategy for three years. The draft prepared by the Government was criticised by both the professional umbrella organisations and by the HCLU on grounds that it is based on the principle of zero tolerance and on an approach of forcing the elimination of drug at all costs, pushes aside harm reduction, and fails to clearly specify the priorities and to assign appropriate funds to the strategy.

The Government has left the approach of the drug strategy unchanged but included several objectives proposed by us (for example, increasing the coverage of the needle exchange program). After completing the social consultation phase, the final text was further amended by the Government in May 2013. For example, the term "drug strategy" in the title was replaced by the term "anti-drug strategy", and rendering Hungary drug-free by 2020 was set as the key objective.

The HCLU pointed out that this objective is utopistic, and can indeed be used by the Government to treat drug-related problems in a discriminatory and stigmatising way. During the parliamentary discussion of the national drug strategy, the MPs disagreeing with it made use of the related documents of the HCLU but the Government majority adopted the proposed Parliamentary Decision, which entered into force in October. The year 2013 also witnessed the parliamentary discussion and adoption of the new Criminal Code, which significantly increased the stringency of drug-related punishments. In the framework of the social consultations on the new Criminal Code, the proposed amendments were heavily criticised by the HCLU pointing out that the tough on drugs approach also failed to result in reduced drug use after 1998, and had several undesirable effects: for example, the number of young people voluntarily seeking treatment decreased by 30%. Although the criticism from the professional community resulted in some amendments to the final text of the draft legislation, the criteria of opting for diversion to treatment* was restricted (once every two years), the sanctions for obtaining and possessing drugs in public education institutions were significantly increased, and specific rules that mitigated sentences for drug dependent offenders were repealed.

*Since 1993, minor drug offenders have been given the possibility to opt for attending a 6-month outpatient prevention or treatment program as an alternative to criminal prosecution.

In parallel with more restrictive criminal laws, law enforcement practices have also become stricter: for example, summer youth festivals and harm reduction programs have more often been the target of intensified police inspections. Drug dependent offenders are the most aggrieved by the stricter laws: they have less chance to enter treatment as an alternative of incarceration. Another group is students: they risk imprisonment for up to three years for possessing even the tiniest amount of any drug in a school.

The chance of being arrested was further increased by the fact that the Hungarian Government delegated police officers to underprivileged schools to function as crime prevention rapporteurs as of September 2013. The HCLU prepared on-line guidance in both Hungarian and English to inform young people on the consequences of the more stringent legislation, launched large-scale media campaigns to raise awareness regarding the concerns about the school police, and provides legal assistance to users in trouble.

NGO ADVOCACY VOIDED

Over the past three years, the political weight of drug policy coordination has decreased significantly, and relations with the professional community have been on the decline. The relationship started to crumble when the Government decided on the national drug strategy without consulting the relevant professional organisations and against their opinion. In 2013, the abyss was further deepened by the reorganisation of the Drug Coordination Committee (KKB) – a decision-preparatory and advisory body to the Government – through a decree. Between 2007 and 2013, this Committee was completed with four members (including the Head of the Drug Policy Program of the HCLU) elected by NGOs on a biannual basis.

Now, KKB has been transformed into an interministerial committee with members from the Government only, and a new body – the Council on Narcotic Drugs (KT) – was established consisting exclusively of NGO delegates, which are selected arbitrarily by the Government. The HCLU, which has made significant efforts to boost the activities and ensure the transparency of KKB, issued an opinion on the new arrangements. We pointed out that advocacy by the NGOs is voided by this.

Since drug prevention, treatment and harm reduction

services are mostly provided by NGOs in Hungary, it is important for the umbrella organisations thereof to be appropriately represented at the meetings of KKB.

FIGHTING FOR HARM REDUCTION

As a result of the dramatic reduction of public funding in 2012, the situation of the programs aiming at preventing the harms associated with drug use, such as infections and fatalities, has deteriorated significantly: data published in 2013 suggest that there was a 35% drop in the number of syringes distributed. Simultaneously, heroine has been replaced by new psychoactive stimulants, which are administered by injection at a much higher frequency; therefore, while the demand for sterile needles is growing, the access to syringes has been decreasing. A few years ago, analogous processes were witnessed in Romania, where – similar to Hungary – the incidence of HIV infection among drug users used to be low. After 2010, however, the situation changed and an outbreak was detected. The HCLU made an awareness-raising documentary about it in Bucharest.

In Hungary, the most severe situation developed in the Józsefváros quarter of Budapest: the needle exchange service operated by Kék Pont Foundation reached out to approximately 3000 intravenous drug users previously invisible for the care system szer számára.

OUR PARTNERS

Kék Pont Foundation, Hungarian Association on Addictions, Drug Prevention Foundation, ÁSZ Association, Indít Foundation, Association of Hungarian Drug Therapeutic Institutes (MADRISZ), Association of Hungarian Drug Prevention and Harm Reduction Organisations (MADÁSZSZ)



Péter Sárosi
Head of Drug Policy Program

LEGAL AID SERVICE

The HCLU has been providing pro bono legal consultancy and – if deemed strategic – legal representation to all those who seek our assistance in cases relevant to our programs since 1994. We receive approximately 700 enquiries each year, 40 percent of which do not match our expertise. These clients are redirected to other organizations. In 2013, the remaining enquiries were related to small-quantity drug use (approx. 15 percent), patients' rights in healthcare (approx. 15 percent), guardianship procedures (approx. 10 percent), and freedom of information (approx. 10 percent).

Among others, we provide free legal consultancy in data protection cases, and assist people who make freedom of information requests or – in relation to the laws affecting the right of assembly – those who plan peaceful demonstrations, and journalists accused of libel.

The group of young people who participated in the occupation of the headquarters of FIDESZ (the current governing party) in the context of a civil disobedience action also requested legal assistance from us. HCLU lawyers represented them in the criminal prosecution for rowdiness. Charges were eventually dropped by the investigative authorities who decided not to consider this disobedience action as an act of crime.

We also represent people under guardianship in court procedures in order to terminate the restriction of their rights through guardianship. We have paid special attention to cases concerning disenfranchisement. Furthermore, we deal with the dilemmas related to mandatory vaccinations, and primarily with the legal consequences of refusing them. Within the context of the right to self-determination, we advise people on the regulations regarding euthanasia, abortion, home birth, and on general patients' rights issues (such as missing medical documentation, insufficient or inappropriate provision of information, and humiliations during health care procedures). Moreover, the

HCLU's legal aid service provides free legal assistance to people living with HIV if their right to equal treatment has been violated.

In addition to the above, we represented people with diabetes who had lost the state subsidies for modern insulin as a result of a regulatory measure, which specified strict or in some cases impossible to meet. We asked the Ombudsman to submit the case to the Constitutional Court. However, before the Constitutional Court could have examined the question, the relevant legislation was amended to the satisfaction of most people. Therefore, the Constitutional Court could not conclude that there was a violation of the ban on discrimination. We received numerous phone calls and e-mails on a daily basis in connection with the regulations adversely affecting diabetes patients, and provided legal representation to twenty of them.

We also provided legal representation to victims of hate crimes: for example, three victims were represented by HCLU lawyers during the trial related to the recent murders of Roma people.

An increasing number of young people seek our assistance in criminal procedures for offences related to small quantities of drug use. In such cases, we inform them on the course of the criminal procedure and its expected outcome as well as on the rules of applying for a diversion to treatment. Since the new Criminal Code came into force in July, a particularly high number of such requests for assistance have been received.

Our Legal Aid Service can be contacted at jogsegely@tasz.hu or at (+36 1) 209 0046



Anita Vodál
Legal Aid Service Associate

VIDEO ADVOCACY PROGRAM



In 2013, the HCLU's Video Advocacy Program was granted the (shared) Special Award of the "Honorka Hégető" Prize, and also won the Kreatív Magazin's award for best web documentary and the Grand Prize of 2013.

The HCLU's film program continued to be very active in 2013. The following is an incomplete list of our most important films. In the field of drug policy, our film about InSite, the only legally operating intravenous drug use facility in North America, won the Grand Prize of Kreatív Magazin's web video contest. At InSite, more than one million injections have been supervised since 2003 without a single fatality. In other films, we portrayed harm reduction pioneers from Portugal and Bulgaria, or campaigned for governmental support for the needle exchange programs in Romania. In Romania several harm reduction programs had to be terminated due to budget cuts at the very time when an HIV epidemic broke out among drug users and such programs are more necessary than ever. We also reported on this year's United Nations Office on Drugs and Crime Annual Conference held in Vienna, and on the progressive drug policies of the Czech Republic. We published a film on the Mexican drug war and its consequences on Index.hu, a popular Hungarian news website. We continued our series on the costs of the drug war; the third episode explored the ways in which drug black markets undermine the stability of entire regions, fuel wars, and induce conflicts.

Furthermore, we prepared a report on a harm reduction conference in Vilnius, and we were the official filmmakers of the largest US drug policy conference in Denver. Marijuana was legalized in two US states as a result of direct popular votes. We visited both states and presented both the Washington and the Colorado model in our films. All our drug policy-related films are available at http://drogriporter.hu/en/hclu_tv. We also made a film on a needle exchange and assistance program of 'Kék Pont' (a drug consultation and drug ambulance foundation) which is designed solely for

women.

In addition to working on the documentary "Without a Chance" that summarizes our experiences of the past three years which was published in December, the HCLU's Roma Program continued to produce short films. We reported on the trial of the Roma who had attacked extremists in Sajóbáony and Miskolc. We also reported on the Konyár case, in which football hooligans intimidated the Roma students of a school. We also made a film on the ways the police were harassing the Roma population after the ethnic conflicts in Gyöngyöspata by excessively imposing fines for minor offences only to the members of the Roma community.

Other HCLU programs also produced documentary films in 2013: one on the status of home birth, and another one on a political demonstration titled "The Constitution is not a toy!". Furthermore, we prepared a film on the ragweed scandal, and followed the "Don't sign it, János" demonstration (requesting János Áder, the current President of the Hungarian Republic, not to sign the Fourth Amendment of the Fundamental Law). Films were also shot on Tomcat's (a popular Hungarian far-right activist and blogger) prosecution for calling for violence, and another on the HCLU providing legal representation to the occupiers of the FIDESZ headquarters. Yet another of our films proved that indeed there was a call for violence in Devecser during a demonstration organized by extremist group who threw stones at the house of Roma residents. We also published an important documentary about the restrictions on the freedom of speech imposed by the criminal law, which may push stakeholders of political debates, including journalists, to exercise self-censorship.



István Gábor Takács

Head of Video Advocacy Program

In order to remain independent, the HCLU does not accept support from the Hungarian state, government and political parties. However, your support is extremely important for us. If you agree with our goals, please support the work of the HCLU.

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For further details regarding other forms of support, see our homepage:

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