

Hungary

MAIN ISSUES BEFORE THE COMMITTEE OF MINISTERS - ONGOING SUPERVISION

▶ *Actions of security forces (including ineffective investigations – specific issues related to Roma)*

Inhuman and degrading treatment, violations of the right to life by police officers and/or lack of adequate investigations, including in one case into possible racist motives of assaults against Roma.

Gubacsi group (44686/07+)
Judgment final on 28/09/2011

Enhanced supervision
Status of execution

Balázs group (15529/12+)
Judgment final on 14/03/2016

Standard supervision
Status of execution

▶ *Poor conditions of detention*

Inhuman and/or degrading conditions of detention in pre-trial and post-conviction detention facilities resulting mainly from a structural problem of overcrowding; lack of effective preventive and compensatory remedies.

István Gábor Kovács group (15707/10)
Judgment final on 17/04/2012

Enhanced supervision
Status of execution

Varga and Others (14097/12+)
Pilot judgment
Judgment final on 10/06/2015

Enhanced supervision
Status of execution

▶ *Migration and Asylum*

The authorities' failure to comply with their procedural obligation to assess the risks of ill-treatment before removing asylum seekers to Serbia.

Ilias and Ahmed group (47287/15)
Judgment final on 21/11/2019

Enhanced supervision
Status of execution

Collective expulsion of asylum seekers by applying the “apprehension and escort” measure authorizing the police to remove foreign nationals staying illegally in Hungary to Serbia without a decision or examination of their individual situation; **lack of an effective remedy** in respect of their removal.

Shahzad group (12625/17)
Judgment final on 08/10/2021

Enhanced supervision
Status of execution

Ineffective criminal investigation into the death and alleged ill-treatment of a migrant during a border control operation and the failure by border control agents to protect his life.

Alhowais (59435/17)
Judgment final on 02/05/2023

Enhanced supervision
Status of execution

MAIN ISSUES BEFORE THE COMMITTEE OF MINISTERS - ONGOING SUPERVISION

Ill-treatment of a migrant by Hungarian law-enforcement officers while being escorted back to the external side of the Hungarian border fence with Serbia and the **lack of effective investigations** in this respect.

Shahzad No. 2 (37967/18)
Judgment final on 05/01/2024

Enhanced supervision
Status of execution

➤ **Detention and other rights**

Life sentences either without eligibility for release on parole in combination with the lack of an adequate review mechanism of such sentences **or with eligibility for release on parole only having served between 25 years and 6 months and 48 years and 1 month of the sentence.**

László Magyar group (73593/10)
Judgment final on 13/10/2014

Enhanced supervision
Status of execution

➤ **Unlawful or excessively lengthy pre-trial detention**

Violation of the right to liberty and security due to unlawful or excessively lengthy pre-trial detention, the domestic courts' failure to give sufficient reasons for continued pre-trial detention, and infringement of the principle of "equality of arms" for lack of access to the relevant material of the investigation when challenging detention.

X.Y. group (43888/08)
Judgment final on 19/06/2013

Standard supervision
Status of execution

➤ **Excessive length of judicial proceedings**

Excessive length of civil and criminal proceedings and absence of effective remedies.

Gazsó group (48322/12)
Pilot judgment
Judgment final on 16/10/2015

Enhanced supervision
Status of execution

➤ **Freedom of expression and right to a fair trial (access to court)**

Undue and premature termination of the applicant's mandate as President of the former Hungarian Supreme Court through *ad hominem* legislative measures adopted in the context of a major reform of the judiciary. The legislative act was of constitutional rank and thus not subject to review by the Constitutional Court. The Court found that the measures had been prompted by the views and criticisms expressed by the applicant on issues of public interest (planned major reform of the judicial system) and that the impugned measures had a "chilling effect", discouraging also other judges and court presidents from participating in public debate on issues concerning the independence of the judiciary.

Baka group (20261/12)
Judgment final on 23/06/2016

Enhanced supervision
Status of execution

➤ **Acquisition, use, disclosure or retention of private information**

Shortcomings in legislation on secret surveillance: absence of safeguards sufficiently precise, effective and comprehensive on the ordering, execution and potential redressing of surveillance measures.

Szabó and Vissy (37138/14)
Judgment final on 06/06/2016

Enhanced supervision
Status of execution

➤ **Discrimination - special issues related to Roma**

Systematic misdiagnosis and discriminatory assignment of Roma children to special schools due to testing tools which did not provide the necessary safeguards to avoid misdiagnosis and misplacement, not

Horváth and Kiss (11146/11)
Judgment final on 29/04/2013

Enhanced supervision
Status of execution

MAIN ISSUES BEFORE THE COMMITTEE OF MINISTERS - ONGOING SUPERVISION

taking into account Roma pupils' special needs as members of a disadvantaged community.

Discrimination of a Roman pupil by means of **segregation** in a State-run **primary school** attended almost exclusively by Roma children.

Szolcsán (24408/16)
Judgment final on 30/06/2023

Enhanced supervision
Status of execution

➤ *Legal gender recognition*

Lack of a clear legal framework allowing Hungarian and lawfully residing non-Hungarian national transgender individuals to access quick, transparent and accessible **gender reassignment and name-changing procedures**

Rana group (40888/17)
Judgment final on 16/07/2020

Enhanced supervision
Status of execution

➤ *Voting rights*

Discriminatory restriction of voting rights of individuals belonging to recognised **national minorities** on account of the national minority voting system requiring **national minority candidates** to reach a "**preferential threshold**" of votes coming only from members of the minorities; violation of the **right to full secrecy of the applicants' ballots**.

Bakirdzi and E.C. (49636/14)
Judgment final on 03/04/2023

Enhanced supervision
Status of execution