



EUROPEAN COURT OF HUMAN RIGHTS
COUR EUROPÉENNE DES DROITS DE L'HOMME

Press Unit
Unité de la Presse

Press country profile
Fiche pays pour la presse

Last updated: July 2019

Hungary

Ratified the European Convention on Human Rights in 1992

National Judge: Péter Paczolay

[Judges' CVs](#) are available on the ECHR Internet site

Previous Judges: András B. Baka (1991-2008) and András Sajó (2008-2017)

[List of judges of the Court since 1959](#)

The Court dealt with 3,406 applications concerning Hungary in 2018, of which 3,315 were declared inadmissible or struck out. It delivered 38 judgments (concerning 91 applications), 35 of which found at least one violation of the European Convention on Human Rights.

Applications processed in	2017	2018	2019*
Applications allocated to a judicial formation	1902	902	466
Communicated to the Government	330	836	73
Applications decided:	7379	3407	804
- Declared inadmissible or struck out (Single Judge)	7240	2154	337
- Declared inadmissible or struck out (Committee)	107	1151	382
- Declared inadmissible or struck out (Chamber)	6	11	6
- Decided by judgment	26	91	79

* January to July 2019

For information about the Court's judicial formations and procedure, see the [ECHR internet site](#).

Statistics on interim measures can be found [here](#).

Applications pending before the court on 01/07/2019	
Total pending applications*	717
Applications pending before a judicial formation:	626
Single Judge	83
Committee (3 Judges)	368
Chamber (7 Judges)	172
Grand Chamber (17 Judges)	3

*including applications for which completed application forms have not yet been received

Hungary and ...

The Registry

The task of the Registry is to provide legal and administrative support to the Court in the exercise of its judicial functions. It is composed of lawyers, administrative and technical staff and translators. There are currently **643** Registry staff members.

Noteworthy cases, judgments delivered

Grand Chamber

[Korbely v. Hungary](#)

19.09.2008

Applicant found guilty of a crime against humanity and was sentenced to five years' imprisonment for his participation in the quelling of a riot in Tata during the 1956 revolution. He alleged that he had been convicted in respect of an act which had not constituted a criminal offence at the time it was committed.

[Violation of Article 7 \(no punishment without law\)](#)

The applicant brought a petition for review with a view to acquittal. The Supreme Court found again the applicant guilty on 8 February 2009.

Cases Article 6

[Right of access to a court](#)

[Károly Nagy v. Hungary](#)

14.09.2017

The case concerned the compensation claim brought by Mr Károly Nagy, a pastor, following his dismissal by the Hungarian Reformed Church. The courts rejected his claim as unenforceable.

[Case declared inadmissible](#)

[Baka v. Hungary](#)

23.06.2016

The case concerned the premature termination of the mandate of Mr Baka, President of the Hungarian Supreme Court, following his criticism of legislative reforms and the fact that he was unable to challenge that decision before a court. His six-year term of office was brought to an end, three and a half years before its normal date of expiry, through the entry into force of the Fundamental Law (the new Constitution), which provided for the creation of the Kúria, the highest court in Hungary, to succeed and replace the Supreme Court.

[Violation of Article 6 § 1](#)

[Violation of Article 10 \(freedom of expression\)](#)

Freedom of expression (Article 10)

[Magyar Helsinki Bizottság v. Hungary](#)

08.11.2016

The case concerned the authorities' refusal to provide an NGO with information relating to the work of *ex officio* defence counsel, as the authorities had classified that information as personal data that was not subject to disclosure under Hungarian law.

[Violation of Article 10](#)

[Karácsony and Others v. Hungary](#)

17.05.2016

The case concerned fines imposed on Hungarian MPs from two opposition parties who had disrupted parliamentary proceedings by protesting against two bills being debated in Parliament.

[Violation of Article 10](#)

Protection of property (Article 1 of Protocol No. 1)

[Fábián v. Hungary](#)

05.09.2017

The case concerned the suspension of Mr Fábián's oldage pension on the grounds that he continued to be employed in the public sector.

[No violation of Article 1 of Protocol No. 1](#)

[No violation of Article 14 \(prohibition of discrimination\), taken in conjunction with Article 1 of Protocol No. 1 as concerned Mr Fábián's complaint about the difference in treatment with pensioners working in the private sector](#)

[The complaint relating to an allegedly unjustified difference in treatment between pensioners employed in different categories within the public sector had been introduced out of time and was therefore inadmissible.](#)

[Bélané Nagy v. Hungary](#)

13.12.2016

The case concerned a social security benefit paid to the applicant, Ms Nagy. She had received a disability benefit for almost ten years, which was then withdrawn. Her claim to re-start the payments was dismissed, because a legislative change had meant that she was no longer eligible to receive the benefit. Ms Nagy complained that the removal of her disability pension had

violated her right to the protection of property.

[Violation of Article 1 of Protocol No.1](#)

Chamber

Cases concerning the right to life (Article 2)

[R. R. and Others v. Hungary](#) (no. 19400/11)

04.12.2012

The case concerned the exclusion of a family from an official witness protection programme on the ground that the father, in prison, had remained in contact with criminal groups.

[Violation of Article 2 as regards the mother and her children](#)

Cases concerning prohibition of inhuman or degrading treatments (Article 3)

[R.S. v. Hungary](#) (no. 65290/14)

02.07.2019

The case concerned the applicant being forced to take a urine test via a catheter on suspicion of his being under the influence of alcohol or drugs while driving.

[Violation of Article 3](#)

[Csonka v. Hungary](#)

16.04.2019

The case concerned the applicant's allegation that he had been slapped, kicked and punched by the police when taken in for questioning about a theft of timber.

[Two violations of Article 3](#)

[T.P. and A.T. v. Hungary](#) (nos. 37871/14 and 73986/14)

04.10.2016

The case concerned new legislation introduced in Hungary in 2015 for reviewing whole life sentences. The legislation was introduced in order to comply with an ECtHR judgment of 2014 in which the Court found that the system for reviewing whole life sentences in Hungary should be reformed. The applicants in this case alleged that despite the new legislation, which introduced an automatic review of whole life sentences – via a mandatory pardon procedure – after 40 years, their sentences remained inhuman and degrading as they had no hope of release.

Violation of Article 3

[Varga and Others v. Hungary](#)

10.03.2015 (pilot judgment¹)

The case concerned widespread overcrowding in Hungarian detention facilities.

[Violation of Article 3](#)

[Violation of Article 13 \(right to an effective remedy\) read in conjunction with Article 3](#)

The applicants' cases, other similar cases against Hungary in which the Court had also found violations of Article 3 and approximately 450 applications currently pending against Hungary concerning complaints about inadequate conditions of detention, originated in a widespread problem within the Hungarian prison system, justifying a pilot-judgment procedure because of the recurrent and persistent nature of the problems identified.

Pending implementation of the relevant measures by the State, the Court did not consider it appropriate at this stage to adjourn any similar pending cases, the processing of which would serve to remind Hungary of its obligations under the Convention.

[László Magyar v. Hungary](#)

20.05.2014

The case mainly concerned a prisoner's complaint that his imprisonment for life without eligibility for parole amounted to inhuman and degrading treatment as it was irreducible.

[Violation of Article 3 as concerned Mr Magyar's life sentence without eligibility for parole](#)

[Violation of Article 6 § 1 \(right to a fair trial within a reasonable time\) as concerned the excessive length of the criminal proceedings brought against Mr Magyar](#)

[Hagyó v. Hungary](#)

23.04.2013

The case concerned the detention of Miklós Hagyó, a former Deputy Mayor of Budapest

¹ The pilot judgment procedure was developed as a technique of identifying structural problems underlying repetitive cases against many countries and imposing an obligation on member States to address those problems. Where the Court receives several applications that share a root cause, it can select one or more for priority treatment under the pilot procedure. In a pilot judgment, the Court's task is not only to decide whether a violation of the Convention occurred in the specific case but also to identify the systemic problem and to give the Government clear indications of the type of remedial measures needed to resolve it. See factsheet on [Pilot judgments](#).

and former Member of Parliament, who was arrested for aggravated breach of trust for embezzling funds from the Budapest Transport Corporation. He complained that his detention and house arrest had been unjustified and that the principle of equality of arms was not respected when he sought to challenge his detention. He also complained about his conditions of detention and the small number of family visits he had been allowed.

[Violation of Article 3](#)

[Violation of Article 5 § 3 \(right to liberty / entitlement to trial within a reasonable time or to release pending trial\)](#)

[Violation of Article 5 § 4 \(right to have lawfulness of detention decided speedily by a court\)](#)

[No violation of Article 8 \(concerning the applicant's contact with his child\)](#)

[Violation of Article 8 \(concerning the applicant's contact with his common-law wife\)](#)

[Violation of Article 13 \(right to an effective remedy\) read in conjunction with Article 8](#)

[László Károly \(no. 2\) v. Hungary](#)

12.02.2013

The applicant alleged that he was ill-treated by the police after being involved in an argument with four police officers.

[Violation of article 3](#)

[Z.H. v. Hungary \(no. 28973/11\)](#)

08.11.2012

The applicant, deaf and mute, was unable to use sign language or to read or write, and has a learning disability. He complained that he could not understand the reasons for his arrest and that his ensuing detention had amounted to inhuman and degrading treatment.

[Violation of Article 3](#)

[Violation of Article 5 § 2](#)

[Szél v. Hungary and Csüllög v. Hungary](#)

07.06.2011

Inhuman and degrading conditions in Hungarian prisons.

[Violation of Article 3 in both cases](#)

[Violation of Article 13 \(right to an effective remedy\) in the Csüllög v. Hungary case](#)

[Engel v. Hungary](#)

20.05.2010

Paraplegic applicant complained about the conditions in which he had been detained and transported.

[Violation of Article 3](#)

[Barta v. Hungary](#)

10.04.2007

Alleged ill-treatment committed by a police officer.

[No violation of Article 3 as regards the alleged ill-treatment.](#)

[Violation of Article 3 as regards the lack of an effective investigation](#)

[Kmetty v. Hungary](#)

16.12.2003

A trader, the applicant refused to evacuate the market hall during a bomb alert and was escorted to the police station. He alleged that he had been ill-treated by the police officers.

[Violation of Article 3 \(lack of an effective investigation\)](#)

Cases concerning liberty and security (Article 5)

[Lakatos v. Hungary](#)

26.06.2018

The case concerned the applicant's complaint about being held in pre-trial detention for more than three years without any reasonable suspicion against him.

[Violation of Article 5 § 3](#)

[Plesó v. Hungary](#)

02.10.2012

The case concerned a young man's hospitalisation and psychiatric treatment, for one month, against his will.

[Violation of Article 5 § 1](#)

[Lokpo and Touré v. Hungary](#)

20.09.2011

The applicants are Ivorian nationals. They entered Hungary illegally and, arrested in March 2009, subsequently claimed asylum.

[Violation of Article 5 § 1](#)

Cases concerning Article 6

[Right to a fair trial](#)

[Repcevirág Szövetkezet v. Hungary](#)

30.04.2019

The case concerned the applicant company's complaint about the domestic courts refusing to refer questions to the Court of Justice of the European Union for a preliminary ruling.

[No violation of Article 6](#)

Somorjai v. Hungary

28.08.2018

The case concerned the Hungarian Supreme Court's (the *Kúria*'s) failure to give reasons for refusing a request for a reference for a preliminary ruling on a pension dispute to the Court of Justice of the European Union (CJEU) and the length of proceedings before domestic courts.

[Violation of Article 6 § 1](#)

Scheszták v. Hungary

21.11.2017

In 2007 Mr Scheszták, the applicant, filed an action against his former employer, claiming unlawful dismissal. In his complaint to the European Court, he complained that the ensuing labour law proceedings were unfair. He alleged in particular that the Supreme Court had given judgment on his case without waiting for his pleadings, finding that they had been submitted too late.

[Violation of Article 6 § 1](#)

Inadmissible cases

Szalontay v. Hungary

04.04.2019

The case concerned the applicant's complaint that his trial on charges of gross negligence, which was widely covered by the media, was not fair and his argument that he was not obliged to lodge a constitutional complaint before applying to Strasbourg.

[Application declared inadmissible for non-exhaustion of domestic remedies.](#)

Merkantil Car Zrt. v. Hungary and four other applications

20.12.2018

The case concerned complaints by five applicant companies, which are all part of the OTP Banking Group, that legislation which made various standard loan contract terms unfair unless proven otherwise had violated their right to a fair trial and to the peaceful enjoyment of their possessions.

[Applications declared inadmissible as manifestly ill-founded.](#)

Right to a fair hearing within a reasonable time

Gazsó v. Hungary

16.07.2015 (Pilot judgment)²

The case concerned Mr Gazsó's complaint about the excessive length – more than six years – of litigation in a labour dispute.

[Violation of Article 6 § 1](#)

[Violation of Article 13 \(right to an effective remedy\) read in conjunction with Article 6 § 1](#)

In view of the number of people affected by this issue and their need for speedy and appropriate redress, the Court decided to apply the pilot-judgment procedure, and held that Hungary had to introduce, at the latest within one year from the date on which the Gazsó judgment became final, an effective domestic remedy regarding excessively long civil proceedings.

The Court further decided to adjourn for one year the examination of any similar new cases introduced after the date on which the Gazsó judgment became final, pending the implementation of the relevant measures by Hungary.

Bor v. Hungary

18.06.2013

In this case the applicant, who lived opposite Zalaegerszeg railway station, complained that it was impossible for him to have the obligation to keep the noise level under control enforced effectively and in a timely manner.

[Violation of Article 6 § 1](#)

[Violation of Article 8](#)

Right of access to court

K.M.C. v. Hungary (no. 19554/11)

10.07.2012

The applicant complained that she could not effectively challenge her dismissal in court because of the lack of reasons given by her employer.

[Violation of Article 6 § 1](#)

² This procedure has been used by the Court in recent years to deal with large groups of identical cases arising out of the same structural problem. One of the aims of the pilot judgment procedure is to allow the speediest possible redress to be granted at domestic level to the large numbers of persons suffering from the structural problem identified in the pilot judgment. [See Pilot procedure Factsheet.](#)

Cases private and family life (Article 8)

[Király and Dömötör v. Hungary](#)

17.01.2017

The case concerned an anti-Roma demonstration. Mr Király and Mr Dömötör – both of whom are of Roma origin – alleged that the police had failed to protect them from racist abuse during the demonstration and to properly investigate the incident.

[Violation of Article 8](#)

[R.B. v. Hungary \(no. 64602/12\)](#)

12.04.2016

The case concerned the complaint by a woman of Roma origin that she had been subjected to racist insults and threats by participants in an anti-Roma march and that the authorities had failed to investigate the racist verbal abuse.

[Violation of Article 8 on account of the inadequate investigation into the applicant's allegations of racially motivated abuse](#)

[Szabó and Vissy v. Hungary](#)

12.01.2016

The case concerned Hungarian legislation on secret anti-terrorist surveillance introduced in 2011.

[Violation of Article 8](#)

[No violation of Article 13 \(right to an effective remedy\)](#)

[Krisztián Barnabás Tóth v. Hungary](#)

12.02.2013

The case concerned the applicant's complaint about the authorities' refusal of his request to establish paternity of the child of his former wife, the domestic courts ultimately finding in May 2006 that it would not be in the child's best interests.

[No violation of article 8](#)

[Kalucz v. Hungary \(n°57693/10\)](#)

24.04.2012

This case concerned Hungary's failure to protect the applicant from her abusive former partner with whom she unwillingly shared her flat pending numerous civil disputes concerning its ownership.

[Violation of Article 8](#)

[Ternovszky v. Hungary](#)

14.12.2010

Mother prevented from giving birth at home because of a lack of regulations and a threat of proceedings against midwives.

[Violation of Article 8](#)

[Deés v. Hungary](#)

09.11.2010

Nuisance (noise, vibrations, pollution, smell) caused to a resident by heavy traffic in his street, situated near a motorway operating a toll.

[Violation of Article 8](#)

[Violation of Article 6 \(excessive length of proceedings\)](#)

[Turán v. Hungary](#)

06.07.2010

Search of a lawyer's office without her presence and seizure of documents concerning one of her clients, suspected of involvement in illegal financial activities.

[Violation of Article 8](#)

[Karakó v. Hungary](#)

28.04.2009

Hungarian authorities did not act upon a criminal complaint which the applicant brought against another politician for having damaged his reputation during the 2002 Parliamentary elections.

[No violation of Article 8](#)

[Daróczy v. Hungary](#)

01.07.2008

Applicant prohibited from bearing her married name after the death of her husband because of an administrative omission of the authorities.

[Violation of Article 8](#)

Cases concerning freedom of expression (Article 10)

[Magyar Jeti Zrt v. Hungary](#)

04.12.2018

The case concerned the applicant company being found liable for posting a hyperlink to an interview on YouTube which was later found to contain defamatory content.

[Violation of Article 10](#)

[Magyar Tartalomszolgáltatók Egyesülete and Index.hu Zrt v. Hungary](#)

02.02.2016

The case concerned the liability of a self-regulatory body of Internet content providers and an Internet news portal for vulgar and offensive online comments posted on their websites.

[Violation of Article 10](#)

Szima v. Hungary

09.10.2012

The applicant was a retired senior police officer and a trade union leader. The case concerned her complaint about her conviction for instigation to insubordination following criticisms she had posted on the Police Trade Union's Internet website. She had notably referred to certain labour-issues and had alleged nepotism and undue political influence in the force.

[No violation of Article 10](#)

Fáber v. Hungary

24.07.2012

The case concerned the applicant's complaint that he was fined for displaying the striped Árpád flag, which has controversial historical connotations, less than 100 metres away from a demonstration against racism and hatred.

[Violation of Article 10](#)

Tatár and Fáber v. Hungary

12.06.2012

The case concerned a complaint by József Tatár and Károly Fáber that they were prosecuted and fined for illegal assembly for hanging dirty laundry on the fence around Parliament in Budapest, in protest at what they considered the country's general political crisis.

[Violation of Article 10](#)

Fratanoló v. Hungary

03.11.2011

The applicant, a member of the Hungarian Workers' Party 2006 (Munkáspárt 2006), complained about his conviction for wearing the five-pointed red star – considered a totalitarian symbol by the Hungarian courts – at a demonstration on 1 May 2004 in Budapest.

[Violation of Article 10](#)

Uj v. Hungary

19.07.2011

Journalist's conviction for damaging reputation of famous Hungarian wine producer.

[Violation of Article 10](#)

Karsai v. Hungary

01.12.2009

Obligation for an historian to publish a rectification and pay considerable legal costs following the publication of his article in which he had criticised the right-wing press for making anti-Semitic statements.

[Violation of Article 10](#)

Kenedi v. Hungary

26.05.2009

Applicant's complaint about the Hungarian authorities' protracted reluctance to enforce a court order granting him unrestricted access to documents which he wanted in order to write a study on the Hungarian State Security Service in the 1960s.

[Violation of Article 10 and of Article 13 read in conjunction with Article 10](#)

Társaság a Szabadságjogokért v. Hungary

09.04.2009

NGO denied the right to receive information of a motion pending before it which concerned the constitutionality of penal-law provisions governing drug-related offences.

[Violation of Article 10](#)

Csánics v. Hungary

20.01.2009

Trade union leader sanctioned for expressing his views about a demonstration.

[Violation of Article 10](#)

Vajnai v. Hungary

08.07.2008

Conviction of the vice-president of a left-wing political party for wearing a five-pointed red star at a demonstration (symbol of the international workers' movement).

[Violation of Article 10](#)

Cases concerning demonstrations and freedom of assembly and association (Article 11)

Budaházy v. Hungary

15.12.2015

The applicant was found guilty of attempted disturbance of public transport after organising a demonstration on a bridge which caused major traffic disruptions all over Budapest.

[Non-violation de l'article 11](#)

Magyarországi Evangéliumi Testvérközösség v. Hungary

25.04.2017 (judgment on just satisfaction)

In this case the Court dealt with the question of just satisfaction (Article 41) following the judgment delivered in 2014 in the case [Magyar Keresztény Mennonita Egyház and Others v. Hungary](#) regarding

religious communities' loss of full church status.

In its judgment on just satisfaction the Court decided, unanimously, to award the applicant 3,000,000 euros for pecuniary damage in the form of a lump sum. This lump sum covered in particular the loss of personal income tax donations, State subsidies and salary supplements for staff employed by church institutions; as well as the real loss of opportunities resulting from the applicant's lack of access to grants managed by different State authorities.

Magyar Keresztény Mennonita Egyház and Others v. Hungary

08.04.2014 (judgment on merits) and 28.06.2016 (judgment on just satisfaction)

The case concerned the new Hungarian Church Act. Following its entry into force in 2012, the applicant religious communities lost their status as registered churches which had previously entitled them to certain monetary and fiscal advantages for their faith-related activities.

In its [judgment on the merits](#) on 8 April 2014 the Court held that there had been a violation of Article 11 read in the light of Article 9.

Following the principal judgment the parties concluded a partial agreement on 26 June 2015 with respect to certain pecuniary losses incurred until 31 December 2014 and agreed to continue their negotiations as regards the period starting on 1 January 2015.

In its subsequent [judgment on just satisfaction](#) on 28 June 2016 the Court awarded damages to all the applicant religious communities except for *Magyarországi Evangéliumi Testvérközösség*. The latter's claims were reserved for examination at a later date because negotiations between it and the Hungarian Government were still continuing.

Vona v. Hungary

09.07.2013

The case concerned the dissolution of an association on account of the anti-Roma rallies and demonstrations organised by its movement.

No violation of Article 11

Sáska v. Hungary

27.11.2012

The applicant complained that the authorities had refused his application to hold a demonstration in front of Parliament, in Kossuth Square, on 17 October 2008 to raise awareness – among other things – about a perceived absence of legal certainty in the country. He complained in particular that his application had been refused on the ground that the demonstration could disturb MPs' work even though on the proposed date of the demonstration no parliamentary activity had actually been planned.

Violation of Article 11

Szerdahelyi v. Hungary and Patyi v. Hungary (No.2)

17.01.2012

The cases concerned the Hungarian authorities' refusal to authorise demonstrations which the applicants intended to organise in front of the Parliament in Budapest in 2006 and 2007 respectively.

Violation of Article 11

The finding in the first case was adopted by a majority and in the second case unanimously.

Patyi and Others v. Hungary

07.10.2008

Ban of a planned demonstration in front of the Prime Minister's house.

Violation of Article 11

Bukta and Others v. Hungary

17.07.2007

Demonstration dispersed because the police had not had prior notification.

Violation of Article 11

A contrario, in the case of [Molnár v. Hungary](#), the Court found no violation of Article 11 (the police had shown the necessary tolerance towards the demonstration, although they had had no prior knowledge of the event, which inevitably disrupted the circulation of the traffic and caused a certain disturbance to public order).

Prohibition of discrimination (Article 14)

Fábián v. Hungary

15.12.2015

The case concerned a pensioner's complaint that, following an amendment to the

Pension Act, his old-age pension was suspended because he had taken up post-retirement employment as a civil servant. The new rule under the Pension Act notably targeted certain categories of pensioners such as Mr Fábíán, the applicant, who benefitted from two incomes at the same time paid by the State. Those working in the private sector were not affected by the rule.

[Violation of Article 14 \(prohibition of discrimination\) in conjunction with Article 1 of Protocol No. 1 \(protection of property\)](#)

[Vojnity v. Hungary](#)

12.02.2013

The case concerned the total removal of a father's access rights on the grounds that his religious convictions had been detrimental to his son's upbringing.

[Violation of Article 14 read in conjunction with Article 8 \(right to respect for private and family life\)](#)

**Protection of property cases
(Article 1 of Protocol No. 1)**

[Könyv-Tár Kft and Others v. Hungary](#)

16.10.2018

The case concerned the applicant companies' complaint that they had been deprived of their business as distributors of school text books by new legislation which introduced a single State purchasing and distribution body.

[Violation of Article 1 of Protocol No. 1](#)

[N.K.M. v. Hungary \(no. 66529/11\)](#)

14.05.2013

The case concerned a civil servant who complained in particular that the imposition of a 98 per cent tax on part of her severance pay under a legislation entered into force ten weeks before her dismissal had amounted to an unjustified deprivation of property.

[Violation of Article 1 of Protocol No. 1](#)

**Right to education cases
(Article 2 of Protocol No. 1)**

[Horváth and Kiss v. Hungary](#)

29.01.2013

The case concerned the complaints of two young men of Roma origin that they had been wrongly placed in schools for the mentally disabled and that their education there had amounted to discrimination.

[Violation of Article 2 of Protocol No. 1 read in conjunction with Article 14 \(prohibition of discrimination\)](#)

**Right to free elections cases
(Article 3 of Protocol N°1)**

[Alajos Kiss v. Hungary](#)

20.05.2010

Applicant excluded from the electoral register drawn up in view of the 2006 general elections, because he was under partial guardianship.

[Violation of Article 3 of Protocol N°1](#)

Noteworthy cases, decisions delivered

[Domján v. Hungary](#)

23.11.2017

The case concerned the complaint by a detainee about the conditions of his detention in a number of prisons in Hungary.

The Court took note of a new law ("the 2016 Act") which had entered into force in Hungary on 1 January 2017 following the Court's pilot judgment in the case of [Varga and Others v. Hungary](#), in which it had found a widespread problem resulting from a malfunctioning of the Hungarian penitentiary system.

[Application declared inadmissible as manifestly ill-founded.](#)

The Court was satisfied that the 2016 Act had provided a combination of remedies, both preventive and compensatory in nature, guaranteeing in principle genuine redress for Convention violations originating in prison overcrowding and other unsuitable conditions of detention in Hungary.

[Laurus Invest Hungary KFT and Continental Holding Corporation v. Hungary and other applications](#)

01.10.2015

The case concerned the removal of licences from companies involved in developing and operating entertainment arcades and other gaming arcades in Hungary following legislative changes.

[Applications declared inadmissible for non-exhaustion of domestic remedies.](#)

Markovics v. Hungary, Béres v. Hungary and Augusztin v. Hungary

18.07.2014

These three applications concerned the restructuring of retired servicemen's pensions in Hungary.

They were among the [mass of applications](#) (over 13,500 persons in 1,260 applications) that were lodged with the European Court in late 2011, early 2012. All these applications raised essentially identical issues, primarily the replacement – under legislation enacted in November 2011 – of former servicemen's retirement pensions, which were not subject to income tax, by an allowance of equal amount which is taxable under the general personal income tax rate.

[Applications declared inadmissible as manifestly ill-founded.](#)

Kátai v. Hungary

18.03.2014

The case concerned in particular Mr Kátai's complaint that the disability pension granted to him following a final judgment had been removed by new legislation.

[Application declared inadmissible: the Court found that the legislation concerned had not yet been applied and that Mr Kátai was still receiving a monthly amount which is equal to his former pension. Therefore, it concluded that he had not suffered any significant material prejudice.](#)

Horváth and Vadászi v. Hungary

09.11.2010

The applicants complained about their placement in a special class which in their view was a discriminatory measure due to their Roma origin. They relied on Article 3 (prohibition of degrading treatment) and Article 2 of Protocol No. 1 (right to education), alone and read in conjunction with Articles 13 (right to an effective remedy) and 14.

[Application declared inadmissible: non-exhaustion of domestic remedies and non-compliance with the six-month rule](#)

Noteworthy pending cases

Grand Chamber

Albert and Others v. Hungary (no. 5294/14)

The applicants are 241 shareholders in three financial institutions, namely two

savings banks, Kinizsi Bank Zrt. And Mohácsi Takarékszövetkezet Zrt, and one saving cooperative, Pátria. They are all Hungarian nationals. The case concerns legislation which put their institutions under central supervising authorities.

Relying on Article 1 of Protocol No. 1 (protection of property) to the Convention, the applicants complain about the impact of the legislation on their right to influence the conduct and policy of the banks in which they were shareholders. In particular, in their view, it excessively interfered with their rights to establish and amend a memorandum of association, adopt annual reports, appoint board members and determine share capital or payment of dividends.

Under the new legislation these issues became subject to the approval of the Integration Organisation and/or Savings Bank, two central bodies which were initially controlled by the State.

In its Chamber [judgment](#) of 29 January 2019, the Court decided, unanimously, to strike the application out of its list of cases in so far as it concerned five of the applicants, namely László Jánosné Boris, Endréné Csoltkó, József Győri, József Jakab and György Kiss. It further held, by six votes to one, that there had been no violation of Article 1 of Protocol No. 1 in respect of the remaining applicants.

[Case referred to the Grand Chamber on 24 June 2019](#)

[Grand Chamber hearing on 18 December 2019](#)

Magyar Kétfarkú Kutya Párt v. Hungary (no. 201/17)

The case concerns a political party's complaint about domestic court findings that a mobile telephone application it developed to allow voters to show and comment on invalid ballots cast during a 2016 referendum on European Union migrant relocation plans broke election rules.

The applicant party complains under Article 10 (right to freedom of expression) of the European Convention.

In its Chamber [judgment](#) of 23 January 2018, the Court held, unanimously, that there had been a violation of Article 10 of the Convention.

Case [referred](#) to the Grand Chamber on 28 May 2018

Grand Chamber [hearing](#) on 21 November 2018

**Ilias and Ahmed v. Hungary
(no. 47287/15)**

The case concerns the border-zone detention for 23 days of two Bangladeshi asylum-seekers as well as their removal from Hungary to Serbia.

Relying on Article 5 § 1 (right to liberty and security) and Article 5 § 4 (right to have lawfulness of detention decided speedily by a court) of the Convention, the applicants allege that the 23 days they had spent in the transit zone amounted to a deprivation of liberty which had no legal basis and which could not be remedied by appropriate judicial review. Further relying on Article 3 (prohibition of inhuman or degrading treatment) and Article 13 (right to an effective remedy) of the Convention, they allege that their protracted confinement in the transit zone in substandard conditions, especially given that they had been suffering from posttraumatic stress disorder, had been inhuman. Further relying on Article 3, they allege that their expulsion to Serbia, without a thorough and individualized assessment of their cases, had exposed them to possible chain - *refoulement* – via Serbia and “the former Yugoslav Republic of Macedonia” – to Greece, where they had been at risk of inhuman reception conditions. They further claim that the inadequacy of the asylum proceedings had been aggravated by the fact that the only legal information the authorities had given the applicants, who were illiterate, had been written, and that one of them had been interviewed in a language he did not speak.

In its Chamber [judgment](#) of 14 March 2017, the Court held, unanimously, that there had been a violation of Article 5 §§ 1 and 4 (right to liberty and security) of the Convention on Human Rights, finding that the applicants’ confinement in the Röszke border-zone had amounted to detention. The Chamber further held, unanimously, that there had been no violation of Article 3

(prohibition of inhuman or degrading treatment) of the Convention as concerned the conditions of the applicants’ detention in the transit zone, but a violation of Article 13 (right to an effective remedy) as concerned the lack of an effective remedy with which they could have complained about their conditions of detention. Lastly, the Chamber held, unanimously, that there had been a violation of Article 3 on account of the applicants’ expulsion to Serbia insofar as they had not had the benefit of effective guarantees to protect them from exposure to a real risk of being subjected to inhuman or degrading treatment.

Case [referred](#) to the Grand Chamber on 18 September 2017

Grand Chamber [hearing](#) on 18 April 2018

Chamber

Freedom of expression cases (Article 10)

Herbai v. Hungary (no. 11608/15)

Case [communicated](#) to the Government in December 2017

The applicant was a human resources manager at a major bank in Hungary. The application concerns his dismissal from employment for having published a blog post about the reduction in bonus payments.

M. Herbai complains that his right to freedom of expression and, in particular, his right to impart information to the public, was bridged by the fact that he was dismissed from his post at the bank.

ATV Zrt v. Hungary (no. 61178/14)

Case [communicated](#) to the Government in January 2017

The case concerns the obligation of the applicant company, the owner of a TV channel, to pay a fine for the infringement of the rules of journalistic conduct.

The applicant company complains under Article 10 of the Convention.