



Hungary

Ratified the European Convention on Human Rights in 1992

National Judge: András Sajó

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

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

The Court dealt with 1,451 applications concerning Hungary in 2015, of which 1,363 were declared inadmissible or struck out. It delivered 44 judgments (concerning 88 applications), 42 of which found at least one violation of the European Convention on Human Rights.

Applications processed in	2013	2014	2015
Applications allocated to a judicial formation	991	2403	4235
Communicated to the Government	124	210	478
Applications decided:	1090	2320	1451
- Declared inadmissible or struck out (Single Judge)	960	2203	1276
- Declared inadmissible or struck out (Committee)	83	47	68
- Declared inadmissible or struck out (Chamber)	5	10	19
- Decided by judgment	42	60	88
Interim measures:	1	10	3
- Granted	0	0	0
- Refused (including out of scope)	1	10	3

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

Applications pending before the court on 01/01/2016	
Total pending applications*	5113
Applications pending before a judicial formation:	4611
Single Judge	94
Committee (3 Judges)	4184
Chamber (7 Judges)	328
Grand Chamber (17 Judges)	5

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

Hungary and ...

Its contribution to the Court's budget

For 2016 the Court's budget amounts to approximately 71 million euros. That budget is financed by contributions from the 47 member States of the Council of Europe in accordance with scales based on population and GDP; the 2016 contribution of Hungary to the Council of Europe's (EUR 326 million) budget is EUR **2,254,794**.

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 **679** Registry staff members of whom **8** are Hungarian.

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.

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)

[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](#)

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](#).

Hagyó v. Hungary

23.04.2013

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

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 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](#)

Cases private and family life (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](#)

[Kaluczka 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 \(excessive length of proceedings\)](#)

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.](#)

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 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

[Magyar Keresztény Mennonita Egyház and Others v. Hungary](#)

08.04.2014

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.

Violation of Article 11 read in the light of Article 9 (freedom of thought, conscience and religion)

[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 Fábián, 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 \(protection of property\)](#)

Voinity 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 \(right to respect for private and family life\)](#)

Noteworthy cases, judgments delivered

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 \(protection of property\)](#)

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 \(right to education\) read in conjunction with Article 14 \(prohibition of discrimination\)](#)

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 \(right to free elections\)](#)

Noteworthy cases, decisions delivered

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

Bélané Nagy v. Hungary (no. 53080/13)

The case concerns the applicant's complaint of having lost her entitlement to a disability pension due to newly introduced eligibility criteria.

Relying in substance on Article 1 of Protocol No. 1 (protection of property) to the Convention, Ms Nagy complains that she lost her livelihood, previously secured by the disability pension, although she maintains that her health is as poor as at the time she was first diagnosed with her disability.

In its Chamber [judgment](#) of 10 February 2015, the Court held, by four votes to three, that there had been a violation of Article 1 of Protocol No. 1.

[Referred to the Grand Chamber on 1 June 2015](#)
[Grand Chamber hearing on 16 December 2015](#)

Magyar Helsinki Bizottság v. Hungary (no. 18030/11)

The case concerns the Hungarian authorities' refusal to provide an NGO, which was conducting a survey about the efficiency of the existing system of public defence, with entirely comprehensive information on the names of public defenders operating nationwide and the number of their respective appointments.

Relying on Article 10 (freedom of expression and information) of the Convention, the applicant complains that the courts' refusal to order the surrender of the information in question amounted to a breach of its right to access to information.

[The Chamber relinquished jurisdiction in favor of the Grand Chamber on 26 May 2015](#)

[Grand Chamber hearing on 4 November 2015](#)

Karácsony and Others v. Hungary (no. 42461/13) and Szél and Others v. Hungary (no. 44357/13)

The cases concerned complaints by members of the Hungarian Parliament of two opposition parties about having been

fined, for gravely disturbing Parliament's work, following their protests against two legislative proposals.

The applicants complain in particular that the decisions to fine them violated their rights under Article 10 (freedom of expression) of the Convention, notably stating that the measure was meant to discourage open debate and stressing that they did not endanger the functioning of Parliament. Relying, in particular, on Article 13 (right to an effective remedy) of the Convention read in conjunction with Article 10, they further complain that under Hungarian law they did not have any remedy available in respect of that complaint.

In its Chamber [judgments](#) of 16 September 2014 the Court, unanimously, held that there had been a violation of Article 10 of the Convention. The Court further found a violation of Article 13 of the Convention in conjunction with Article 10 of the Convention, as the applicants did not have an effective remedy under Hungarian law in respect of their complaints.

As regards just satisfaction (Article 41 of the Convention), see Chamber judgments above.

[Referred to the Grand Chamber on 16 February 2015](#)

[Grand Chamber hearing on 8 July 2015](#)

Baka v. Hungary (no. 20261/12)

The case concerns the premature termination of the applicant's mandate as President of the Supreme Court of Justice of Hungary and his lack of access to court to challenge the termination.

In its Chamber [judgment](#) of 27 May 2014, Court, held, unanimously, that there had been a violation of Article 6 § 1 of the Convention. The Court also concluded, unanimously, that there had been a violation of Article 10 of the Convention. Lastly, the Court declared inadmissible Mr Baka's complaint under Article 1 of Protocol No. 1 and held that it was not necessary to examine separately his complaints under Article 13 and Article 14.

[Referred to the Grand Chamber on 15 December 2014](#)

[Grand Chamber hearing on 17 June 2015](#)

Chamber

There are several pending applications concerning the Hungarian Government's decision in 2011 to reshape the entire system of disability payments. The applicants raise essentially complaints under Article 1 of Protocol No. 1 (protection of property) to the Convention regarding the discontinuation of the payments of their disability pensions.

Since 1 July 2013, the date of the entering into force of Act No. CXCVI of 2011 on National Assets, numerous applications have been registered with the Court concerning the redistribution of tobacco retail licences. Relying on Article 1 of Protocol No. 1 (protection of property) to the Convention the applicants claim that they have been deprived of their property right without adequate compensation. Other similar applications have been registered with the Court in connection to the redistribution of licences concerning

waste management, gambling, and publishing of school text books.

Age limit for compulsory retirement of judges

Following legislation aimed at lowering the age-limit of judges from 70 to 62 years under Act no. CLXII of 2011, the Court received a group of applications concerning judges who had already been forced into premature retirement (see [Belegi and Others v. Hungary](#) (no. 45438/12) and [J.B. and Others v. Hungary](#), (no. 45434/12).

Premature mandatory retirement of prosecutors

[Horváth and Kulcsár v. Hungary](#), (no. 375/13)

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