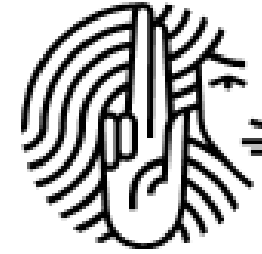


The Contrasting Responses to the Judgements on Family Visits and Those on the Regime for Life-sentenced Prisoners in Hungary



HUNGARIAN
HELSINKI
COMMITTEE

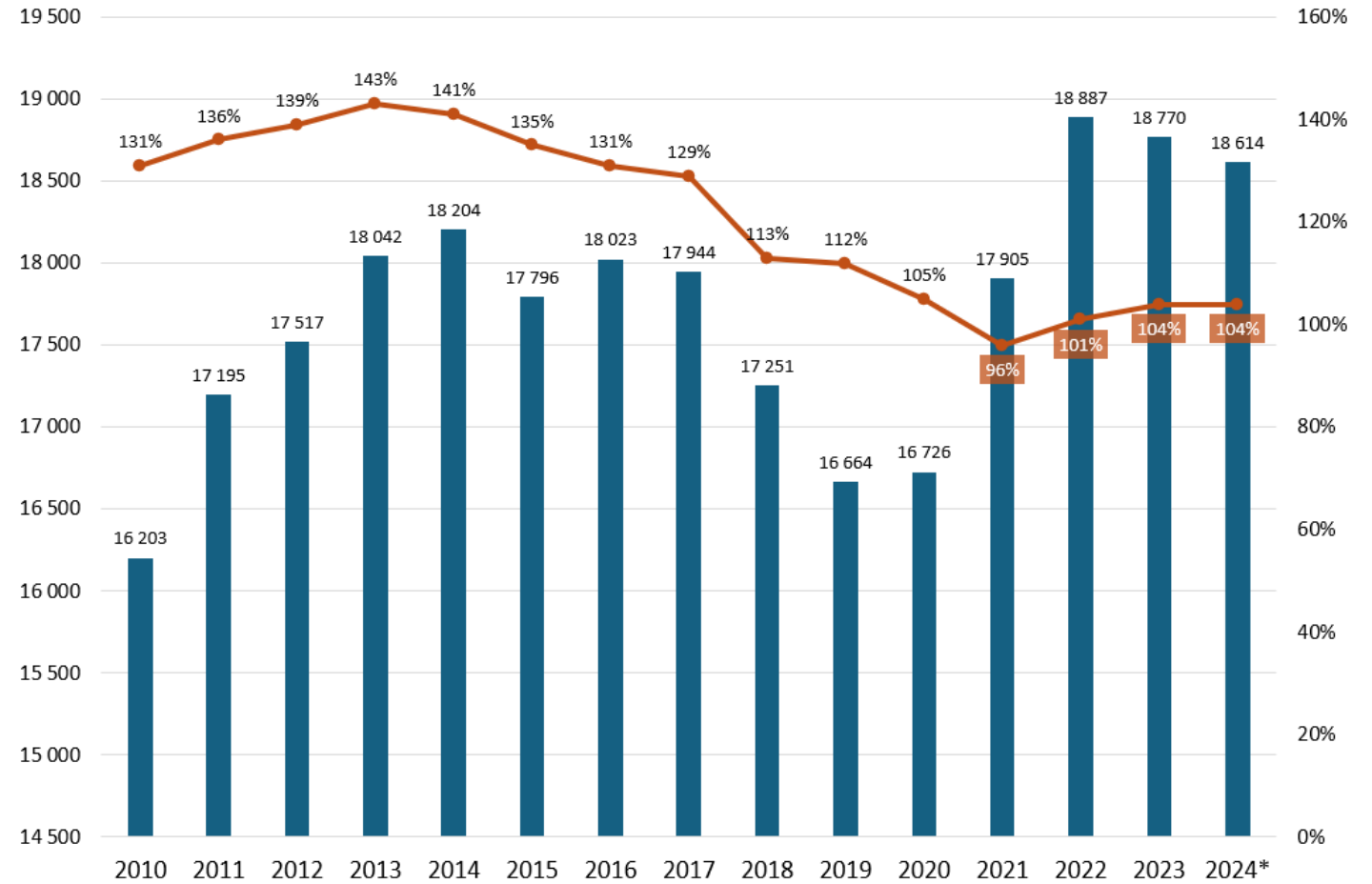
ZSÓFIA MOLDOVA

HUNGARIAN HELSINKI COMMITTEE

6 DECEMBER 2023

OVERCROWDING

Varga and others
v. Hungary (2015)





REFUGEES AND MIGRANTS



LAW ENFORCEMENT AND
CRIMINAL JUSTICE



RULE OF LAW



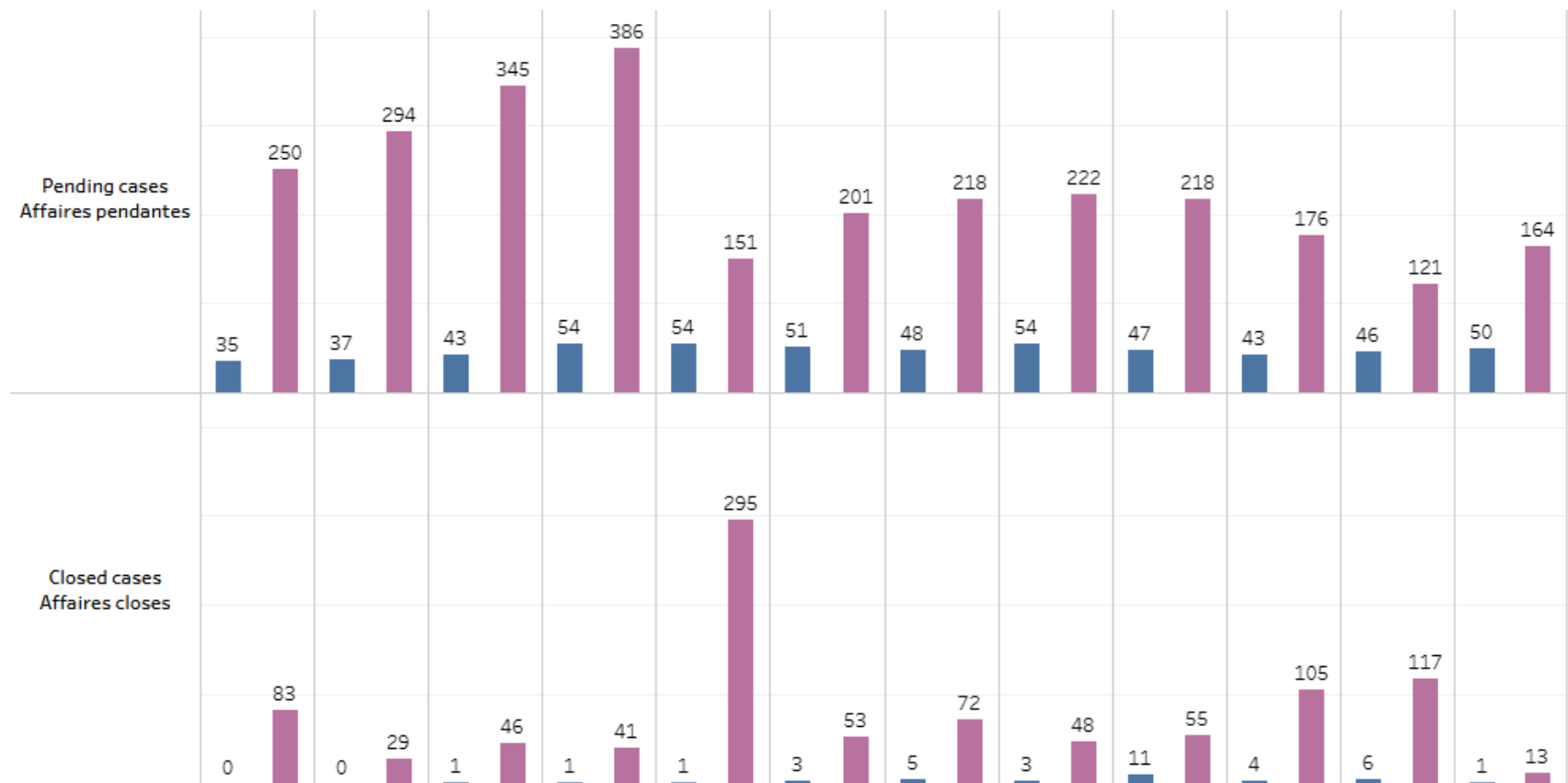
EQUAL TREATMENT

The „Helsinki in Strasbourg”

102 cases successfully litigated before the ECtHR

- 65 judgements
- 13 friendly settlements
- 24 interim measures





76% of the leading cases from the last 10 years are still pending execution.
 Source: European Implementation Network

Whole Life Sentences and Article 3 Violations in Hungary

László Magyar v. Hungary

T.P. and A.T. v. Hungary

Bancsók and László Magyar (no. 2.) v. Hungary

- Life imprisonment without parole permitted under Hungarian law.
 - Mandatory pardon procedure after 40 years introduced post-2014.
 - Violation confirmed in the T.P. and A.T. case.
 - The Hungarian Government has not addressed legal shortcomings.**
 - Apex Court's Uniformity Decision prevents individual remedies for affected applicants.**
-
- Bancsók and László Magyar (no. 2) v. Hungary - "simple" life sentence: 40-year minimum terms found to violate Article 3.
 - Further rulings reiterated violations for minimum terms between 26 years 1 month and 40 years.

The plexi-case: lack of physical contact

Takó and Viztné Zábó v.
Hungary



Violation of Visitation Rights in Hungary:

In 2014, P.S. was designated a “high-security-risk inmate” by the Hungarian Prison Service due to offense nature, sentence length, conduct, and alleged risk factors.

Visitation Changes: until 2017, visits allowed physical contact. In 2017, the National Prison Service mandated glass partitions for all visits.

Applicants (wife and mother): Restriction to glass partition violated their right to family life under Article 8 of the European Convention on Human Rights (ECHR).

Changes on Visitation

(Published: 15 October 2024)

Categories I-III

- Non-restrictive partitions;
- physical contact allowed during greetings and farewells.

Categories IV-V

- Same rules apply after 6 months and 1 year from classification

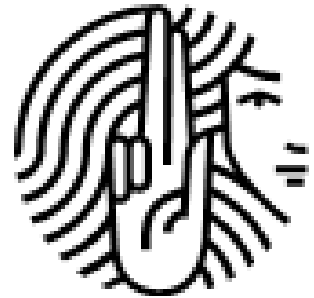
Limitations of the Draft

- Uncertainty: Status as a draft law
- Special Security Measures: Wardens retain discretion to impose closed visiting booths for security reasons





Thank you for your attention!



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