



Hungarian Helsinki Committee

## HUNGARIAN HELSINKI COMMITTEE

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**Council of Europe  
DGI – Directorate General of Human Rights and Rule of Law  
Department for the Execution of Judgments  
of the European Court of Human Rights**

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**Subject: Correction to 26 January 2021 communication from the Hungarian Helsinki Committee concerning the cases of ISTVAN GABOR KOVACS and VARGA AND OTHERS v. Hungary** (Application nos. 15707/10, 14097/12, 45135/12, 73712/12, 34001/13, 44055/13, and 64586/13)

**Dear Madams and Sirs,**

With reference to the judgments of the European Court of Human Rights (ECtHR) **in the cases of ISTVAN GABOR KOVACS and VARGA AND OTHERS v. Hungary, the Hungarian Helsinki Committee (HHC) respectfully submits the following corrections to its observations** submitted on 26 January 2021 under Rule 9 (2) of the "Rules of the Committee of Ministers for the supervision of the execution of judgments and of the terms of friendly settlements".

On 29 December 2020, Section 121(1) of Decree 16/2014 of the Minister of Justice on the Rules Governing the Enforcement of Imprisonment, Custodial Arrest, Pre-trial Detention and Fines was amended by Decree 18/2020 of the Minister of Justice, an omnibus decree amending several provisions in relation to the reform of the compensation system for prison overcrowding.

The amended provision (which entered into force on 1 January 2021) runs as follows (amendment in bold): "*The number of persons allocated to a cell or living quarters – **including hospital wards** – shall be determined in a manner that each detainee should have six cubic metres of air space and, in case of individual placement at least six square metres of living space, and, in case of group placement detainees shall each have 4 cubic metres of living space.*"

**The HHC welcomes the amendment** and wishes to point out that as a result of this development, the communication's text regarding the exclusion of health care units and the prison hospital from the compensation scheme is no longer valid. **We therefore withdraw the following part of our outstanding recommendations from previous Rule 9 communications** (see p. 15 of the 26 January 2021 communication): "*The law should be amended to make it clear that penitentiary health care units and prison hospital wards fall under the scope of the compensation scheme, i.e. if someone is held under degrading conditions in a penitentiary health care unit or prison hospital ward he/she should also be entitled to compensation.*"