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Submission for the Thematic Report of the Special Rapporteur on Freedom of Religion or Belief in Relation to Death and the Honouring of the Deceased

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Despite formal legal guarantees, detainees in Hungary are frequently unable to exercise their right to a dignified final farewell. In 2024, **more than 78% of such requests were rejected**,¹ often without meaningful individual assessment and based on generalised grounds. This practice undermines the right to respect for private and family life, as recognised by the European Court of Human Rights (ECtHR), and may also constitute unjustified interference with the freedom of religion or belief, where detainees are prevented from attending funerals or bidding farewell in accordance with their faith or convictions.

The **Hungarian Helsinki Committee (HHC)**, a human rights watchdog founded in 1989, works to protect human dignity through legal and public activities. The HHC is also a founding member of the **Support Network for Detainees and Their Families (FECSKE)**, a grassroots organisation that brings together people with lived experience of detention, their relatives, civil society practitioners, and professionals.

Dignified final farewell

The right to a dignified final farewell constitutes an essential aspect of human dignity and family life, as enshrined in international human rights law. In the Hungarian context, burial-related rights for detainees encompass three main elements: the possibility to bid farewell to a dying relative, to attend a funeral, and to visit a grave. Although these rights are expressly recognised in Hungarian law, they are frequently undermined in practice within the penitentiary system. Routine refusals and arbitrary decisions raise serious concerns under Article 8 of the European Convention on Human Rights, which safeguards the right to respect for private and family life. The ECtHR has repeatedly held² that denying detainees access to funerals or visits to dying relatives without adequate justification violates this right.

In 2024, permission to visit a dying family member was granted in only 14 per cent of cases, attendance at funerals in 23 per cent, and post-burial grave visits in 15 per cent.³

Systemic shortcomings include **insufficiently defined legal criteria that allow refusals in "exceptional cases"** without specifying what constitutes such cases, an unduly narrow definition of "close relative",

¹ Aggregated statistics based on responses to identical FOI requests submitted by the HHC to all Hungarian penitentiary institutions on 27 February 2025.

² See, for example, *Rigó v. Hungary* (Application no. [54953/21](#)) and *Pintér v. Hungary* (Application no. [39638/15](#)).

³ Aggregated statistics based on responses to identical FOI requests submitted by the HHC to all Hungarian penitentiary institutions on 27 February 2025.

and escort fees that most detainees cannot afford. Requests may not be considered before the funeral. Moreover, the 30-day time limit to visit a grave after a missed funeral imposes a disproportionate restriction, as it may deprive detainees of the opportunity for a final farewell in situations where, through no fault of their own, they learn of the funeral only after it has taken place. The absence of an effective remedy compounds this harm: by the time a higher authority could review a refusal, the funeral has already taken place. Collectively, these factors erode human dignity and hinder the exercise of freedom of religion or belief in end-of-life contexts. Unresolved or prolonged grief may also lead to post-traumatic stress disorder, psychosomatic illness, and enduring anxiety or depression, impeding reintegration after release.⁴

Means of restraint

Even when attendance is permitted, the conditions may remain degrading. **Attendance is often allowed only under humiliating conditions** – such as in handcuffs and prison uniform – not only undermining the essence of a dignified farewell, but also deterring detainees from attending the funerals of their loved ones.

It also remains routine for prisoners to be transported to healthcare facilities in handcuffs and other means of restraint, and to be held there in restraint without an individual assessment. The HHC has had numerous cases indicating that this practice is applied uniformly, even in the case of seriously ill detainees. Such practices not only compromise human dignity but also inflict additional suffering on detainees and leave their families shattered:

"He was so weak that he couldn't stand up on his own, yet his right leg and left hand were shackled to the bed. When I asked the guard how justified he thought this was given the circumstances, he said it was required by law and that there was nothing he could do about it. Seeing how much my father's health had deteriorated in just one week wasn't enough, the family also had to face that he had to endure all this while being shackled."

Lack of adequate rights protection

Democratic backsliding in Hungary has resulted in the deliberate weakening of institutions tasked with protecting fundamental rights, a trend exemplified by the country's National Human Rights Institution, the Commissioner for Fundamental Rights. Appointed through a non-transparent process by the ruling parties, without any consultation with opposition parties or expert organisations, the Commissioner has consistently failed to act in politically sensitive cases.⁵

As the Commissioner also acts as the country's National Preventive Mechanism (NPM) under the OPCAT, the **independent and effective monitoring of places of detention is severely compromised**.⁶ Additionally, underfunding further undermines the NPM's effectiveness. Since the government unilaterally terminated cooperation agreements with civil society organisations in 2017, the NPM has

⁴ See the interview "Mourning within prison walls" with Renáta Liliána Révész, *Helsinki Figyelő*, 25 July 2024. Available in Hungarian at: <https://helsinkifigyelo.444.hu/2024/07/25/gyaszmunka-a-borton-falai-kozott>.

⁵ GANHRI Sub-Committee on Accreditation, *Report and Recommendations of the Virtual Session of the Sub-Committee on Accreditation*, 14–24 June 2021. Available at: <https://ganhri.org/wp-content/uploads/2021/08/EN-SCA-Report-June-2021.pdf>.

⁶ For more information, see the report [The last piece of the puzzle? Assessing the performance of Hungary's national human rights institution](#) by Háttér Society and the Hungarian Helsinki Committee, 2024.

remained the only external actor monitoring places of detention. Consequently, the protection of detainees' rights has been substantially weakened, and the identification of systemic abuses has been obstructed.

In July 2023, the HHC submitted a written request to the Commissioner for Fundamental Rights, seeking an investigation into domestic regulations and practices governing the right to a dignified final farewell. To date, the HHC has not received a response to its letter, nor is it aware of any direct or indirect outcome of an inquiry that may have been initiated as a result of the request.

Recommendations

In light of the problems outlined above, the HHC respectfully calls on the Special Rapporteur to urge Member States to:

- **Ensure full respect for the right to a dignified final farewell** for persons deprived of liberty, and **implement without delay** relevant regional and international court judgments addressing unjustified refusals;
- **Guarantee meaningful individual assessment** and **address deficiencies that allow for arbitrary decision-making**. Introduce **prompt and effective decision-making and review mechanisms**;
- **Provide dignified and humane conditions for attendance**, avoiding excessive or routine use of restraints and ensuring that any security measures applied are **necessary and proportionate**;
- **Eliminate unreasonable financial barriers** so that the exercise of burial-related rights does not depend on a detainees' economic situation;
- **Ensure independent oversight and allocate sufficient resources** for the regular monitoring of places of detention, and **ensure access for civil society organisations** to carry out monitoring activities.