HUNGARIAN HELSINKI COMMITTEE

Detention conditions in Hungary fall short of European standards

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Hungary's penal system is in crisis, marked by degrading prison conditions, widespread overcrowding, and the systemic neglect of detainees' rights. Nearly 40,000 detainees and an estimated 100,000 family members are affected annually by inhumane treatment, poor living conditions, lack of adequate medical care, and punitive restrictions. Additionally, institutional deficiencies in the prevention, investigation, and sanctioning of ill-treatment by police officers and prison staff remain unaddressed. Furthermore, the lack of independent oversight heightens the urgent need for comprehensive reforms in Hungary's penal system.

Prison overcrowding

Despite the rulings of the European Court of Human Rights and repeated calls by the Committee of Ministers of the Council of Europe over the past 13 years, **Hungary has failed to tackle prison overcrowding and inhumane detention conditions**.

As of 31 March 2025, there were 18,988 prisoners for 17,024 places, **indicating an occupancy rate of 111.5%**. Of the 27 penitentiary institutions, 20 had an occupancy rate of more than 100%, with 15 operating at over 110% capacity and two at over 120%. Additionally, 4,291 prisoners were being held for pre-trial detention, representing **22.6%** of the incarcerated population, contributing significantly to prison overpopulation. Moreover, **irregularities in pre-trial detention represent a major issue**.

Inadequate material conditions, including unsanitary environments (e.g., pest infestations), insufficient temperature control and ventilation, lack of proper yards, and limited access to showers and natural light, persist. Prison overcrowding in Hungary results in **substandard detention conditions for around 40,000 detainees annually**.

Ill-treatment

Humane detention is further hindered by the Hungarian government's ongoing failure to address the systemic deficiencies in the prevention, investigation, and sanctioning of ill-treatment. The lack of video recordings, adequate medical examinations, and witness statements all increase the likelihood of impunity for perpetrators.

Between 2019 and 2023, the respective prosecution offices decided to file an indictment **in only 3.6 to 6.4%** of alleged cases of ill-treatment in official proceedings and **in only 2.8 to 9.2%** of alleged cases of coercive interrogation. This means that **the vast majority of these violations remain without consequences**.

Detainees alleging ill-treatment are not guaranteed independent and adequate medical examinations and **police officers and prison staff are typically present during medical examinations**. Due to the

presence of prison staff at medical examinations, detainees who have been ill-treated are often afraid to complain out of fear of retaliation and because they see no hope of pursuing accountability. These fears are not unfounded; the Hungarian Helsinki Committee's experience shows that the prosecution often fails to investigate cases of ill-treatment in a fair manner.

Further concerns

The systematic weakening of institutions tasked with safeguarding fundamental rights is exemplified by Hungary's National Human Rights Institution, the Commissioner for Fundamental Rights. The Commissioner is appointed by the ruling parties in a non-transparent manner and has shown inaction in politically sensitive cases. As the Commissioner also acts as the country's National Preventive Mechanism (NPM), the **independent and effective monitoring of places of detention is severely constrained**. Since the unilateral termination of cooperation agreements with civil society organisations in 2017, the NPM has been the only external actor monitoring places of detention.

Strip searches are part of the daily custodial routine and constitute a systematic breach of the law, as without proper risk assessments and adherence to strict criteria, this practice violates the human dignity of detainees. The Council of Europe's Committee for the Prevention of Torture (CPT) expressly criticised the high frequency and extensive use of strip searches, characterising them as completely disproportionate.

The CPT has also criticised the practice of **segregation of prisoners for protection purposes**, which may amount to *de facto* solitary confinement.

Furthermore, the **routine use of physical restraints**, including when presenting detained defendants in court, contravenes both EU law and domestic legal standards. Additionally, the systematic handcuffing of high-risk prisoners when moved in and out of cells remains common practice.

Excessive **restrictions on detainees' visiting rights persist.** Visits are generally conducted under closed conditions, as physical contact is generally prohibited for all prisoners during visits and the use of a glass partition remains compulsory.

Resources

Submission of the Justice Programme of the Hungarian Helsinki Committee for the ad hoc visit to Hungary by the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT), March 2025.

Report to the Hungarian Government on the visit to Hungary carried out by the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT) from 16 to 26 May 2023, CPT/Inf (2024) 36.

For more information on **prison overcrowding and detention conditions**, see the HHC's latest Rule 9.2 communication in the *István Gábor Kovács* and *Varga and Others v. Hungary* group of cases.

For more information on **irregularities in pre-trial detention**, see the HHC's latest Rule 9.2 communication in the *X.Y. v. Hungary* group of cases.

For more information on **ill-treatment and inadequate investigations**, see the HHC's latest Rule 9.2 communication in the *Gubacsi v. Hungary* group of cases.