



21 January 2026, Budapest

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

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**Subject: NGO communication with regard to the execution of the judgments of the European Court of Human Rights in the *Gubacsi v. Hungary* group of cases**

Dear Madams and Sirs,

The Hungarian Helsinki Committee (HHC) hereby respectfully submits its observations 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” regarding the execution of the judgments of the European Court of Human Rights (ECtHR) in the *Gubacsi v. Hungary* (Application no. 44686/07, Judgment of 28 June 2011) group of cases.

The HHC is an independent human rights watchdog organisation, with one of its aims being to challenge the impunity of law enforcement for torture and ill-treatment through monitoring, research, advocacy and litigation. The HHC’s attorneys have represented applicants successfully before the ECtHR in relation to ill-treatment by the police and the lack of an adequate investigation in this respect in several cases, including applicants in the group of cases in question, namely in *Gubacsi v. Hungary*, *Réti and Fizli v. Hungary*, *Tarjáni v. Hungary*, *Csonka v. Hungary*, *Nagy v. Hungary* and *Csúcs v. Hungary*.

The HHC already submitted ten communications under Rule 9(2) in relation to the execution of the judgments in question, at the turn of 2014 and 2015,<sup>1</sup> in 2018,<sup>2</sup> in 2020,<sup>3</sup> in 2021,<sup>4</sup> in 2022,<sup>5</sup> and in 2024.<sup>6</sup> The present communication concerns the suggested general measures as included in the decision of the Committee of Ministers from December 2024<sup>7</sup> and the Revised Action Plan of 23 December 2025 submitted by the Government of Hungary (hereafter: Revised Action Plan).<sup>8</sup>

It should be pointed out that the Revised Action Plan has been submitted with a considerable delay, as the deadline set by the Committee of Ministers for the Hungarian Government was the end of September 2025, whereas the Revised Action Plan was only submitted at the end of December 2025.

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<sup>1</sup> [DH-DD\(2014\)1528](#); [DH-DD\(2015\)232](#)

<sup>2</sup> [DH-DD\(2018\)770](#)

<sup>3</sup> [DH-DD\(2020\)394](#)

<sup>4</sup> [DH-DD\(2021\)1121](#); [DH-DD\(2021\)1174](#).

<sup>5</sup> [DH-DD\(2022\)1202](#); [DH-DD\(2022\)1202-add](#)

<sup>6</sup> [DH-DD\(2024\)1177](#); [DH-DD\(2024\)1245](#)

<sup>7</sup> [CM/Del/Dec\(2024\)1514/H46-1](#)

<sup>8</sup> [DH-DD\(2026\)11](#)

This disregard for the deadline provided by the Committee of Ministers compromises the processes of the Committee of Ministers and the Department for the Execution of Judgments of the European Court of Human Rights. Furthermore, **such delays also prevent civil society groups from thoroughly assessing the measures taken and/or envisaged by the Government in a timely manner, from submitting freedom of information requests, from gathering additional information on new measures included in the Revised Action Plan that were not covered by earlier action plans/reports. This seriously undermines the process of monitoring the execution of judgments.**

The HHC maintains its view as elaborated in its earlier communications that no tangible progress has been achieved by Hungary in the following areas:

- no sign of strong determination from the Government on zero-tolerance towards police ill-treatment, the lack of a comprehensive plan for prevention, and the absence of targeted training on the subject matter;
- legal and practical deficiencies relating to the video recording of police work;
- shortcomings in law-enforcement bodies' training, interrogation techniques, and assessment of police work;
- the lack of independent and adequate medical examinations of detainees alleging ill-treatment;
- substantive shortcomings in investigations into ill-treatment and low rates of indictments;
- judicial leniency towards law enforcement officers with regard to sentencing;
- the continued eligibility for service of convicted law enforcement officers;
- the lack of reopening of investigations following findings of violations by the ECtHR, no extension of the prescription period;
- difficulties encountered by victims in receiving compensation; and
- the lack of effective monitoring of police detention and of the functioning of procedural safeguards aimed at preventing torture.

**No meaningful legislative changes have been undertaken, and consequently none of the systemic deficiencies relating to the prevention, investigation and sanctioning of police ill-treatment have been addressed at the legal level. The quantitative data acquired by the HHC from the authorities and presented in this communication do not show any tangible progress either.**

Below, we elaborate on the deficiencies in these areas, following the structure of the Committee of Ministers' latest decision as regards the recommended general measures, and provide recommendations on how to address them.

Since, despite the call by the Committee of Ministers, no progress has been made with regard to (i) the promotion of an institutional culture of 'zero tolerance' towards ill-treatment; (ii) the effectiveness and Convention-compliance of prosecutorial investigations in cases of alleged ill-treatment, including the issue of low indictment rates; and (iii) the timely reopening of ill-treatment investigations at an earlier stage of the Convention proceedings, **the HHC respectfully recommends to consider issuing an interim resolution regarding this group of cases.**

## 1. Lack of zero tolerance message and pressures on the police potentially contributing to ill-treatment

### 1.1. Continuing lack of zero tolerance message

In its last decision, the Committee of Ministers “strongly urged the authorities to take the necessary steps without further delay” to communicate the “zero tolerance” message towards ill-treatment in law enforcement (Point 4.). As indicated by the HHC in its communication of 16 October 2024, no statement has been made by a Hungarian Government official since 2010 affirming that police violence is unacceptable.

### 1.2. Institutional pressures on the police potentially contributing to ill-treatment

In the context of institutional culture, it has to be reiterated that **institutional pressures** that can incentivise ill-treatment continue to prevail in the Hungarian police force. For example, **the assessment of police work in Hungary is still primarily based on a statistical approach.**<sup>9</sup> Quantitative performance quotas are established for police units annually, and the National Police Chief also establishes “professional performance indicators” for police units. These indicators include such quantifiable elements as the “success rate” of police measures or investigations.<sup>10</sup> Even though there are no exact target numbers established to be reached for an individual police officer in terms of measures taken, arrests made, etc., these numbers still have a significance when the performance of the police unit is assessed. This **puts pressure on individual police officers to “contribute” to the unit reaching the quota and score high on the indicators**, which may be conducive to the use of unlawful measures or disproportionate action in order to achieve results quickly.

The assessment of police performance is not based on the internationally recognised PEEL system<sup>11</sup> and therefore lacks two necessary indicators, namely legitimate operation and cost-efficiency, while exclusively focusing on the third type of indicator, that is, statistical results.<sup>12</sup> Although scientific studies have been available for a long time concerning the possible reform of the performance assessment system of the police in Hungary, no changes have been introduced.<sup>13</sup> Today, experts’ criticism further shows that the current assessment system is not reliable, overcomplicated, and lacks transparency.

In interviews conducted as part of a 2018 study,<sup>14</sup> the findings from two police stations indicated that several police officers expressed frustration with the growing emphasis on a statistical approach,

<sup>9</sup> Vince Vári: A rendőrség teljesítmény- és hatékonyságmérésének keretei és a mérés indikátorai [The framework and indicators of police achievements and effectiveness assessments], Nemzeti Közszerológati Egyetem, 2020, pp. 69–70, available at: <https://nkerepo.uni-nke.hu/xmlui/bitstream/handle/123456789/16271/A%20rend%20orseg%20teljesitmeny-%20es%20hatekonysagmeresenek%20keretei.pdf%3Bjsessionid=8DF50FCC7F8276A6741727D210DB1FEB?sequence=1>.

<sup>10</sup> For the detailed rules, see: Decree 26/2013. (VI. 26.) BM of the Minister of Interior on the Recommended Elements of Assessing the Performance of Service Members of Armed Forces under the Command of the Minister of Interior, on the Procedural Rules of Applying the Recommended Elements, on the Order of Evaluation, and on the Organisational Performance Assessment.

<sup>11</sup> <https://hmicfrs.justiceinspectores.gov.uk/peel-assessments/what-is-peel/>.

<sup>12</sup> See: Vári above (fn. 9.).

<sup>13</sup> See: Sallai et al.: A „jó rendészet” közpolitikai kapcsolódási lehetőségei [The public policy interface of “good policing”], Nemzeti Közszerológati Egyetem, 2016, available at: <https://www.uni-nke.hu/document/uni-nke-hu/2016-evi-31-szam-a-jo-rendeszeti-kozpolitikai-kapcsolodasi-lehetosegei.original.pdf>.

<sup>14</sup> Erzsébet Tőzsér: Két városi rendőrkapitányság szervezetpszichológiai vizsgálata 2018-ban [Organisational psychological assessment of two municipal police stations in 2018], Belügyi Szemle, 2019/12, available at: <https://belugyiszemlejournal.org/index.php/belugyiszemle/article/view/613/613>.

which they considered unprofessional, as it does not reflect the realities of police work and in fact hinders it. Many cited this as the reason for their intention to leave the service.

### 1.3. Psychological well-being of police officers

It should be noted that, despite the call from the Committee of Ministers in its last decision (Point 4.), the Revised Action Plan does not contain any information on the implementation of relevant measures related to the psychological aspects of police work that were already reported by the authorities in 2018. Similarly, despite the call in the decision of the Committee of Ministers from December 2022 (Point 7.),<sup>15</sup> the Group Action Plan of 27 October 2023,<sup>16</sup> and the Revised Action Plan of 3 October 2024<sup>17</sup> did not contain any information on psychological support to low-ranking officers.

It is important to note the **general staff shortage**<sup>18</sup> and **considerable fluctuation** within the Hungarian police force. The excessive workload caused by staff shortages also has a strong negative impact on the psychological well-being of police officers. In a study based on interviews conducted between 2019 and 2021,<sup>19</sup> several police officers who had left the service stated that their family relationships had broken down due to the unpredictability and excessive workload caused by staff shortages. Many also reported developing stress-related physical symptoms and illnesses at a young age.

In its reports published between 2023 and 2025,<sup>20</sup> the Commissioner for Fundamental Rights, in performing its National Preventive Mechanism (NPM) function, highlighted that inadequate working conditions experienced in several police stations, such as the lack of facilities for police officers to consume meals properly, change clothes, and maintain personal hygiene, may also have an impact on the treatment of detainees. According to the NPM, service organisation that makes regeneration and rest impossible, unpredictable scheduling, excessive administrative burdens, emotionally demanding decision-making situations, responsibility and the associated increased state of readiness can lead to burnout syndrome and physical and mental exhaustion. The NPM therefore recommended improving material conditions and implementing a supervision programme.

## 2. The eligibility for service of convicted law enforcement officers

**Despite the Committee of Ministers' repeated requests, the legislator has not reviewed the respective legal provisions, and the Minister of Interior remains entitled to reinstate the eligibility of law enforcement officers (police officers, penitentiary staff, etc.), who have been sentenced to suspended imprisonment, thereby allowing police officers to continue their service even if they have been convicted of ill-treatment.**<sup>21</sup>

The Minister of Interior exercised this power on several occasions in recent years. Since 2012, when reinstatement became possible again, **57.3% (55 out of 96) of convicted law enforcement officers** who

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<sup>15</sup> [CM/Del/Dec\(2022\)](#)

<sup>16</sup> [DH-DD\(2023\)1296](#)

<sup>17</sup> [DH-DD\(2024\)1114](#)

<sup>18</sup> <https://telex.hu/belfold/2023/08/02/rendorseg-rendorhiany-vegrehajto-jaror-fizetes-buncselekmeny>;  
<https://dailynewshungary.com/labour-shortage-budapest-police-misses-more-than-300-foot-patrols/>

<sup>19</sup> Bajnok, Bánkúti: A munkaerőmegtartás kihívásai és lehetőségei a rendvédelmi szerveknél [Challenges and opportunities in workforce retention in law enforcement agencies], Belügyi Szemle, 2023/2, available at: <https://belugyiszemlejournals.org/index.php/belugyiszemle/article/view/1200/1201>.

<sup>20</sup> [AJB-1022/2023](#); [AJB-1025/2023](#); [AJB-844/2024](#); [AJB-2039/2025](#)

<sup>21</sup> Legal basis up until 1 July 2015: Act XLIII of 1996 on the Status of Members of the Armed Forces, Article 56(6a); legal basis since 1 July 2015: Act XLII of 2015 on the Service Status of the Professional Members of Law Enforcement Services, Article 86(10).

**submitted a request for the restoration of their eligibility have remained in service.**<sup>22</sup> Data from previous years also show that requests were submitted predominantly by police officers. In 2020, all four requests were submitted by police officers; in 2021, five out of six requests were submitted by police officers; while in 2022 until 7 October, two out of two requests were submitted by police officers. Since 7 October 2022, the HHC has had no information on how many of the applications were submitted by police officers, as the Ministry of Interior failed to reply to this question when responding to the HHC’s data request in 2024<sup>23</sup> and 2025.<sup>24</sup>

Year / No. of decisions	Requests submitted	Requests granted
2012	10	3
2013	4	2
2014	3	2
2015	12	9
2016	12	8
2017	9	5
2018	2	2
2019	5	3
2020	4	1
2021	6	4
2022	3	2
2023	2	1

<sup>22</sup> Data provided by the Ministry of Interior upon the HHC’s FOI requests (BM/12680-4/2018, 18 July 2018; BM/33994/2020, 26 February 2020; BM/15077/2022, 17 October 2022; BM/15149/2024, 12 June 2024; BM/31653/2025, 22 December 2025).

<sup>23</sup> Response of the Ministry of Interior to the HHC’s FOI requests, BM/15149/2024, 12 June 2024.

<sup>24</sup> Response of the Ministry of Interior to the HHC’s FOI requests, BM/31653/2025, 22 December 2025.

2024	14	5
2025*	10	8
<b>Total:</b>	<b>96</b>	<b>55</b>

\* Until 22 December 2025.

With regard to the above data, it is important to note that they include not only public officials convicted of ill-treatment, but all officials who have submitted such requests. According to the Ministry of the Interior, the data cannot be disclosed broken down by offence, as the low number of cases would make it possible to identify the individuals concerned.<sup>25</sup>

The data **point towards factual impunity** and raise serious concerns with regard to the continued service of the affected law enforcement officers, especially in light of the high proportion of those officials convicted of ill-treatment who were sentenced to suspended imprisonment.

It must be strongly underlined that the Minister of Interior may only decide on the reinstatement of an ill-treating police officer **if they have been sentenced to a suspended prison sentence**. According to the data presented in Point 8.2. of the present report, **70–87.5% of the prison sentences imposed on official persons were suspended** between 2023 and 2025. By contrast, officers whose criminal acts are sanctioned by a **fine** or **community work** may continue their service **without any further permission**.

**The courts have the possibility to disqualify a convicted person from their profession**, regardless of the type of sentence imposed. Such a sanction would automatically deprive the person of the possibility to serve as a police officer, and the Minister of Interior would not have the possibility to allow the person to continue in service. Based on the data received, **the prohibition to exercise professional activity is hardly used by the courts** (see the data under Point 8.3. of the present report).

### 3. Measures on the video recording of police work

#### 3.1. Absence of legislative measures extending the scope of instances where video recording of police work is mandatory, and absence of increasing the thirty-day statutory period of storage of video-recording

The Committee of Ministers, in Point 9. of its last decision, *“reiterated their call on the authorities to adopt, in line with the recommendations made by the CPT, legislative measures extending the scope of instances where video recording of police work is mandatory, and increasing the thirty-day statutory period of storage of video-recordings.”* However, Chapter II, Points 11-34. of the Revised Action Plan, under the heading "Legislative measures", only lists the Hungarian legislation currently in force in these areas.

**The scope of situations in which video recording of police work is mandatory has not been extended in Hungarian legislation**, nor has there been **a change in the law regarding the statutory period of storing recordings**. The response given in the Revised Action Plan, which only quotes the

<sup>25</sup> Response by the Ministry of Interior upon the HHC’s FOI requests, BM/15077/2022, 17 October 2022.

current legislative texts, implies that the Hungarian authorities do not intend to amend the current legal framework.

### 3.2. Recording devices in police detention facilities remain non-mandatory

The legal framework governing the use of recording devices in police detention has also remained the same. Under the current legislation, the police **may** install cameras recording either images or images and sound in the lobbies of police custody suites (“előállító egység”), but not in the police custody suites (“előállító helyiség”) themselves, and in police holding facilities (“rendőrségi fogda”), but not in police holding cells (“zárka”).<sup>26</sup> Thus, it is still **not obligatory by law to install cameras in all police detention facilities**.

According to the response of the National Police Headquarters (NPH) to the HHC’s freedom of information request,<sup>27</sup> as of 31 December 2024, there were a total of 568 custody suites in the country, of which 403 were equipped with a camera, representing 71% of all custody suites. As of January 2026, all 19 holding facilities were equipped with a camera capable of recording both image and sound.

The HHC often encounters situations in which video recordings of ill-treatment are unavailable or incomplete. In one case involving an HHC client who was ill-treated in prison, one minute was missing from the security camera footage of the incident. The prosecutor handling the case appointed an image analysis expert, followed by an IT forensic expert. Both experts concluded that the footage had been manipulated and that the anomaly was not the result of a power outage. According to their findings, the footage could be altered because the system does not encode recordings in a manner that would prevent retrospective modification.<sup>28</sup>

### 3.3. Lack of legal development regarding the video recording of interrogations

The Hungarian Government has **failed to extend the range of situations in which video recording of interrogations is mandatory**. Thus, the **legal framework remains unchanged**, and the video recording of interrogations is still not required in all criminal proceedings in Hungary.<sup>29</sup> Moreover, it continues to be the rule that a procedural act must be recorded at the request of the defendant, defence counsel, or the victim only if they advance the costs of such recording.<sup>30</sup> This requirement continues to **deny indigent suspects the effective exercise of their rights** on the basis of their economic status, a concern already raised by the UN Human Rights Committee in 2010.<sup>31</sup> It should also be noted that a suspect who is brought in for interrogation following apprehension, instead of pursuant to a prior summons, cannot request in advance that the interrogation be recorded, as there is no opportunity to do so before the immediate interrogation takes place.

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<sup>26</sup> Article 42(5c) of Act XXXIV of 1994 on the Police. Persons taken into custody by the police can spend a maximum of 12 hours in police custody suites. Holding cells are used to detain defendants, for example, in 72-hour detention, pre-trial detainees (as an exception), and persons in petty offence confinement.

<sup>27</sup> Response of the NPH to the HHC’s FOI request, 29000-197/1006-19 -41/2025.KOZA, 13 January 2026.

<sup>28</sup> <https://www.szabadeuropa.hu/a/fuggetlen-szakertok-manipulaltak-a-gyulai-borton-belso-kamerafelveteleit/33480930.html>.

<sup>29</sup> For more information about the respective legal regulations, see the HHC’s communication from April 2020, [DH-DD\(2020\)394](#), pp. 3–4.

<sup>30</sup> Act XC of 2017 on the Code of Criminal Procedure, Article 358(4).

<sup>31</sup> Concluding observations of the Human Rights Committee – Hungary, CCPR/C/HUN/CO/5, 16 November 2010.

In its reply of 13 January 2026<sup>32</sup> to the HHC's freedom of information request, the NPH stated that a total of 3,479 interrogation rooms are available to the police, of which only 372 are equipped to record interrogations with both image and sound. This means that **the video recording of interrogations is possible in approximately 10.6 % of interrogation rooms**. This figure is identical to that reported for June 2024,<sup>33</sup> indicating that there was no increase up to January 2026.

According to the data provided by the NPH, between January 2025 and December 2025 a total of 463,865 suspect and witness interrogations were conducted, of which 23,266 video-recorded. This corresponds to **approximately 5% of all interrogations**. While this represents a significant increase compared to previous years – 7,437 interrogations were recorded in 2023 and 6,044 in 2022<sup>34</sup> (the HHC did not receive reliable data for 2024 from the NPH) – the overall level of recording remains very low.

It can therefore be concluded that **the law still does not require the mandatory recording of interrogations** and that, although the number of available video cameras has increased, their current number remains manifestly inadequate.

### 3.4. The number of cameras available for use in police vehicles and as body cameras

The HHC would like to note that, due to the late submission of the Revised Action Plan, the HHC was not able to request data relating to the "One police officer – one vehicle" program referred to in Point 36. of the Revised Action Plan until the submission of the present report.

According to the response of the NPH to the HHC's freedom of information request of 17 June 2024,<sup>35</sup> the police had 8,270 police vehicles at their disposal, of which 681 were equipped with image-recording equipment only, and 620 of these were actually in use. According to their response dated 13 January 2026<sup>36</sup> to a further freedom of information request submitted by the HHC, at the time of the reply the police had 7,185 police vehicles, out of which 681 were equipped with image recording equipment, and 625 of these were actually in use, meaning that only **8.7% of police vehicles were actually equipped with a functional camera**. Accordingly, no increase can be identified in the number of police vehicles equipped with image-recording equipment.

In June 2024,<sup>37</sup> 344 body cameras were at the disposal of the police, of which 308 were actually in service. By 13 January 2026,<sup>38</sup> **366 body cameras** were at the disposal of the police, of which **330 devices were actually in service**. This figure remains **very low** when considered in relation to the size of the country.

According to Point 39. of the Revised Action Plan, approximately 3,100 police officers are expected to be equipped with body cameras by the end of 2027. Given **the current number of cameras, the scale of purchases to date, and the current financial situation** of the police, **it is unlikely that the police will be able to increase the number of body cameras to the extent specified in the Revised Action Plan by 2027**.

<sup>32</sup> Response of the NPH to the HHC's FOI request, 29000-197/1006-19 -41/2025.KOZA, 13 January 2026.

<sup>33</sup> Response of the NPH to the HHC's FOI request, 29000-197/49 -41/2024.KOZA, 17 June 2024.

<sup>34</sup> Response of the NPH to the HHC's FOI request, 29000-197/49 -41/2024.KOZA, 17 June 2024.

<sup>35</sup> Response of the NPH to the HHC's FOI request, 29000-197/49 -41/2024.KOZA, 17 June 2024.

<sup>36</sup> Response of the NPH to the HHC's FOI request, 29000-197/1006-19 -41/2025.KOZA, 13 January 2026.

<sup>37</sup> Response of the NPH to the HHC's FOI request, 29000-197/49 -41/2024.KOZA, 18 June 2024.

<sup>38</sup> Response of the NPH to the HHC's FOI request, 29000-197/1006-19 -41/2025.KOZA, 13 January 2026.

The HHC received inconsistent data from the NPH regarding the procurement and operating costs of the body cameras in 2024 and 2026. According to the response of the NPH of 27 September 2024,<sup>39</sup> the purchase price of the body cameras in 2023 was HUF 479,400 (approximately EUR 1,197) per unit, excluding the purchase of various accessories, licences, and certificates. However, in their response of 13 January 2026 reply the NPH stated that the purchase price of the body cameras had been HUF 1,165,800 (approximately EUR 3,016) per unit since 2023. According to the response of 27 September 2024, the annual operating cost of these body cameras was HUF 264,100 (approximately EUR 659) per unit, which included the licence and other service fees required for the operation of each device. According to the 2026 response, the annual operating cost of a body camera was HUF 492,610 (approximately EUR 1,272 ).

In light of the above, the purchase of cameras can be considered financially burdensome given the financial situation in Hungary. Press reports<sup>40</sup> indicate that the Hungarian Police are facing serious financial difficulties, including delays in the payment of forensic experts and ex officio appointed lawyers.

Increasing the number of body cameras is, in the view of the HHC, unquestionably a worthy objective, however, **the purchase of cameras alone is not sufficient to improve the legality of police actions**. In 2025, the Human Rights Legal Counselling Office of the HHC received approximately 90 complaints related to police actions, in six of which HHC attorneys represented their clients. In only one of these cases was the body camera footage even partially available. Even in that case, no continuous recording was available; only short clips of 30 to 60 seconds were provided. The police asserted that the body camera had to be restarted because it tends to switch off automatically. In another ongoing case of the HHC, it appears – although this has not yet been conclusively established – that no recording was made, even though the police officers were wearing body cameras. One of the police officers involved said that they did not know how to operate the device and had not received training in its use. In his view, the device is difficult to operate and unreliable. Moreover, because there are too few cameras, they are passed directly by officers at shift changes, which can lead to the batteries running down.

#### 4. Deficiencies in relation to detainees' access to a doctor

##### 4.1. Continuing lack of independent and adequate medical examinations of detainees

Despite the calls of the Committee of Ministers in Points 8.(i) and (ii) of its latest decision and the recommendations of the UN Human Rights Committee,<sup>41</sup> there is no reference in the Revised Action Plan that would indicate that the authorities have taken or committed to taking any measures to improve the quality of medical examinations of detained persons in police holding facilities who complain of ill-treatment. The Revised Action Plan largely describes the legal provisions that have been in force for a considerable time regarding the execution of detention and the management of medical records.

In Point 66. of the Group Action Plan of 27 October 2023, the Hungarian Government **refused to establish an independent medical examination body** mandated to examine alleged victims of

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<sup>39</sup> Response of the National Police Headquarters to the HHC's FOI request, 29000-197/71-14/2024.KOZA, 27 September 2024.

<sup>40</sup> <https://dailynewshungary.com/hungarian-police-bankruptcy-forensic-experts/>.

<sup>41</sup> See: Concluding observations on the sixth periodic report of Hungary, CCPR/C/HUN/CO/6, 9 May 2018, § 36(c).

ill-treatment, on the grounds that the Government considers *the doctors who carry out the medical examinations are, anyway, independent.*

It remains the case that physicians employed by the police are the ones who examine detainees before their placement in the police detention facilities and who record their health status, including potential injuries. The same physicians also examine detainees in cases of alleged ill-treatment. According to Article 34(1) of Decree 56/2014. (XII. 5.) BM of the Ministry of Interior on the Order of Police Cells, the medical service of the police is responsible for the aforementioned tasks. Where it is not operating or not available, the state or municipal health service contracted by the police must perform them. **Detainees alleging ill-treatment by police officers do not have a right to be examined by an independent medical expert or physician**, and the right to access an external doctor during detention is not formally guaranteed.

**Doctors do not receive training in the Istanbul Protocol** and therefore they lack the knowledge required to document injuries properly. HHC attorneys often observe that **initial medical reports are not thorough enough**, and that their deficiencies cannot be remedied at a later stage of the proceedings.

#### 4.2. Presence of police officers during medical examinations of detainees remains the main rule

Despite the call of the Committee of Ministers as included in Point 8. (iii) of its latest decision, the Hungarian Government **has not ensured the full confidentiality of detainees' medical examinations** in practice. The Revised Action Plan does not address this recommendation however, the answer given in Point 59. of the Group Action Plan of 27 October 2023 by the Hungarian Government implies that the Government does not intend to change the current legislation.

This means that **the presence of police officers during medical examinations of detainees remains the main rule**,<sup>42</sup> and, contrary to what is stated in the Group Action Plan of 27 October 2023, it is not at the request of the doctors (which would be acceptable according to the principles laid down by the CPT). This rule and practice hinder the fair and independent medical examination of allegations of torture and ill-treatment and may significantly contribute to the latency of such cases and to the impunity of police officers responsible for ill-treatment. This concern has been raised by both the UN Human Rights Committee<sup>43</sup> and the CPT.<sup>44</sup>

In Point 30. of the Response of the Hungarian Government<sup>45</sup> to the 2023 CPT Report,<sup>46</sup> the Government stated that 15 of the 20 regional police holding facilities ("*vármegyei/fővárosi fogdák*", referred to as detention centres in the Government's response) have medical examination rooms

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<sup>42</sup> Section 8 of Instruction 22/2010. (OT 10.) ORFK of the National Police Chief on Implementing the Recommendations of the CPT sets out the following: "If it does not violate the requirements of the safety of guarding and of personal safety, upon the request of the doctor or the detainee, it shall be arranged that the medical examination or treatment be out of the hearing and – if possible – out of the sight of police officers."

<sup>43</sup> Concluding observations of the Human Rights Committee – Hungary, CCPR/C/HUN/CO/5, 16 November 2010, § 14; Concluding observations on the sixth periodic report of Hungary, CCPR/C/HUN/CO/6, 9 May 2018, § 35.

<sup>44</sup> 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 20 to 29 November 2018, CPT/Inf (2020) 8, § 37.

<sup>45</sup> Response of the Hungarian Government to the report of the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT) on its visit to Hungary from 16 to 26 May 2023, [CPT/Inf \(2024\) 37](#).

<sup>46</sup> 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) on its visit to Hungary from 16 to 26 May 2023, [CPT/Inf \(2024\) 36](#).

equipped with a direct assault alarm, 3 have an assault alarm at the entrance to the examination rooms, and the remaining 2 centres have no assault alarm. According to the Government, as a result, an increasing number of police holding facilities are adopting the practice that, at the request of the doctor or the detainee, the guard must be out of earshot, and, if possible, out of sight.

Progress is, of course, to be welcomed, but it should be noted that **the Government's statement refers to regional police holding facilities, whereas the majority of apprehensions are carried out by local police stations, and there is no evidence that assault alarms are in regular use at these stations.** As a result, the good practice described above cannot currently be applied in these places of detention. The Government's response lacks specific data and does not mention plans to install assault alarms in all detention facilities in the future or to any intention to change the current regulations. Moreover, the practice does appear to be consistent, even within individual regional police holding facilities: according to attorneys' experience, police officers are present during the examination in some cases, while in others they are not.

**No legislation has been adopted regarding assault alarms.** There is no regulation to install assault alarms in examination rooms or at their entrances, nor requiring police officers to remain out of earshot and sight even where an assault alarm is installed. The 22/2010 (OT 10) ORFK Instruction,<sup>47</sup> which **makes the presence of police officers a general rule**, has not been amended. Under this Instruction, **at the request of the detainee or the doctor**, it may be ensured that the police officer is out of earshot. However, even in such cases this is only possible if it “does not compromise the requirements of guarding and personal safety”, and the decision rests with the chief of the guard.

## 5. Deficiencies in the effectiveness of the national preventive mechanism

Even though the Committee of Ministers invited the Hungarian authorities in Point 8. of its latest decision *to provide information on measures taken or foreseen to strengthen the role of the Commissioner for Fundamental Rights in performing its NPM function*, **the Revised Action Plan contains no information on the requested measures or on the operation of the NPM.**

In 2023, the Hungarian NPM **visited 8 police detention facilities**,<sup>48</sup> but only one monitoring report has been published, and only in 2025.<sup>49</sup> In 2024, the NPM visited a further 4 police detention facilities,<sup>50</sup> and two reports have been published, one in 2024<sup>51</sup> and one in 2025.<sup>52</sup> In 2025, the NPM visited 9 police detention facilities,<sup>53</sup> but only one report has been published, in 2025.<sup>54</sup>

The lengthy time taken to produce the reports suggests that **the NPM lacks the human resources necessary** to carry out its tasks effectively. The delay in publishing the reports significantly reduces the impact of the findings and their preventive effect.

The Commissioner for Fundamental Rights also has a significant number of pending cases.<sup>55</sup>

It should be recalled that in the spring of 2022, the Commissioner for Fundamental Rights, in its capacity as the NPM, was **downgraded from an “A” to a “B” status as a national human rights**

<sup>47</sup> Section 8 of Instruction No 22/2010. (OT 10.) of the National Police Chief on the Implementation of the Recommendations of the Council of Europe's Committee for the Prevention of Torture (CPT).

<sup>48</sup> <https://www.ajbh.hu/web/ajbh-en/opcat-visits-2023>.

<sup>49</sup> [AJB-1125/2025](https://www.ajbh.hu/web/ajbh-en/opcat-visits-2025).

<sup>50</sup> <https://www.ajbh.hu/web/ajbh-en/opcat-visits-2024>.

<sup>51</sup> [AJB-844/2024](https://www.ajbh.hu/web/ajbh-en/opcat-visits-2024).

<sup>52</sup> [AJB-2039/2025](https://www.ajbh.hu/web/ajbh-en/opcat-visits-2025).

<sup>53</sup> <https://www.ajbh.hu/web/ajbh-en/opcat-visits-2025>.

<sup>54</sup> [AJB-1325/2025](https://www.ajbh.hu/web/ajbh-en/opcat-visits-2025).

<sup>55</sup> Meeting of the Civil Consultation Body on 25 November 2025, <https://www.ajbh.hu/-/2670755-297>.

**institution** (NHRI). The Sub-Committee on Accreditation of the Global Alliance of National Human Rights Institutions (SCA GANHRI) recommended the downgrade in NHRI status because the Commissioner was “acting in a way that seriously compromises its compliance with the Paris Principles”: it was not fulfilling its mandate to effectively promote and protect all human rights, and, among others, it has not been effectively carrying out its mandate in relation to vulnerable groups or other important human rights issues. The SCA GANHRI found that “the failure to do so **evidences a lack of independence**”.<sup>56</sup>

The HHC reviewed the monitoring reports concerning closed facilities in which persons, **primarily children**, are deprived of their liberty (e.g., juvenile reformatory institutions, children’s homes, homes for disabled persons and prisons) prepared by the Commissioner for Fundamental Rights over the past 10 years. Four of the nineteen reports included in the sample were prepared by the Commissioner for Fundamental Rights in the exercise of its NPM function. The results of the study clearly showed<sup>57</sup> that the Commissioner for Fundamental Rights failed to take effective measures even in cases of exceptionally serious human rights violations and ill-treatment (such as sexual abuse, the beating of an 11-year-old child with a stick named after him, humiliating punishments, and children being encouraged by staff to fighting each other), did not submit police reports (despite being under a legal obligation to do so), did not inform the public, did not urge the competent state bodies to act and did not follow-up its findings effectively, leaving the affected children without immediate and substantive protection and systemic problems unresolved. Equally, state institutions (e.g., ministries, supervising bodies, etc.) largely failed to act after being notified by the Commissioner and did not respond in a substantive manner to the ill-treatment of children and other persons deprived of their liberty. The study thus revealed serious shortcomings of the functioning of state bodies in preventing and tackling the ill-treatment of detained persons.

Following cases of serious ill-treatment of detained children uncovered by other bodies (and not by the Commissioner, who had not identified any similar problems during its monitoring) and the resulting public scandal,<sup>58</sup> in December 2025 the Government placed reformatory institutions under police supervision for crime-prevention purposes and entrusted their management to the prison service, which cannot be considered an effective solution, *inter alia*, for the reasons presented in this submission.<sup>59</sup> The HHC considers that civil oversight and robust action by the Commissioner for Fundamental Rights could help prevent such violations.

## 6. Continuing lack of comprehensive human rights training for police officers

In the Revised Action Plan (Points 63–70.) the Government largely repeats its statements made in the Group Action Plan of 27 October 2023 on educational programmes provided to police officers.

With regard to Points 63–65., it should be recalled that the **purpose of daily briefings is not to educate police officers** on legal or other subjects, but rather to organise the service and allocate daily tasks.

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<sup>56</sup> GANHRI Sub-Committee on Accreditation Report – March 2022, pp. 43–47, [https://www.ohchr.org/sites/default/files/2022-04/SCA-Report-March-2022\\_E.pdf](https://www.ohchr.org/sites/default/files/2022-04/SCA-Report-March-2022_E.pdf).

<sup>57</sup> <https://helsinki.hu/intezeti-bantalmazasok-ajbh/>.

<sup>58</sup> [https://dailynewshungary.com/szolo-street-juvenile-detention-scandal/?utm\\_source=dlvr.it&utm\\_medium=facebook](https://dailynewshungary.com/szolo-street-juvenile-detention-scandal/?utm_source=dlvr.it&utm_medium=facebook); <https://telex.hu/english/2025/12/15/is-child-protection-the-achilles-heel-of-the-orban-government>.

<sup>59</sup> Section 2 and 3 of the emergency Government Decree No. 386/2025 (XII. 10.) stipulates that “[t]he national commander of the prison administration is responsible for the management of reformatories, while the penitentiary administration is responsible for their maintenance” and “the authority established to perform general police duties (hereinafter referred to as the police) shall provide continuous police supervision in the reformatory facility for the purpose of crime prevention.”

The HHC is concerned that there is currently no specialised post-college training for police officers on ill-treatment. In its freedom of information request,<sup>60</sup> the HHC asked the NPH to share the lectures of the new curriculum referred to at the Round Table in October 2022. In its reply, the police sent several curricula<sup>61</sup> from basic police education leading to qualifications for different duties (e.g., police patrol, school police, border guard), but **none of them offered specialised knowledge on the prevention of ill-treatment.**

On the basis of this response, it appears that some training on the issue is available only for police college students, while specific education on the prevention of ill-treatment and torture is not provided. Moreover, **no training of any kind appears to be available for serving officers.** This is highly problematic, as **front-line officers and investigators are those who come in daily contact with persons subjected to police measures, defendants, witnesses.** The absence of training on the prohibition of torture, coercive interrogation and cruel, inhuman or degrading treatment therefore raises serious concerns as to whether they possess the necessary knowledge and skills to prevent such conduct.

It should also be noted that the 22/2010 (OT 10) ORFK Instruction referred to in Point 64., which the Government presents as specifying obligations relating to the prohibition of torture and inhuman or degrading treatment and claims to implement the CPT's recommendations in this regard, in fact establishes the presence of police officers during medical examinations as a general rule (see Point 4.2. of the present report). In other words, the briefings portrayed as training, which the Government relies on to demonstrate compliance with international human rights standards, in reality mandate a practice incompatible with those standards.

## **7. Training of prosecutors and judges on proceedings in police ill-treatment cases and the legal practice of the Office of the Prosecutor General**

### **7.1. Training of prosecutors on proceedings in police ill-treatment cases**

Based on Points 73–75. of the Revised Action Plan, training was provided to investigating prosecutors on topics that were indeed relevant and important. However, due to the late submission of the Revised Action Plan, it was not possible to obtain the training programs through freedom of information requests by the time this submission was prepared; it is therefore not possible to assess whether these training courses were capable of improving the effectiveness and timeliness of investigations.

In the HHC's experience, **investigations carried out by Investigative Prosecution Offices are often unnecessarily lengthy.** Based on a freedom of information request submitted by the HHC,<sup>62</sup> in 2024, investigations into ill-treatment in official proceedings that resulted in indictments lasted an average of 26 months, while investigations terminated without an indictment lasted an average of 16.5 months. It is also common – as confirmed by an internal inspection of the Office of the Prosecutor General<sup>63</sup> in relation to cases pending in 2022 and 2023 – that **the prosecution fails to obtain basic**

<sup>60</sup> Data provided by the NPH to the HHC's FOI request, 29000-197/71 -24/2024.KOZA, 27 September 2024.

<sup>61</sup> <https://rokk.hu/dokumentumok/felnottkepzesel-kapcsolatos-dokumentumok/>; <https://mrvt.hu/kepzeink/rendorjaror-kepzes/>; <https://mrvt.hu/kepzeink/alapkepzesek/>; <https://mrvt.hu/kepzeink/rendorjaror-szakkepitesre-epulo-tiszthelyettes-szakmai-oktatas/>.

<sup>62</sup> Response of the Office of the Prosecutor General to the HHC's FOI request, ABOIGA//1-116/2025, 13 April 2025.

<sup>63</sup> See Revised Action Plan of 3 October 2024, Points 87–93., [DH-DD\(2024\)1114](#).

**and easily accessible evidence, or does so only after considerable delay;** for example, prosecutors do not appoint forensic experts. It is also common that alleged perpetrators identified by the victim are not questioned either as suspects or as witnesses, and that witnesses are often heard only years after proceedings have begun, which is a serious problem, as details of memories can fade over time. The HHC recently lodged applications to the ECtHR on behalf of two clients who alleged ill-treatment by prison staff; in those cases, the investigation lasted 4–5 years, and the applicants were heard as injured parties only 3 years after the report was filed.

## 7.2. The legal practice of the Office of the Prosecutor General in questioning police officers who are the subject of complaints

The statements in Points 81–85. of the Revised Action Plan are difficult to interpret in light of the criminal procedure law.

According to Section 168(1) of Act XC of 2017 on the Code of Criminal Procedure, *a person may be interrogated as a witness if he may have knowledge concerning a fact to be proved. Under Section 385(1), if a specified person is reasonably suspected of having committed a criminal offence on the basis of available data and means of evidence, he shall be interrogated by the investigating authority or the prosecution service as a suspect.*

Under Section 7(3), *in a criminal proceeding, a person shall not be required to give a self-incriminating testimony or provide evidence against him/herself.*

Under Section 39(1)(f), the defendant is entitled to refuse to testify. Under Section 185(1)(a), the defendant may refuse to testify and to answer any question at any time during the interrogation. Under Section 172(1), a witness *who would incriminate himself or a relative of his of committing a criminal offence may refuse to give witness testimony regarding related matters.* Under Section 275(1)(a) of Act C of 2012 on the Criminal Code, any person whose testimony would incriminate themselves or a family member in a criminal offence is criminally liable for perjury.

The suspect may therefore unconditionally refuse to make a statement, either in full or in response to specific questions. Moreover, they cannot be held liable for making false statements, except that they may not falsely accuse another person of having committed a criminal offence. In contrast, **witnesses** are generally obliged to testify and to tell the truth.<sup>64</sup> However, contrary to the findings in Point 85., the principle that *no one can be compelled to make a statement incriminating him/herself or to provide evidence against him/herself* also applies to witness questioning, since under the above legal provisions, they **may refuse to testify or even make false statements if telling the truth would incriminate themselves or a relative in a criminal offence.** Accordingly, the problem mentioned by the Government cannot in itself constitute an obstacle to questioning witnesses.

Contrary to Point 83., if other evidence rules out the occurrence of a criminal offence, then, in view of the HHC, there is no reason to question the official concerned as a witness. It is unclear what further evidence (Point 84.) could be obtained from questioning or **confrontation if other evidence excludes the occurrence of a criminal offence and no reasonable suspicion can be established**, particularly given that the Government also states that *it can be logically excluded that the person concerned will provide evidence against him/herself* (Point 83.). By contrast, where a person alleges ill-treatment by an official and their account appears credible in light of other circumstances and evidence, reasonable suspicion arises, and the person who – on the basis of the available evidence – may be the perpetrator must be questioned as a suspect. A person who may have knowledge of relevant

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<sup>64</sup> Perjury and unlawful refusal to give evidence are criminal offences according to Section 272 and 277 of Act C of 2012 on the Criminal Code.

circumstances of the case but for whom there is no indication of involvement should be questioned as a witness. Indeed, being questioned as a suspect is in some respects a more protected position than being questioned as a witness, since suspects have the right to refuse to make any statement and to request the appointment of defence counsel, among other safeguards.

### 7.1. Training of judges on proceedings in police ill-treatment cases

Due to the late submission of the Revised Action Plan, it was not possible for the HHC to submit a freedom of information request regarding the training of judges. However, the Revised Action Plan itself does not provide any substantive information on this topic, merely referring in general terms to training intended to ensure the uniformity of legal practice, without indicating that training would be provided on issues relevant to ill-treatment cases. Relevant statistical data on judicial practice can be found in Points 8.2 and 8.3 of this report.

## 8. Ineffective investigations; low indictment and conviction rates; lenient sentences

The Revised Action plan does not contain statistical information on criminal investigations into ill-treatment by law enforcement officers and their outcome, despite the fact that, in Point 11. of its latest decision, the Committee of Ministers invited the authorities to provide such information. Based on information obtained by the HHC through freedom of information requests, **there has been no significant improvement in indictment rates or judicial practice.**

### 8.1. Low indictment rates

Based on the data available for 2023 and 2024, it remains clear that very few reports of ill-treatment and coercive interrogation result in charges being brought. Although a slight improvement can be observed in 2024, the 8% indictment rate may still be regarded as very low. **Between 2019 and 2024, the prosecution decided to file an indictment (bring charges) in only 3.6 to 8% of cases of alleged “ill-treatment in official proceedings” each year.** The indictment rate was **0% in 3 out of the last 5 years in terms of alleged “coercive interrogation” cases, including in 2024, when none of the 80 resulted in an indictment.**<sup>65</sup> Thus, the vast majority of investigations were closed without further action, or the reports lodged by the alleged victims were dismissed. In comparison, reports of “violence against an official person” resulted in an indictment in 60.9 to 70.4% of cases between 2019 and 2024.<sup>66</sup> *(Note that these ratios are calculated based on the number of cases in which a decision was reached by the prosecution in a given year, not on the basis of the number of criminal cases launched in a given year.)*

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<sup>65</sup> Source: data provided by the Office of the Prosecution General to the HHC’s FOI requests, LFIIGA//259-10/2020, 2 March 2020; LFIIGA//469-2/2021, 5 October 2021; LFIIGA//476-3/2022, 15 October 2022; LFIIGA//310-3/2024, 28 May 2024; ABOIGA//1-354/2024, 24 September 2024), LFIIGA//142-4/2025, 19 December 2025.

<sup>66</sup> See the HHC’s previous Rule 9(2) communications for the same data for years 2007–2017.

Ill-treatment in official proceeding <sup>67</sup>									
	Overall case no.	Rejection of the report		Termination of the investigation/ procedure		Indictment		Other	
2019	280	53	19%	213	76%	14	<b>5%</b>	-	0%
2020	392	80	20.4%	291	74.2%	14	<b>3.6%</b>	7	1.8%
2021	417	61	14.6%	332	79.6%	19	<b>4.6%</b>	5	1.2%
2022	575	75	13%	454	79%	37	<b>6.4%</b>	10	1.7%
2023	419	79	18.9%	312	74.6%	23	<b>5.5%</b>	5	1.2%
2024	499	76	15.2%	380	76.2%	40	<b>8%</b>	3	0.6%

Coercive interrogation <sup>68</sup>									
	Overall case no.	Rejection of the report		Termination of the investigation/ procedure		Indictment		Other	
2019	45	15	33.3%	30	66.7%	-	<b>0%</b>	-	0%
2020	68	28	41.2%	40	58.8%	-	<b>0%</b>	-	0%
2021	65	19	29.2%	46	70.8%	-	<b>0%</b>	-	0%
2022	72	24	33.8%	46	63.8%	2	<b>2,8%</b>	-	0%
2023	65	27	41.5%	32	49.2%	6	<b>9.2%</b>	-	0%
2024	80	22	38%	58	72%	-	<b>0%</b>	-	0%

Violence against an official person <sup>69</sup>									
	Overall case no.	Rejection of the report		Termination of the investigation/ procedure		Indictment		Other	
2019	233	13	5.6%	61	26.2%	142	<b>60.9%</b>	17	7.3%

<sup>67</sup> Act IV of 1978 on the Criminal Code, Article 226; Act C of 2012 on the Criminal Code, Article 301.

<sup>68</sup> Act IV of 1978 on the Criminal Code, Article 227; Act C of 2012 on the Criminal Code, Article 303.

<sup>69</sup> Act IV of 1978 on the Criminal Code, Article 229; Act C of 2012 on the Criminal Code, Article 310.

2020	338	17	5%	78	23%	216	<b>64%</b>	27	8%
2021	341	11	3.2%	69	20.2%	240	<b>70.4%</b>	21	6.2%
2022	443	14	3.2%	83	18.7%	273	<b>61.6%</b>	73	16.5%
2023	412	5	1.2%	71	17.2%	260	<b>58.5%</b>	76	18.4%
2024	391	8	2%	56	14.3%	267	<b>68.2%</b>	60	15.3%

## 8.2. Lenient practice of the courts

The prosecution's conviction rate is lower in ill-treatment cases than the average annual prosecutorial conviction rate.<sup>70</sup> For ill-treatment in official proceedings, the conviction rate ranged from 40 to 94% between 2019–2025, while the average conviction rate of the prosecution was above 98% in every year between 2019–2023 (99.18% in 2023).<sup>71</sup> The conviction rate for coercive interrogation ranged from 33.3 to 100%; however, the number of such cases each year is very low.

	Ill-treatment in official proceeding			Coercive interrogation		
	Conviction	Acquittal	Termination	Conviction	Acquittal	Termination
2019	24 (64.9%)	12 (32.4%)	1 (2.7%)	1 (33.3%)	2 (66.7%)	-
2020	8 (40%)	11 (55%)	1 (5%)	-	-	-
2021	11 (91.7%)	1 (8.3%)	-	-	-	-
2022	17 (85%)	3 (15%)	-	2 (100%)	-	-
2023	18 (90%)	2 (10%)	-	-	-	-
2024	16 (94%)	1 (6%)	-	-	-	-
2025*	22 (81.5%)	5 (18.5%)	-	3 (100%)	-	-

<sup>70</sup> Source: data provided by the National Office for the Judiciary upon the HHC's FOI requests, 2020.OBH.XII.B.10/8., 23 March 2020; 2021.OBH.XII.B.69/3., 7 October 2021; 2022.OBH.XII.B.61/4., 11 October 2022; 2024.OBH.XII.B.3., 28 May 2024; 2025.OBH.XII.B.65/4., 16 December 2025. See the HHC's previous Rule 9(2) communications for the same data for years 2007–2016.

<sup>71</sup> Source: Büntetőbíróóság előtti ügyészi tevékenység főbb adatai [Main data on prosecutorial activity before criminal courts – Year 2024], Office of the Prosecution General, <https://ugyeszseg.hu/wp-content/uploads/2025/10/buntetobirosag-v-lapos-2024.pdf>.

	Violence against an official person		
	Conviction	Acquittal	Termination
2022	290 (93,5%)	14 (4.5%)	6 (19.3%)
2023	321 (95%)	11 (3.2%)	6 (1.8%)
2024	337 (93.9%)	15 (4.2%)	7 (1.9%)
2025*	246 (95.7%)	8 (3.1%)	3 (1.2%)

\* Based on data processed by 30 November 2025.

The Committee of Ministers has also expressed concerns about the reportedly **lenient sentences imposed by courts in ill-treatment cases**. For years, it has indeed been the case that judges have imposed imprisonment on law enforcement officers (police officers, penitentiary staff members, etc.) for ill-treatment far less frequently than on civilians convicted of violence against an official person (when comparing the two most commonly applied sanctions in the two groups).<sup>72</sup> As shown by data obtained from the National Office for the Judiciary, **this pattern also persisted in 2024 and 2025**.<sup>73</sup>

	2019	2020	2021	2022	2023	2024	2025*
<b>Ill-treatment in official proceeding</b>							
No. of imprisonment sentences	8	3	6	6	8	10	11
No. and proportion of suspended sentences out of the no. of imprisonment sentences	n/a.	2 (66.7%)	6 (100%)	4 (66.7%)	7 (87.5%)	7 (70%)	8 (72.7%)
Fine	15	5	5	11	10	7	10
	2019	2020	2021	2022	2023	2024	2025*
<b>Coercive interrogation</b>							
No. of imprisonment sentences	-	-	-	-	-	-	3

<sup>72</sup> Accordingly, the table does not include all types of sanctions applied, and it does not include sanctions applicable only against law enforcement officers (e.g., demotion). In addition, the courts may have imposed more types of sanctions on one defendant, thus the number of sanctions applied in a given year can be higher than that of convicted defendants.

<sup>73</sup> Source of the data in the table: responses of the National Office for the Judiciary to the HHC's FOI requests, 2020.OBH.XII.B.10/8., 23 March 2020; 2021.OBH.XII.B.69/3., 7 October 2021; 2022.OBH.XII.B.61/4., 11 October 2022; 2024.OBH.XII.B.3., 28 May 2024; 2025.OBH.XII.B.65/4., 16 December 2025.

No. and proportion of suspended sentences out of the no. of imprisonment sentences	-	-	-	-	-	-	3 (100%)
Fine	1	-	-	2	-	-	3
	<b>2019</b>	<b>2020</b>	<b>2021</b>	<b>2022</b>	<b>2023</b>	<b>2024</b>	<b>2025*</b>
<b>Violence against an official person</b>							
No. of imprisonment sentences	264	195	279	241	269	298	227
No. and proportion of suspended sentences out of the no. of imprisonment sentences	n/a	n/a	187 (67%)	159 (65.9%)	169 (62.8%)	183 (61.4%)	147 (64.8%)
Fine	29	23	25	22	23	25	19

\* Based on data processed by 30 November 2025.

The imposition of suspended imprisonment instead of an effective one is also significant for the continued service of convicted law enforcement officers, as detailed in Point 2 of this report: when the imprisonment is suspended and it is not effective, law enforcement officers may be permitted to remain in service.

Based on the typical course of proceedings, it can be concluded that, although **the number of reports concerning an official ill-treating a civilian and a civilian assaulting an official is broadly similar (300–400)**, by the end of the criminal process **only 1 official, as opposed to around 100 civilians, is likely to be sentenced to actual imprisonment.**

### 8.3. Disqualification from the profession is hardly applied by the courts

Under the Criminal Code, courts may impose several types of punishment when convicting a person. Pursuant to Section 52, courts may temporarily or permanently **prohibit a convicted person from exercising their professional activity** if the offence was committed in breach of the rules of a profession requiring a qualification, or if the person intentionally committed the offence by using their profession. Ill-treatment and coercive interrogation are typical examples of offences, as they are committed in the exercise of police (or other official) powers and in violation of the rules governing them.

Data provided by the National Office for the Judiciary<sup>74</sup> show that, despite the explicit statutory provisions, **the prohibition to exercise professional activity was imposed in only 2 cases in the past 4 years**: 73 official persons were convicted of ill-treatment or coercive interrogation, yet only 2 of them were barred from continuing their profession. This indicates that the courts only very rarely regard such conduct incompatible with the profession of police, prison, or other law enforcement officers, and generally consider convicted officials fit to remain in service.

<sup>74</sup> Source of data in the table: responses of the National Office for the Judiciary to the HHC's FOI requests, 2024.OBH.XII.B.30/3., 28 May 2024; 2025.OBH.XII.B.65/4., 16 December 2025.

	Ill-treatment in official proceeding			
	No. of convicts	Imprisonment	Fine	Prohibition to exercise profession
2022	17	6	11	-
2023	18	8	10	-
2024	16	10	7	-
2025*	22	11	10	2

	Coercive interrogation			
	No. of convicts	Imprisonment	Fine	Prohibition to exercise profession
2022	2	-	2	-
2023	-	-	-	-
2024	-	-	-	-
2025*	3	3	3	-

	Violence against an official person			
	No. of convicts	Imprisonment	Fine	Prohibition to exercise profession
2022	290	241	22	1
2023	321	269	23	2
2024	337	298	25	1
2025*	246	227	19	1

\* The HHC has data on the no. of suspended sentences.

## 9. Re-examination of ill-treatment investigations

As the HHC indicated in its latest communication in October 2024, under Section 400(6) of the Code of Criminal Procedure, the an investigation may be reopened in the following cases: *(a) new evidence or circumstances arise, (b) a false or falsified means of proof has been used; or (c) a member of the prosecution or the investigating authority has breached his or her duty in a manner contrary to criminal law.* The Revised Action Plan does not clarify whether, in the Government’s view, Section 400 would allow the re-examination of investigations. There is, however, an interpretation of the law under which a judgment of the ECtHR may qualify as a new circumstance **justifying the reopening of**

**an investigation.** To the HHC's knowledge, however, no investigation has been reopened following an ECtHR judgment.

Under Hungarian law, it may be the case that the *Gubacsi v. Hungary* group of cases can no longer be reopened because of the statute of limitations. The rules governing the statute of limitations cannot be amended in a way that would have a retroactive adverse effect on the perpetrator. However, this problem could be avoided for future cases **if the legislature were to introduce a provision whereby proceedings before the ECtHR would interrupt the statute of limitations.**

Nevertheless, the Revised Action Plan contains **no indication that the Government intends to review the statute of limitations** for ill-treatment offences, as recommended by the Committee of Ministers in its latest decision (Point 12.). It therefore appears that **the Government does not plan to amend the relevant rules.**

The Government also did not indicate whether it would have been possible to re-examine the cases immediately after the Court's judgments, and, if so, why no such re-examination took place. **Nor does the Revised Action Plan state that, in the event of future judgments by the Court, steps would be taken to re-examine cases** before the statute of limitations expires. As a result of the failure to reopen the investigations, victims **have no effective possibility of seeking compensation for the damage suffered.**

Point 62. of the Revised Action Plan states that, pursuant to Section 11(1) of Act LXXX of 2003 on Legal Aid, the State shall provide legal representation for indigent plaintiffs and advance or bear the costs. It must be stressed that this **option is only available to persons living in extreme poverty**, leaving many others who are not "poor enough" to qualify but still unable to afford legal fees. Under Sections 5(1) and 6 of the Act on Legal Aid, in 2024 the state paid legal fees only for persons without real estate or significant assets and with a net monthly income below HUF 28,500 (approximately EUR 72), and advanced fees for those with a net monthly income below HUF 147,493 (approximately EUR 374). According to HHC's clients, the administration process is very difficult, particularly for people with lower levels of education. In addition, because lawyers contracted by the Legal Aid Service are extremely underpaid, the service is understaffed, and clients' often receive low-quality representation. Clients also report that it is very difficult to find a lawyer willing to take their case.

## 10. Recommendations

For the reasons above, which demonstrate that **no satisfactory steps have been taken to substantively address the shortcomings related to police ill-treatment cases**, the HHC respectfully recommends the Committee of Ministers to continue supervising the execution of the judgments in the *Gubacsi v. Hungary* group of cases under the **enhanced procedure**, and, given the length of time these cases have been pending implementation, the seriousness of the issue, and the lack of substantive progress with regard to (i) the promotion of an institutional culture of 'zero tolerance' towards ill-treatment; (ii) the effectiveness and Convention-compliance of prosecutorial investigations into allegations of ill-treatment, including the issue of low indictment rates; and (iii) the timely reopening of ill-treatment investigations at an earlier stage of the Convention proceedings, to **consider issuing an interim resolution** in respect of this group of cases.

Furthermore, the HHC respectfully recommends the Committee of Ministers to call on the Government of Hungary to:

1. Establish a **comprehensive national action plan** committed to zero-tolerance and reflecting the recommendations of the Committee of Ministers, including clear deadlines and the designation of responsible bodies.

2. Take steps to reduce the latency of ill-treatment and **improve the effectiveness of investigations**, in order to reduce the number of ill-treatment proceedings that are terminated and closed without indictment due to the lack of evidence, for example by **issuing protocols** for the conduct of such proceedings. Clarify the duties and responsibilities of the newly established specialised unit in relation to the prevention of ill-treatment.
3. **Revise the performance assessment system of the police**: lighten its statistical focus, and place more emphasis on factors such as crime prevention and public trust.
4. Provide systematic **training for police officers, including low-ranked officers and patrols**, on the prevention of ill-treatment. Provide **training for physicians and criminal justice stakeholders on the Istanbul Protocol**.<sup>75</sup>
5. **Revise the legal framework** on service eligibility so that **officers convicted of ill-treatment in official proceedings or coercive interrogation cannot remain in service**, including by abolishing the Minister of Interior's power to reinstate convicted officers and by making disqualification the general rule.
6. Equip **all police vehicles with operational image and sound recording devices** and further increase the number of **body cameras**. Require by law that **all police detention facilities are equipped with recording devices** and that recordings are retained for an adequate period.
7. Extend the situations in which **video recording of interrogations is mandatory**, ensure that interrogations are recorded free of charge upon request, and require that persons to be interrogated are informed of this right.
8. Ensure by law that persons detained by the police who present injuries and allege ill-treatment are promptly **examined by an independent doctor trained in forensic medicine**, that photographs of injuries are taken, and that conclusions are drawn on the consistency between allegations and medical findings.
9. Ensure by law that police officers may be present during medical examinations only in exceptional circumstances, and that **examinations are conducted out of hearing and**, unless expressly requested by the health-care professional, **out of sight of non-medical staff**.
10. Introduce measures to **protect detainees who allege ill-treatment**, including safe reporting mechanisms and transfer to another facility where appropriate.
11. **Ensure comprehensive and operational human rights training** for all criminal justice stakeholders, with particular emphasis on inter-professional training. Provide police officers with training in **non-coercive, non-accusatory interviewing techniques** (such as the PEACE model),<sup>76</sup> supported by a traceable training database.
12. **Ensure that criminal proceedings are reopened and consequences applied** where the ECtHR has found a violation of the Convention in ill-treatment cases.
13. **Guarantee the full independence of the Hungarian National Preventive Mechanism under OPCAT, provide it with sufficient resources**, and ensure that it **effectively monitors detention and torture prevention safeguards**, with **particular attention to vulnerable groups**.

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<sup>75</sup> UN Manual on the Effective Investigation and Documentation of Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, Office of the United Nations High Commissioner for Human Rights, Professional Training Series No. 8/Rev.1.

<sup>76</sup> Cf. 28th General Report of the CPT, 1 January - 31 December 2018, CPT/Inf(2019)9, §§ 73–81.

14. **Collect and provide the data necessary to assess the implementation of the judgments** as required by the decisions of the Committee of Ministers, including data on the proportion of interrogations audiovisually recorded and data, broken down by year, on cases in which officers have been reinstated by the Minister of Interior.

Sincerely yours,

A handwritten signature in blue ink, consisting of stylized initials and a surname.

András Kristóf Kádár  
co-chair  
Hungarian Helsinki Committee