Persistent Concerns and Reform Priorities in Hungary's Criminal Justice System

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The Hungarian Helsinki Committee (HHC), founded in 1989, is an independent human rights watchdog dedicated to protecting human dignity through legal and public activities. The HHC wishes to draw the attention of the Organisation for Security and Co-operation in Europe (OSCE) and its participating States to systemic deficiencies in Hungary's criminal justice system that continue to expose persons deprived of liberty to a risk of torture and other cruel, inhuman or degrading treatment or punishment.

Despite repeated judgments of the European Court of Human Rights (ECtHR) and sustained international scrutiny, prison overcrowding and inadequate detention conditions remain unresolved. Safeguards against ill-treatment and accountability for abuse remain insufficient, while restraints and intrusive searches continue to be used routinely without individual assessments. The law governing life imprisonment also requires reform, while a recent Constitutional Court ruling on mandatory clemency marks a welcome step forward.

These concerns call for a coherent reform agenda: reducing unnecessary deprivation of liberty, strengthening safeguards and remedies, and ensuring effective independent monitoring. The HHC welcomes the prison administration's renewed openness to cooperation and encourages the authorities to build on this positive step through sustained dialogue and concrete reforms.

Prison overcrowding and detention conditions

Despite judgments of the ECtHR and more than a decade of calls for reform by the Council of Europe's Committee of Ministers, prison overcrowding in Hungary remains unresolved.[1] Almost 6,000 new prison places have been created since 2018, yet on 30 June 2026, the prison system was operating at 114% occupancy, with 26 of its 30 institutions exceeding capacity.[2] On that date, pre-trial detainees

[1] See the HHC's latest Rule 9.2 communication in the *István Gábor Kovács* and *Varga and Others v. Hungary* group of cases (Application nos. 15707/10, 14097/12): DH-DD(2026)147, 28 January 2026. See also the Interim Resolution of the Committee of Ministers, CM/ResDH(2025)32, 6 March 2025.
[2] Response no. 30500/3895/2026 issued by the National Prison Administration (NPA) to the HHC's Freedom of Information (FOI) request on 31/08/2026.

accounted for around 23% of the prison population.[3] The latest Council of Europe data also highlight Hungary's high imprisonment rate of 195 prisoners per 100,000 inhabitants, compared with a Council of Europe average of 105.[4] As the European Committee for the Prevention of Torture (CPT) has stressed, expanding prison capacity alone is unlikely to provide a sustainable solution or ensure adequate living conditions for all prisoners.[5]

Overcrowding is compounded by inadequate material conditions, including poor ventilation and temperature control, pest infestations, insufficient sanitary facilities and restrictions on access to showers, outdoor exercise and natural light. Detainees with disabilities are particularly affected by deficiencies in accommodation and support, facing barriers to accessible accommodation, inadequate specialised care and chronic shortages of trained staff. The effectiveness of remedies also remains in question. Although a new preventive complaint mechanism entered into force in January 2026, it is limited to violations of minimum living-space requirements and provides no judicial review.[6]

Ill-treatment

Serious shortcomings persist in the prevention, investigation and sanctioning ill-treatment by law enforcement officials. As documented in the HHC's January 2026 Rule 9(2) communication concerning the *Gubacsi v. Hungary* group of cases, deficiencies in preventive safeguards, video recording and investigations into allegations of ill-treatment continue to undermine accountability.[7] Prosecutorial data obtained by the HHC indicate that, between 2019 and 2024, indictments were brought in only 3.6–8% of cases of alleged ill-treatment in official proceedings in which a prosecutorial decision was taken in the respective year.[8] In cases of alleged coercive interrogation, the indictment rate was 0% in three of the five most recent years, including 2024, when none of the 80 cases decided resulted in an indictment.[9]

Medical safeguards remain inadequate. Detainees alleging ill-treatment are not guaranteed independent medical examinations, while the routine presence of police officers or prison staff during medical examinations may deter reporting abuse for fear of reprisals. Injuries are not systematically photographed, and doctors employed by law enforcement receive no training in the Istanbul Protocol.[10] Investigations are often protracted and fail to secure relevant evidence, while officers

[3] Response no. 30500/3895/2026 issued by the NPA to the HHC's FOI request on 31/08/2026.
[4] Council of Europe, SPACE I – 2024, Annual Penal Statistics, p. 37.
[5] 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 (hereinafter: 2023 CPT Report), CPT/Inf (2024) 36, § 44.
[6] For more information, see the HHC's latest Rule 9.2 communication in the *István Gábor Kovács* and *Varga and Others v. Hungary* group of cases (Application nos. 15707/10, 14097/12): DH-DD(2026)147, 28 January 2026.
[7] See the HHC's latest Rule 9.2 communication in the *Gubacsi v. Hungary* group of cases (Application no. 44686/07): DH-DD(2026)168, 30 January 2026. See also the HHC's Rule 9.2 communication in the case of *Shahzad v. Hungary (No. 2)* (Application no. 37967/18): DH-DD(2024)1449, 12 December 2024.
[8] See the HHC's latest Rule 9.2 communication in the *Gubacsi v. Hungary* group of cases (Application no. 44686/07): DH-DD(2026)168, 30 January 2026, pp. 16–17.
[9] Ibid.
[10] See the HHC's latest Rule 9.2 communication in the *Gubacsi v. Hungary* group of cases (Application no. 44686/07): DH-DD(2026)168, 30 January 2026, pp. 9–11.; UN Manual on the Effective Investigation and Documentation of Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment.

convicted of ill-treatment may remain eligible for service. These shortcomings highlight the need for stronger medical and procedural safeguards, effective investigations and independent oversight.

Means of restraint and searches

As detailed in the HHC's 2025 Warsaw Human Dimension Conference (WHDC) submission,[11] prisoners continue to be routinely restrained during transport to courts and healthcare facilities without individual assessments. Restraints may also be maintained during medical treatment, including for seriously ill detainees and persons with disabilities. Strip and body-cavity searches remain routine, despite the CPT's finding that their frequency and extent are "completely disproportionate".[12]

Whole life imprisonment

Hungarian law continues to permit life imprisonment without eligibility for parole (whole life imprisonment), as well as life sentences for which parole eligibility may be deferred for up to 40 years.[13] Despite repeated judgments of the ECtHR, the necessary legislative reforms remain outstanding. In September 2026, the Constitutional Court declared the mandatory clemency procedure for whole-life prisoners unconstitutional, citing the 40-year waiting period and inadequate procedural safeguards.[14] The relevant provisions will be annulled with effect from 31 May 2027, allowing Parliament time to adopt new legislation. Although an important development, the ruling still requires legislative implementation and does not address the excessively long periods before other life prisoners become eligible for parole. Both regimes therefore require reform to ensure a genuine prospect of release through timely and effective review.

Independent monitoring and protection of detainees' rights

Longstanding concerns remain regarding the functional independence, resources and effectiveness of Hungary's National Preventive Mechanism (NPM), operated by the Commissioner for Fundamental Rights.[15] Since the termination of cooperation agreements in 2017, civil society organisations with relevant expertise have lacked regular access to prisons for independent monitoring.

August 2026 marked a welcome development: for the first time in nine years, the HHC was permitted to visit a prison of its choosing and speak privately with detainees. The HHC welcomes the prison administration's renewed openness to cooperation. This step presents an opportunity to establish a lasting framework for regular and meaningful independent civil society monitoring, alongside efforts to strengthen the NPM's independence and effectiveness.

[11] HHC, *Inhumane treatment persists in Hungarian prisons*, OSCE WHDC submission, 9 October 2025, pp. 2–3.
[12] 2023 CPT Report, § 141.
[13] For more information, see the HHC's latest Rule 9.2 communication in the *László Magyar v. Hungary* group of cases (Application no. 73593/10): DH-DD(2026)549, 28 April 2026.
[14] Hungarian Constitutional Court, Decision No. 8/2026 (X. 8.).
[15] 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 HHC, 2024.

Recommendations

The HHC calls on the OSCE and OSCE participating States to encourage the Hungarian Government to:

1. **Adopt and implement a comprehensive penal reform strategy** that addresses the structural drivers of overcrowding, reduces unnecessary pre-trial and short-term detention, expands the use of non-custodial measures and removes barriers to appropriate early release.
2. **Improve material conditions of detention and ensure effective preventive and compensatory remedies**, including judicial review of preventive complaints, in line with the ECtHR judgments in the *Varga and Others* and *István Gábor Kovács* groups of cases.
3. **Strengthen the prevention, investigation and sanctioning of ill-treatment** through comprehensive video recording, prompt and impartial investigations, systematic training and effective protection against reprisals; ensure that officials convicted of ill-treatment cannot continue in service.
4. **Ensure that medical examinations of detainees are, as a general rule, conducted outside the hearing and sight of police and prison staff**; guarantee access to independent medical examinations, proper documentation of injuries and training in the Istanbul Protocol.
5. **Strengthen independent monitoring** by ensuring the NPM's functional independence and adequate resources, and by restoring regular access for civil society organisations to prisons and other places of detention.
6. **Restrict the use of restraints and intrusive searches** to cases justified by an individual assessment of necessity and proportionality, with particular safeguards for detainees with disabilities or serious health conditions.
7. **Give effect to the Constitutional Court's decision by 31 May 2027** and bring the law governing whole-life and other life sentences into line with ECtHR standards, ensuring a genuine prospect of release through timely and effective review.