



Submission for the Thematic Report of the Special Rapporteur on Torture in Relation to Practical Measures to Reduce and Prevent Prison Overcrowding

September 2026

Hungary has significantly expanded prison capacity in recent years, yet overcrowding persists. On 30 June 2026, the prison system was operating at **114% occupancy**, with 26 of 30 institutions above capacity.¹ Overcrowding continues to result in substandard detention conditions affecting around 40,000 detainees annually. A sustainable response therefore requires measures to reduce unnecessary admissions and remove barriers to timely release.

Admissions data show where much of the pressure arises. In 2024–2025, **52–53% of admissions** stemmed from petty offence confinement, short-term criminal confinement, and the conversion of fines and community service into imprisonment; petty offence confinement alone accounted for around one third.² In 2024, 32% of adult and 45% of juvenile community-service orders were converted into imprisonment.³ Pre-trial detainees made up approximately **23% of the prison population** on 30 June 2026.⁴

Against this background, the Hungarian Helsinki Committee (HHC) calls for stronger safeguards governing the use of pre-trial detention; less reliance on custodial measures for low-level offending; graduated responses to non-compliance before fines or community service are converted into imprisonment; stronger probation services and wider use of restorative justice; and more effective use of early-release mechanisms. Together, these measures address both entry into prison and time spent in detention, reducing reliance on further capacity expansion to manage overcrowding.

Capacity expansion and persistent overcrowding (Q5)

Prison overcrowding in Hungary remains unresolved despite judgments of the European Court of Human Rights and repeated calls by the Committee of Ministers of the Council of Europe for more than a decade.⁵ The latest Council of Europe data also point to the scale of imprisonment: Hungary's

¹ Response no. 30500/3895/2026 issued by the National Prison Administration (NPA) to the Hungarian Helsinki Committee's (HHC) Freedom of Information (FOI) request on 31/08/2026.

² Response no. 30500/5371/2025 issued by the NPA to the HHC's FOI request on 14/01/2026.

³ Ministry of Justice, [Statistical data on general probation 2024](#) (in Hungarian), pp. 5–7.

⁴ Response no. 30500/3895/2026 issued by the NPA to the HHC's FOI request on 31/08/2026.

⁵ See Interim Resolution [CM/ResDH\(2025\)32](#) of the Committee of Ministers of the Council of Europe, 6 March 2025.

prison population rate was **195 per 100,000 inhabitants**, compared with a Council of Europe average of **105**.⁶

Capacity expansion has nevertheless remained central to the response. Despite the creation of almost 6,000 new prison places since 2018, overcrowding persists. As the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT) has stressed, the increase in the prison population underscores the limits of this approach: expanding capacity alone is unlikely to provide a sustainable solution or ensure adequate living conditions for all prisoners.⁷ New capacity should therefore primarily replace obsolete facilities, alongside greater use of non-custodial alternatives and more effective early-release mechanisms.

Reducing unnecessary admissions (Q2)

Pre-trial detention

Pre-trial detention places substantial pressure on the prison system. On 30 June 2026, pre-trial detainees represented around 23% of the prison population.⁸ Duration is a further concern: Council of Europe data recorded an indicator average of 28.3 months in Hungary in 2023, compared with 5.5 months among reporting jurisdictions in the same year.⁹

The HHC therefore recommends strengthening safeguards governing the use of pre-trial detention. Before ordering detention, courts should consider less restrictive measures and, where detention is ordered or maintained, provide individualised reasons explaining why alternatives would not suffice. Effective access to the investigative material necessary to challenge detention, together with prompt review, should also be ensured. Non-custodial alternatives, including criminal supervision supported by electronic monitoring, should be genuinely available in practice.

Low-level offences and the effective use of non-custodial sanctions

Short custodial measures and the conversion of non-custodial sanctions account for a substantial share of prison admissions. Together, petty offence confinement, short-term criminal confinement, and the conversion of fines and community service into imprisonment accounted for 52–53% of admissions in 2024–2025.¹⁰ Petty offence confinement alone accounted for around one third of admissions. Conversions of fines and community service represented around 15% of admissions in both years,¹¹ with 32% of adult and 45% of juvenile community-service orders converted into imprisonment in 2024.¹²

Against this background, the HHC recommends reducing custodial responses to low-level offending by reviewing the scope and use of imprisonment for conduct involving limited social harm, while making greater use of non-custodial sanctions supported by appropriate social services. Particular attention

⁶ Council of Europe, [SPACE I – 2024, Annual Penal Statistics](#), p. 37.

⁷ 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](#), § 44.

⁸ Response no. 30500/3895/2026 issued by the NPA to the HHC's FOI request on 31/08/2026.

⁹ Council of Europe, [SPACE I – 2024, Annual Penal Statistics](#), pp. 114–115.

¹⁰ Response no. 30500/5371/2025 issued by the NPA to the HHC's FOI request on 14/01/2026.

¹¹ Ibid.

¹² Ministry of Justice, [Statistical data on general probation 2024](#) (in Hungarian), pp. 5–7.

should be paid to whether such sanctions are designed in a manner that avoids unnecessary conversion into custody.

Conversion of fines and community service should not be automatic. Non-compliance should first be addressed through graduated responses, including warnings, payment by instalments and, for fines, substitution with community service. Imprisonment should remain a measure of last resort. Where compliance is hindered by poverty, disability, health problems or other practical barriers, these circumstances should be addressed before custody is considered.

The effective use of non-custodial sanctions is also shaped by the institutional capacity available to support their implementation. The HHC therefore recommends strengthening probation services, ensuring access to relevant social, employment and health support, and expanding the use of restorative justice measures where appropriate.

Early-release mechanisms (Q3)

Measures to reduce admissions should be complemented by early-release mechanisms that remain genuinely available in practice. Hungary illustrates how access to early release can narrow even where the relevant legal mechanisms remain formally available. Favourable conditional-release decisions fell from around 70% of eligible cases in 2016 to around 30% in 2024, with research identifying changes in institutional practice – including penitentiary institutions increasingly refraining from recommending conditional release – as an important factor.¹³ Two additional forms of early release – reintegration custody (a form of early release under electronic monitoring) and home care detention – remain marginally used: as of 31 July 2024, reintegration custody applied to **1.6%** of the prison population, while home care detention applied to **0.1%**.¹⁴

Prison practices – and the lack of access to reintegration support within prisons – can further affect prospects for release. Rewards fell from 12,464 in 2021 to 1,688 in 2025, while disciplinary sanctions increased slightly, from 11,069 to 11,477 respectively.¹⁵ This pattern has contributed to diminished prospects for early release.¹⁶

The HHC recommends making conditional release available to the widest appropriate group of prisoners and requiring refusals to be based on specific, substantiated reasons. Difficulties relating to housing, employment or similar practical circumstances should not in themselves justify continued imprisonment where appropriate social support can address them. Reintegration custody should likewise be available more broadly where appropriate. Early release should, where necessary, be supported by effective probation supervision and access to health and social services. Measures to expand early release should also address the institutional practices that shape release decisions,

¹³ Solt, Á. (2025). Changes in the Practice of Conditional Release from 2016 to 2025. In: Sociological Review 35(4): 104–106, <https://doi.org/10.51624/SzocSzemle.19203>.

¹⁴ Government of Hungary, Revised Action Report submitted to the Committee of Ministers of the Council of Europe, [DH-DD\(2026\)12](#), §§ 21, 24.

¹⁵ Response nos. 30500/4683/2024 and 30500/3895/2026 issued by the NPA to the HHC's FOI request on 16/10/2024 and 31/08/2026.

¹⁶ For further details, 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.

including the content of penitentiary recommendations and the issuing of rewards and disciplinary sanctions.

Preventing the recurrence of overcrowding (Q4)

In addition to the measures outlined above, preventing the recurrence of overcrowding requires a coordinated, evidence-based penal policy capable of identifying and addressing pressures on the prison population at an early stage. The HHC recommends sustained cooperation among the judiciary, prosecution services, probation and social services, researchers, civil society and people with lived experience of detention, including their family members. This should be supported by data regularly published by the authorities on the prison population, non-custodial sanctions and early-release practices, as well as monitoring of key indicators such as sentence lengths, the use of short custodial sentences and pre-trial detention.

As a further safeguard, the HHC recommends establishing a statutory response mechanism for periods of acute overcrowding. Legislation should define an upper occupancy threshold above which predefined measures to reduce prison population pressure would take effect automatically. These could include postponing or interrupting the execution of short custodial sentences and, where appropriate, proportionate sentence reductions for persons held in overcrowded conditions. Such a transparent and rules-based mechanism would enable timely intervention while longer-term reforms take effect.

Recommendations

- **Ensure that prison capacity expansion does not substitute for population-management measures** by using new capacity primarily to replace inadequate facilities and addressing the drivers of overcrowding through reduced admissions and more effective release mechanisms.
- **Strengthen safeguards against unnecessary pre-trial detention** by requiring prior consideration of less restrictive measures, individualised reasoning for detention decisions, effective and timely review, adequate access to relevant case materials, and reliable non-custodial supervision.
- **Reduce avoidable custodial admissions** by reviewing the use of imprisonment for low-level offending, limiting reliance on short custodial measures, and ensuring that fines and community sanctions are converted into imprisonment only after less restrictive responses have been considered.
- **Strengthen the implementation of non-custodial sanctions** through adequate probation capacity, effective pre-sentence assessment, supported community service, and links with relevant social, health, employment and civil-society services.
- **Expand restorative justice measures and other community-based responses where appropriate**, while ensuring that responsible institutions have the necessary material and professional capacity.
- **Strengthen access to early-release mechanisms** by ensuring that release decisions are based on individualised assessments and specific, substantiated reasons, while addressing practical barriers to release through effective probation and appropriate social support.

- **Establish a statutory overcrowding-response mechanism** with a clearly defined occupancy threshold and predetermined measures to reduce pressure on the prison system when that threshold is exceeded.
- **Strengthen evidence-based penal policymaking** through coordinated, multi-agency planning, systematic assessment of the impact of legislative and policy changes on prison populations, and ensuring that reliable data on imprisonment, non-custodial sanctions and early-release practices meaningfully shape policy development and implementation, subject to regular and transparent review.