

**4 February 2024**

**Nine years after the European Court of Human Rights condemned Hungary for violating the prohibition of inhuman and degrading treatment due to its prison conditions, detainees continue to face substandard living conditions that fall short of European standards. This ongoing human rights violation persists primarily due to systemic overcrowding.**

**Furthermore, prison authorities in Hungary engage in the routine use of physical restraints when presenting detained defendants in court, a practice that contravenes both EU law and domestic legal standards.**

### **1. Disproportionate use of physical restraints**

Routinely employing physical restraints, such as wrist and leg shackles and chains when presenting detained defendants in court is not only a breach of domestic legal principles, but also violates [standards](#) set by the European Court of Human Rights, which require a case-by-case assessment of whether the use of restraints is necessary and proportionate. The harsh practice also contravenes Article 5 of EU Directive 2016/343 on the presumption of innocence, which requires that accused persons are not presented as guilty in court or in the public through the use of means of physical restraint.

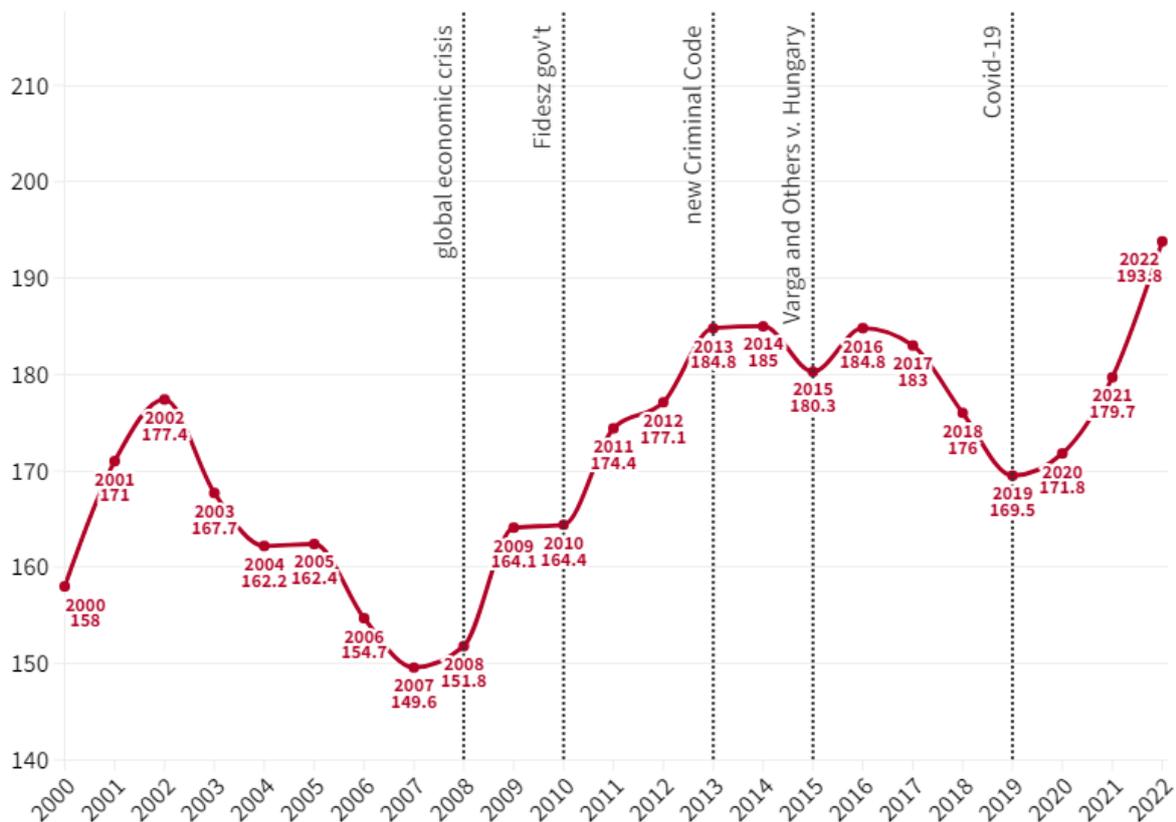
Physical restraints are often used without due consideration of the individual features of the defendant or the case, as the HHC [reported](#) in 2019.

- In 2010, a 53-year-old, fragile gynaecologist who was on trial for alleged professional negligence committed by assisting a homebirth with a fatal outcome was taken to the court handcuffed, leg-cuffed and waist-cuffed. The Hungarian Ombudsman concluded in the case that the simultaneous use of three different restraining measures “against a woman of weak physique was disproportionate” even if the detaining institution had only a few days to carry out a risk assessment regarding the defendant. Despite the Ombudsperson’s concerns, the degrading practice remains to be applied.
- In 2023, HHC’s client, who is blind and was accused of a non-violent crime, was also taken to the hospital for a medical examination and to the court hearing in handcuffs. He was handcuffed to the radiator numerous times.

## 2. Prison overcrowding leading to substandard detention conditions

The prison population rate in Hungary remains very high by European standards (see the [Council of Europe's Annual Report on penal statistics](#)).

Chart 1: Hungarian prison population rate in light of globally and/or locally relevant events, on the 31st of January annually (Source: Council of Europe Annual Penal Statistics)



In 2022, Hungary reached its [highest prison population in 33 years](#). Between January-June 2023, the prison occupancy rate was an overall average of 106 percent. On 31 October 2023, 14 prisons were operating with an occupancy rate exceeding 100 percent.

The HHC found that the measures introduced by the government in the last nine years were insufficient to provide a lasting solution to the underlying problems that lead to prison overcrowding. The Hungarian criminal justice system continues to rely heavily on custodial sentences, despite repeated calls by the relevant European human rights bodies, such as the Council of Europe (CoE) Committee for the Prevention of Torture and the CoE Committee of Ministers, which have urged Hungarian authorities to make a shift in their criminal policy towards a reduced use of imprisonment and increase their efforts to promote alternative sanctions and minimise the use of pre-trial detention.

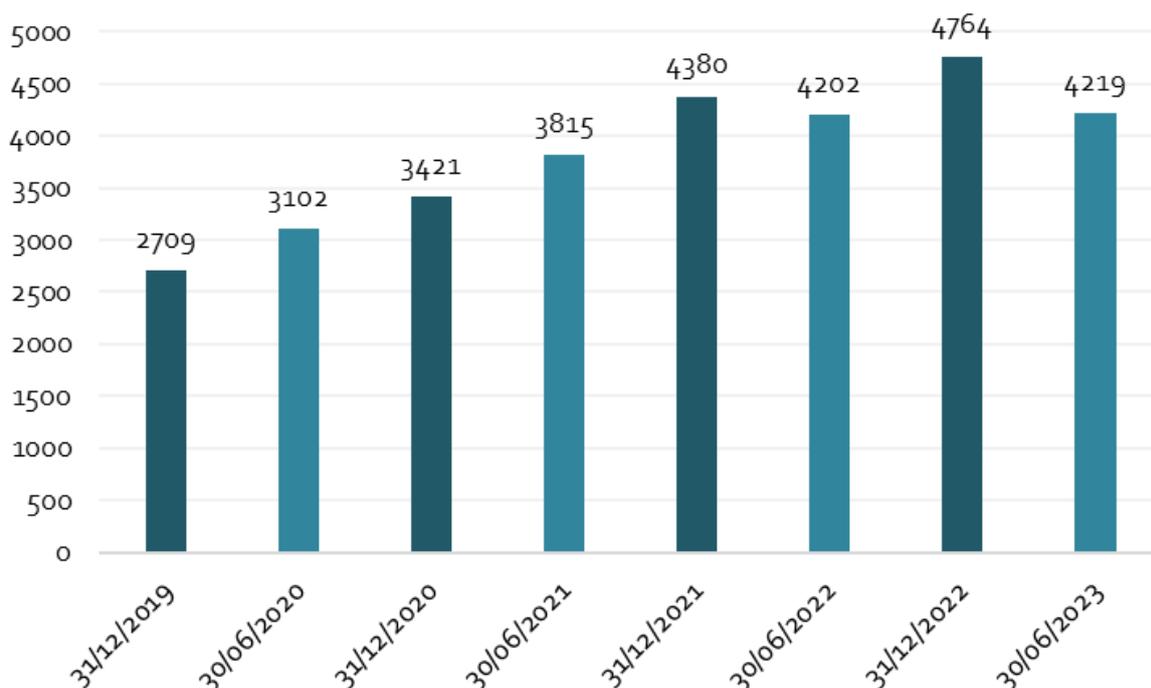
**The severe overcrowding leads to substandard detention conditions affecting approximately 40,000 detainees annually as well as their 100,000 family members.**

The HHC's further concerns regarding prison conditions are the following:

- The overall ban on physical contact between detainees and their visitors is a breach of the right to respect for private and family life (ECHR Article 8) as [established](#) by the ECtHR in October 2023 in case of Takó and Vizstné Zábó v Hungary;
- Prisons are infested with bedbugs;
- In old and/or badly constructed prison buildings the temperature can be extreme in summer and in winter;
- Nutrition is poor: the daily budget to feed detainees is EUR 2.80/day;
- Hot water for maintaining personal hygiene is insufficient in many institutions;
- Numerous cells lack of natural light and proper ventilation;
- Reintegration activities are insufficient, many programmes exist only on paper;
- Effective remedies against decisions taken by the prison system are insufficient;
- The compensation procedure is insufficient for inadequate detention conditions, i.e., detainees cannot claim compensation for inadequate material conditions of detention (e.g., unsanitary circumstances, pest infestations, etc.) if the statutory minimum of living space has been ensured. The compensation has to be set aside on an escrow account and detainees cannot access it until they are released;
- Persons with disabilities in prisons continue to be deprived of adequate treatment and material conditions.

Publicly available data clearly show that both the number of persons held in pre-trial detention and the average length of detention is on the rise in Hungary.

*Chart 2: Number of detainees under pre-trial detention on 31 December and 30 June each year (2019-2023) (Source: Hungarian National Prison Administration)*



**The Hungarian Helsinki Committee** is an independent human rights watchdog organisation based in Budapest, Hungary. To ensure a fair and humane criminal justice system, the HHC challenges overcrowding and inhuman and degrading detention conditions in Hungarian prisons through monitoring, advocacy, legal support and litigation. The HHC has successfully litigated cases related to conditions in of detention and treatment of detainees in Hungarian prisons before domestic courts and the European Court of Human Rights, representing applicants in landmark cases such as in the *Varga and Others v. Hungary* (2015) case and in the case of *Takó and Visztné Zámbo v. Hungary* (2023).

For further information:

- European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT): *Report to the Hungarian Government on the Visit to Hungary Carried out by CPT the from 20 to 29 November 2018*, CPT/Inf (2020) 8, Strasbourg, 17 March 2020, <https://rm.coe.int/1680gcegec>
- Hungarian Helsinki Committee: *Communication to the Secretariat of the Committee of Ministers of the Council of Europe under Rule 9.2 concerning the cases of Istvan Gabor Kovacs and Varga v. Hungary (Applications No. 15707/10, 14097/12)* [DH-DD(2024)16], [https://hudoc.exec.coe.int/eng?i=DH-DD\(2024\)16E](https://hudoc.exec.coe.int/eng?i=DH-DD(2024)16E) and [https://hudoc.exec.coe.int/eng?i=CM/Del/Dec\(2015\)1236/9](https://hudoc.exec.coe.int/eng?i=CM/Del/Dec(2015)1236/9).
- Hungarian Helsinki Committee: *Suspects in Restraints. The Importance of Appearances: How Suspects and Accused Persons are Presented in the Courtroom, in Public and in the Media.* Country report. Hungary, 2019. [https://helsinki.hu/wp-content/uploads/HHC\\_SIR\\_country\\_report\\_legal\\_ENG\\_2019.pdf](https://helsinki.hu/wp-content/uploads/HHC_SIR_country_report_legal_ENG_2019.pdf)
- Hungarian Helsinki Committee: [ECtHR: Physical separation of a detainee from his visitors cannot be considered necessary in the absence of any established security risk](#), December 2023.
- Hungarian Helsinki Committee: [Bedbugs in Hungarian prisons](#), November 2023.
- Hungarian Helsinki Committee: [Hungarian prison population reaches a 33-year high](#), March 2023.



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