

Submission of the Justice and Rule of Law Programme of the
Hungarian Helsinki Committee

for the

Thematic report of the Special Rapporteur on Torture

26 November 2023

The **Hungarian Helsinki Committee** is a leading human rights organisation in Hungary and Central Europe. The HHC monitors the enforcement of human rights enshrined in international human rights instruments, provides legal defence to victims of human rights abuses by state authorities and informs the public about rights violations. The HHC's main areas of activities are centred on protecting the rights of asylum seekers and foreigners in need of international protection and monitoring the human rights performance of law enforcement agencies and the judicial system. The HHC particularly focuses on the conditions of detention and the effective enforcement of the right to defence and equality before the law.

The HHC receives annually approximately 400 complaints from detainees and their relatives per year by letter, e-mail or on the phone, and is frequently contacted by lawyers representing inmates in various legal procedures. As a result, the HHC has access to information on the most recent issues related to detention conditions in penitentiaries. This information is augmented by the results of HHC's FOI requests, the cases taken by the lawyers in the framework of HHC's human rights legal counselling program, and information provided by members of the FECSKE Support Network for Detainees and their Families.

1. Prison population

1.1. High number of detainees

The overall occupancy rate of Hungarian penitentiaries was 102% on the 15th of August 2023. 15 penitentiaries showed an over-the-average rate of overcrowding, the highest three were:

- Szabolcs-Szatmár-Bereg County Remand Prison (115%),
- Balassagyarmati Strict and Medium Regime Prison (114%),
- Hajdú-Bihar County Remand Prison (Debrecen) (113%).

In the pilot judgment issued in the *Varga and Others v. Hungary* case¹ in 2015, the European Court of Human Rights (ECtHR) called on the Hungarian authorities to solve the structural problem of prison overcrowding by applying more non-custodial measures and minimising the recourse to pre-trial detention remain unresolved. As the data shows, regardless of the efforts invested in creating new places in the penitentiary system, the Government has failed to take steps towards promoting alternatives: while the country's population has been declining for decades, the overall number of detainees² has shown a significant increase in the past few years [2018: 16,303; 2022: 18,846]. The sharp increase in the number of persons detained in Hungarian penitentiaries between 2019 and 2022 particularly concerning as this timeframe includes the period of the coronavirus pandemic. In the past three years, most countries in Europe have seen a decrease in their prison populations, while the Hungarian prison population has increased by more than 2,000 detainees, a rate of 15 percentage points. It appears that the rapidly increasing prison population is a symptom of a heavily imprisonment-centred criminal policy and a strictly punitive criminal justice system, which leaves non-custodial sanctions and measures, including forms of early release, underused. As a result, this carries the risk of quickly resulting in overcrowded penitentiaries again. The Council of Europe Annual Penal Statistics also corroborates this, as its latest edition shows that on 31 January 2021, the total number of detainees was equivalent with the total capacity of penal institutions (17,483); therefore, the Hungarian penitentiary system was operating on full capacity on that day.³ Since then, the number of detainees has continuously increased, reaching 19,347 on 31 December 2022.⁴

¹ Application nos. 14097/12, 45135/12, 73712/12, 34001/13, 44055/13 and 64586/13, Judgment of 10 March 2015

² See longitudinal trends in Hungarian prison population rates in [Council of Europe Annual Penal Statistics – SPACE I 2021](#), p. 33.

³ See longitudinal trends in Hungarian prison population rates in [Council of Europe Annual Penal Statistics – SPACE I 2021](#), p. 77.

⁴ Source: Response no. 30500/157-5/2023 issued by the National Penitentiary Administration to the HHC's FOI request on 02/02/2023.

Overall number of detainees in prisons in Hungary between 2019 and 2022



It is to be noted, that the overcrowding rates have also been increased. The average overcrowding rate on 31 December 2022 was 106%, in 8 institutions the overcrowding was higher than 110%.

It is to be noted that there has been attempts to reduce the prison population.

As of November 2023, more than 1600 foreign prisoners sentenced for human smuggling were released from prison according to a special legal order decree.⁵ After being released, the detainees must leave Hungary within 72 hours on their own, without any supervision. The government – utilising its power provided by the special legal order in place because of the Russian-Ukrainian war – ordered that those foreigners sentenced to imprisonment (and automatically to expulsion) because of human smuggling are to be released from prison and placed under so-called 'reintegration custody' if they leave the territory of Hungary within three days. In practice the prison administration releases the smugglers; the rest is up to them. The prison administration and other authorities are not actively monitoring and checking whether those placed under this special reintegration custody have really left the country. The supposed aim of the decree is to reduce the record-high prison population rates, although it poses many threats. Most of those sentenced for human smuggling are from neighbouring countries of Hungary (primarily Romania, Serbian or Ukrainian). There is no guarantee that these people will leave Hungary, and even if they do so, everything is at hand to continue their smuggling or other criminal activities, putting refugees at risk. The new regulations could easily demoralise those involved in the Hungarian criminal justice system, including Hungarian detainees. While the Prison Act regulates another institution called reintegration custody and – in theory – available for every detainee (hereinafter: ordinary reintegration custody), this new special kind of reintegration custody is for foreign human smugglers only. The authorities less and less frequently utilise ordinary reintegration custody, while several human smugglers have already been released from prison. According to the

⁵ Government Decree 148/2023. on the reintegration detention of inmates convicted for human smuggling

Prison Act, if a detainee is sentenced to both imprisonment and expulsion, the latter shall be executed only after the detainee has served their prison sentence.

Prison overcrowding creates a severe obstacle to rehabilitation as it ultimately makes both the professional environment and the professional work more difficult. The HHC regularly receives complaints from detainees about how prisoner reintegration and educational activities operate at low intensity in Hungarian penitentiaries. According to the complaints, there are very few programmes in reality; a lot of them “only exist on paper.” The programmes that actually exist often mainly, or completely ignore the individual needs and characteristics of detainees, who practically miss out on getting prepared for their release as a result. These systemic deficiencies contribute to tensions building up between staff members and detainees, and, in addition, further intensify the prominent role of the family in successful reintegration, while the preservation of family bonds relies on the penitentiary system to provide sufficient opportunities to keep meaningful contact with relatives.⁶ Additionally, the information received by the HHC often concerns the highly vulnerable situation of detainees (and their relatives).

1.2. Overcrowding and unsatisfactory conditions for detainees with psychosocial disabilities

The HHC regularly receives information from detainees and their families, and additionally, the NPM’s reports corroborate that due to the security-centred approach of the current prison system overriding all other considerations, such as rehabilitation and reintegration. It is impossible to implement a complex therapeutic approach at the Forensic Observation and Mental Institution (FOMI), where a special group of detainees, those with psychosocial disabilities, are held. Mentally impaired offenders are administered pharmacotherapy, but other therapeutic activities are very restricted in the institution. For example, in the case of a client of the HHC, FOMI submitted in a court case documentation describing three months of “treatment” the client had received in the institution. The documentation shows that besides medication and a weekly conversation with a psychologist, no therapeutic activities were offered to the client.

In a professional publication, the then-director and the Head of the Psychology Department described that in 2014 (when, on average, 180 detainees were held there), only 14% of the total working hours of therapeutic staff were spent on providing psychotherapy, which was deemed insufficient by the authors themselves who held positions at the institution at the time.⁷ The last visit of the Ombudsperson as NPM to the FOMI was conducted in 2016, and a shortage of professional staff was found:⁸ “There was a shortage of professional staff, i.e., physicians, psychologists and nurses. Due to the inadequate working conditions, staff members face the risk of burn-out.”⁹ The psychologists interviewed by the Ombudsperson complained that there are too few of them for the diagnostic and therapeutic work to be done. In addition, only four of the nine psychologists had the clinical

⁶ Several NPM reports corroborate similar concerns. For example, in Report no. AJB-2726/2020, the NPM urged to ensure the organisation of compulsory group sessions for prisoners in the therapeutic units of Szeged Strict and Medium Regime Prison. Available here:

https://www.ajbh.hu/documents/10180/3418016/OPCAT+jelent%C3%A9s+a+Szegedi+Fegyh%C3%A1z+%C3%A9s+B%C3%B6rt%C3%B6n+%C3%B6n+%C3%A1togat%C3%A1s%C3%A1r%C3%B3l+2726_2020.pdf/c79615fe-de03-6493-c488-fea6691eb47d

⁷ See: Hamula, J. – Uzonyi, A.: Az Igazságügyi Megfigyelő és Elmegyógyító Intézet csoportterápiás rendszerének bemutatása, Börtönügyi Szemle 2015; 34(4), here:

http://epa.oszk.hu/02700/02705/00104/pdf/EPA02705_bortonugyi_szemle_2015_4_035-048.pdf p. 38.

⁸ See the Executive Summary of Report no. AJB-766/2017 in English (hereinafter: Ombudsperson English FOMI Report) here: https://www.ajbh.hu/documents/14315/2611959/IMEI_osszegzes_EN.pdf/783d20b5-489e-41cf-aafc-097b16ba4af3

⁹ Ombudsperson English FOMI Report, p. 1.

specialisation enabling them to perform their duties without supervision.¹⁰ At the time of the Ombudsperson's visit, out of the 76 professional nurse positions available for the institution, only 66 were filled, of which only 26 were actual professional nurses.¹¹

The Ombudsperson pointed out that "the visiting delegation experienced cases when the personnel demonstrated derogatory, disdainful behaviour towards the patients. The term 'mentally retarded', often used by the staff and the management, is stigmatizing."¹² The Ombudsperson also criticised that "the documentation of various means of restraint and restrictive measures was incomplete, and the competent authorities had not been notified thereof."¹³

According to the NPM, "patients live in an extremely unstimulating environment, practically no leisure activities were organised for them."¹⁴ There is an insufficient amount of in-house programmes, only few patients participate in work activities for a few hours a week (without any occupational therapy content), there is no provision for participation in public or higher education, and socio-therapy, psychotherapy and psychoeducation groups are only occasional.¹⁵ There is no individualisation or specialisation in FOMI as in the penitentiary institutions, the only separation criterion being gender.¹⁶ Detainees at the FOMI are not separated on the basis of the nature of the offence, their mental disorder (e.g. psychotic disorders from intellectual disabilities), age, comorbid substance use or recidivism, and even pre-trial detainees awaiting sentencing are in the same ward as the patients in mandatory psychiatric treatment.¹⁷

Since then, the staffing situation has become even worse. According to the NPM's report at the time of their visit, 230 patients were placed at FOMI,¹⁸ while the total number of staff was 178,¹⁹ while the number of detainees has risen to around 270,²⁰ while the total number of staff is 158.²¹

Additionally, the increased number of detainees placed in the institution raises concerns of overcrowding. In 2016, the NPM reported that rooms and cells were, in general, large and overcrowded, when in fact, the number of detainees were significantly lower (15%) than in 2022, while the number of available places remained the same, 311.²²

¹⁰ The Ombudsperson's report on his 16-18 February 2016 visit to the FOMI (hereinafter Report no. AJB-766/2017). Available at:

<https://www.ajbh.hu/documents/10180/2611988/jel.IMEI.0766.2017.v%C3%A9gs%C5%91.jelent%C3%A9s+d%C3%A1tummal.pdf/effbbde9-31a2-4a10-85d3-f961888e51b0>, p. 20.

¹¹ Ibid, p. 21.

¹² Ibid.

¹³ Ibid.

¹⁴ Ombudsperson English FOMI Report, p. 1.

¹⁵ Report no. AJB-766/2017, p. 30-32.

¹⁶ See the organogram of the Forensic Observation and Mental Institution here (in Hungarian):

https://bv.gov.hu/sites/default/files/Szervezeti%20fel%C3%A9p%C3%ADt%C3%A9s_0.pdf

¹⁷ See: Bacskák, D. – Krámer, L.: "Punishment-therapy" – Chances of Psycho-rehabilitation for Mentally Disordered Offenders Under Forced Medical Treatment (in Hungarian), *Lege Artis Medicinae* 2020; 30(1-2): 67-74., here: <https://elitmed.hu/kiadvanyaink/lege-artis-medicinae/buntetesterapia-kenyszergyogykezes-alatt-allo-betegek-pszichorehabilitacios-lehetosegei-magyarorszagon> p. 70-72.

¹⁸ Report no. AJB-766/2017, p. 12.

¹⁹ Ibid, p. 21-22.

²⁰ Source: Response no. 30500/7297-10/2022 issued by the NPA to the HHC's FOI request on 29/08/2022.

²¹ Source: Response no. 30500/7902-/2022 issued by the NPA to Borbála Ivány's FOI request on 26/09/2022.

²² Report no. AJB-766/2017, p. 7.

And FOMI's Deed of Operation and Organisation, p. 4. here:

https://bv.gov.hu/sites/default/files/imei_szmsz_jovahagyott_2022.pdf

1.3. Good practice – patients released from FOMI

Earlier, according to a former staff member of the FOMI,²³ the number of patients in the institution is constantly on the rise because even if the mental condition of a person convicted to mandatory psychiatric treatment improved to the extent that his/her mandatory psychiatric treatment was no longer necessary (i.e. he/she does not pose a threat to society), he/she was not released unless the family agreed to take him/her in and provide for him/her or if his/her placement in a “civilian” psychiatric home can be guaranteed. As a form of institutional social care, psychiatric homes in Hungary are practically full (there has been an admission stop in many of the homes for over three years due to a shortage of labour and overcrowded conditions, and the waiting time to be admitted into the only Budapest institution is close to 20 years), and families are very rarely available or willing to undertake to provide accommodation and care to former FOMI patients. This meant that the number of patients under mandatory psychiatric treatment is constantly on the rise, as practically no one leaved from the mandatory psychiatric treatment ward. According to the interviewee, the FOMI tried to solve this problem by turning community rooms and premises originally used for therapy into wards. The transformation of therapeutic premises into wards also had a negative impact on the availability of therapy other than the administration of medication.

After the visit²⁴ of the Committee of European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT) in 2023, when the CPT raised concerns about this practice, approximately 30 patients were released from the FOMI to social care or psychiatric homes.

1.4. Good practice – alternative to deprivation of liberty

Home care custody has been introduced²⁵ as an alternative to prison for seriously ill detainees. Those with severe chronic illnesses requiring continuous assistance for everyday chores could be – on motion - examined by the prison doctor. If found eligible for “home care custody”, they can be released from prison if a relative or any other person is willing to take care of them at home. This, however, does not mean the early termination of their sentence: those under “home care custody” are remotely overseen by the penitentiary. HHC welcomes the newly introduced alternative, however raised concerns regarding the underuse of it. Numerous procedures are pending because of seriously ill detainees were found non-eligible to leave the institution.

It should be considered to allow not only private individuals and NGOs but also state-owned social institutions to be home and caretakers in the meaning of “home care custody”.

1.5. Surge in the number and proportion of pre-trial detainees

After years of decrease in the number and proportion of pre-trial detainees between 2014 and 2019, the trend has recently turned. From 31 December 2019 to 31 December 2021, the proportion of pre-trial detainees within the total prison population increased from 16.6% to 23.5%, while their number increased from 2,709 to 4,380.²⁶ The success rate of prosecutorial motions aimed at pre-trial detention

²³ The former staff member was interviewed in June 2022.

²⁴ The CPT report is not yet published

²⁵ Decree 6/2023 of the Minister of Interior on the different application of certain rules on the execution of sentences during a state of danger special order come into force on 23 February 2023

²⁶ [Yearbook of the Hungarian Prison Service for 2019](#), p. 14; [Yearbook of the Hungarian Prison Service for 2021](#), p. 15.

during the investigative phase remains high: for example, in 2020, 88.8% of prosecutorial motions aimed at pre-trial detention were granted by judges.²⁷ In addition, alternative, non-custodial pre-trial measures continue to be underused. In 2018, a new Code of Criminal Procedure brought positive conceptual changes in terms of pre-trial measures, but it is still yet to be seen whether this will contribute to eliminating substantial deficiencies regarding judicial decision-making, given also that, based on publicly available information, no large-scale research has been conducted to assess the impact of the changes in the legal framework. Deficiencies identified earlier include that court decisions on pre-trial detention are often abstract, and fail to assess the defendant's individual circumstances and/or the possibility of alternative measures. The prosecution's arguments are more frequently accepted than those of the defence, which is coupled with the frequent lack of adequate reasoning in general. Furthermore, courts often fail to consider European Court of Human Rights case-law.²⁸ As a positive development, unlimited pre-trial detention pending a first instance judgment, possible since 2013, was finally abolished by the Constitutional Court in March 2021.²⁹

2. Ill-treatment

In recent years, both inmates and their relatives have reported systematic and regular serious physical and verbal abuse by guards at the National Penitentiary Institute in Tiszalök. According to the reports, the continuous and recurrent pattern of unjustified violence by a group of guards has been not uncommon. The HHC represents victims of ill-treatment, and there are other complaint procedures pending. The HHC also receives several complaints regarding the National Penitentiary Institute of Szombathely about the ill-treatment of prisoners by guards or other staff members.

One reason behind the reported growing tension in prisons is that the penitentiary staff is overburdened and the system suffers from a permanent staff shortage. In August 2022, the total number of staff was 9,391 for the nearly 19 thousand inmates – 13% of the positions were unfilled.³⁰

Prison staff, especially guards, have an excessively powerful authority that determines the most essential decisions concerning inmates' everyday life and in cases even their chances for early release.

Furthermore, the information received from the inmates often reflects their (and also their relatives') highly dependent situation. Prison staff have an extremely powerful authority that discourages inmates to complain about the staff abuses and deters them from enforcing their rights, because they are afraid of the potential revenge and they do not trust in the success of the procedure. In the internal remedy procedures, including the disciplinary procedures, the equality of arms is not guaranteed between the staff and the prisoners, witnesses hardly testify against a staff member, legal representation is practically unavailable, therefore detainees do not have a real chance to receive justice. The same power scheme could be detected in the field of alleged ill-treatment committed by prison guards. The HHC receives numerous ill-treatment complaints from prisoners and relatives, but since in almost all cases, no video recording, no medical files and no witness-statements are available, these serious rights violations remain without consequences.

²⁷ *Ügyészégi Statisztikai Tájékoztató - Büntetőjogi szakág. A 2020. évi tevékenység [The statistical information leaflet of the prosecution – criminal field. Activities in the year 2020]*. Chief Public Prosecutor's Office, 2020, <http://ugyeszseg.hu/wp-content/uploads/2021/12/buntetojogi-szakag-2020.pdf>, p. 59, Table 59.

²⁸ See e.g.: Tamás Fazekas – András Kristóf Kádár – Nóra Novoszádek: *The Practice of Pre-Trial Detention: Monitoring Alternatives and Judicial Decision-Making. Country report – Hungary*, October 2015, http://www.helsinki.hu/wp-content/uploads/PTD_country_report_Hungary_HHC_2015.pdf; *Report of the Curia's Judicial Analysis Group* (2017).

²⁹ For more information, see: <https://helsinki.hu/en/unlimited-pre-trial-detention-is-declared-unconstitutional/>.

³⁰ Source: Response no. 30500/7902-/2022 issued by the NPA to Borbála Ivány's FOI request on 26/09/2022.

Based on HHC's information, inmates are in theory aware of the potential internal decision processes in penitentiary institutions, but these are practically unavailable for them. Furthermore, laws and internal regulations are not or adversely implemented in practice. A blatant example of the latter is that according to the regulations and the official information issued by the National Prison Administration,³¹ an inmate may receive a reward – having a strong effect on the possibility of early release – at any time without any limitation concerning its regularity, but in practice inmates are informed that they only can be rewarded once every half a year. (Nevertheless, inmates may receive a disciplinary sanction – strongly hindering the early release – at any time.)

3. Personal contact with the relatives and lawyers

Detainees are not provided the right to get into physical contact with their family members during their visits, e.g. they cannot give a kiss to them, cannot take their children in the lap. Family members are separated from the detainee by a plexiglass wall. This general measure that was introduced without any differentiation with regard to security concerns systematically decreases the opportunities of all detainees to exercise the right to personal contact. The HHC has received complaints including statements that the visitors and the detainees do not hear each other well due to the plexiglass wall. In certain cases the detainees waive their right to receive visitors in order not to have the embarrassing situation of talking to their family members through a plexiglass wall and not having the chance to hug their children. In addition, complaints referred to the routine practice of strip and search of detainees before and after the visits in order to search for illegal items even in institutions where strict security measures are taken, e.g. the use of the plexiglass wall, video-recording of the visits, presence of the penitentiary personnel.

Physical circumstances given in the consultation rooms and the plexiglass wall placed in them frequently restrict the right for the access to a lawyer. Due to the plexiglass wall, the lawyer does not hear the words of the detainee clearly either.

In a recent judgment of the ECtHR,³² the Court found that applying the plexiglass as a general practice with the lack of individualisation violates Article 8 of the Convention.

An additional problem with regard to personal contact with relatives is that in many cases detainees are held in a penitentiary institution far from the place of their regular residence. An obvious advantage is that after release it is less probable that the former detainee meets the penitentiary personnel in the streets of his/her town. However, it results in an extreme financial burden on the relatives who have to travel hundreds of kilometre for visiting the detainee. The worse financial situation the family is in, the more probably personal contact is annihilated.

4. Life sentence violating ECHR standards

The Hungarian law still allows for imposing life imprisonment without the possibility of parole (whole life sentence). In 2014, the European Court of Human Rights ruled in the *László Magyar v. Hungary* case³³ that by sentencing an applicant to whole life imprisonment, Hungary violated the prohibition of torture and inhuman or degrading treatment or punishment under Article 3 of the European Convention on Human Rights. After the judgment, a “mandatory clemency procedure” was introduced for whole lifers, to be conducted after they have served 40 years. The Court examined the conformity

³¹ Source: letter no. 30500/10487-/2022.ált. by the National Prison Administration, issued on 12 December 2022.

³² Applications nos 82939/17 and 27166/19, Judgment of 12 October 2023

³³ Application no. 73593/10, Judgment of 20 May 2014

of the new procedure with the Convention in the *T.P. and A.T. v. Hungary* case,³⁴ concluding that it was not persuaded that “the applicants’ life sentences can be regarded as reducible for the purposes of Article 3 of the Convention”, and established the violation of the Convention once again. This assessment was confirmed by further decisions of the Court. In a recent case³⁵ the Court also concluded that the Hungarian rules for life imprisonment with a possibility of parole (“simple” life sentence) also violate Article 3 of the Convention, since they allow judges to set 40 years as the minimum term to be served for parole.³⁶

On its 1443rd meeting, 20-22 September 2022 (DH) the Committee of Ministers noted that „[g]iven that the relevant 40-year-waiting period of the first “whole life sentence” started running in 2000, in 2025, the first whole life prisoners will have served 25 years of their sentence without having benefitted from domestic legislation affording “both a prospect of release and a possibility of review” as required by the Convention and the Court’s case-law. Against the background that the Court underlined that these must exist from the imposition of the sentence and given that the lifers’ individual situation depends on the adoption of general measures, the necessary reform should be put in place without further delay. The urgency of the reform is confirmed by the 2018 country visit report published by the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (“CPT”) which revealed serious difficulties concerning the dealing with prisoners serving “whole life sentences”, as well as suicidal tendencies among these inmates despite the introduction of the “mandatory clemency procedure”.³⁷

5. Material conditions

Based on detainees’ complaints to the HHC, the most noteworthy problems related to material conditions have recently been the following.

In relation to the 2022 summer heatwave (with 35-40 degrees centigrade on consecutive days), in certain penitentiaries, only two showers a week were allowed to be taken even during the heat wave. In numerous prisons, the view blockers block the ventilation too; some cell windows can only be tilted (for example because of the bars), in some prisons, not even the small lookout window on the cell doors was allowed to be opened to generate draughts, or only after 6 p.m.

According to the energy-usage related restrictions introduced in October 2022,³⁸ penitentiaries shall not be heated over 18 degrees. HHC received numerous complaints about the cold and increased number of respiratory tract infections. No measures to mitigate the consequences of cold have been introduced.

- Detainees are not allowed to put on a sweater on top of their uniform or
- use their blankets during the day.

³⁴ Application nos. 37871/14 and 73986/14, Judgment of 4 October 2016

³⁵ Applications nos. 52374/15 and 53364/15, Judgment 28 October 2021

³⁶ For a detailed description of the problem, complete with statistical data, see the HHC’s communication to the Committee of Ministers of the Council of Europe from July 2022: https://helsinki.hu/en/wp-content/uploads/sites/2/2022/08/HHC_Rule_9_Laszlo_Magyar_072022.pdf.

³⁷ <https://hudoc.exec.coe.int/ENG?i=CM/Notes/1443/H46-12E>

³⁸ Government Decree no. 353/2022 (IX. 19.) on Certain Institutions’ Operations during the State of Danger introduced a heating restriction from 1 October 2022. According to the rule, public buildings – with the exception of residential social institutions and hospitals – are to be heated to a maximum of 18 degrees. This rule applies to penitentiaries, which the HHC finds concerning because regardless of the fact that certain infrastructural developments were made in some penitentiaries, the HHC still receives regular complaints from detainees in extreme weather conditions. This includes heatwaves in the summer and extremely cold weather in the winter as with a result of insufficient insulation in several penitentiaries; including the new facilities built using lightweight technology.

- Exercising in the cells is prohibited.
- Insufficient quantity of hot water is provided.
- There are severe restrictions on using electricity, it is turned off for the most part of a day.

Further complaints HHC has been receiving include

- cockroach and bedbug infestation, frequent bedbug bites;
- sanitary facilities are often in a bad state of repair: dirty, mouldy, the toilet door is missing or broken, there is no ventilation/extractor, water standing high in showers and causing fungal infections on detainees' feet;
- reduced access to open air:
 - no time for open-air exercise, because it is scheduled for a time slot that is covered by other activities (work, showering);
 - inmates are discouraged by prison personnel from using their open-air time;
 - or inmates are simply not let out for open air time for weeks;
- poor facilities and strict rules during open-air time
 - it is often not possible to sit down in the yard; in several walking yards,
 - there are no facilities to protect the inmates from the rain or sunlight;
 - in several yards, there are no sports facilities, leaving the inmates with nothing to do except for walking around in circles.

The HHC receives an outstanding number of complaints regarding the quality and quantity of the food. In 2022, the budgeted per inmate rate for meals was HUF 520 (approx. EUR 1.3) per day.³⁹ This was been undoubtedly insufficient even for an institution operating on wholesale prices and producing some goods.⁴⁰ As of January 2023 the rate has been increased to HUF 956 (approx. EUR 2.4). Despite the sufficient increase, it can be doubted whether the rate is enough to provide adequate meals to detainees as prescribed by Hungarian and international norms.

³⁹ Source: Response no. 30500/6854/2022 issued by the NPA to the HHC's FOI request on 28/07/2022.

⁴⁰ Rule 22.1, 22.2, 22.3 of the European Prison Rules