

## **Summary of Case № AJB-1424/2015**

On April 2, 2015, the National Preventive Mechanism (hereinafter the "NPM") paid a visit to the Central Prison Hospital in Tököl. The Parliamentary Commissioner for Civil Rights had inspected the hospital on several occasions before, and the European Committee on the Prevention of Torture and Inhuman Treatment or Punishment (hereinafter the "CPT") also visited it back in 2013. The primary objective of the on-site inspection was to conduct a follow-up relative to the implementation of the recommendations set forward in the reports on earlier visits and inspections.

The inspection established that the Hospital is not independent budget-wise, it has a partially shared budget with the Juvenile Penitentiary Institution of Tököl. According to the Commissioner for Fundamental Rights, treatment and prevention are the Hospital's primary responsibilities, the penitentiary aspect plays but a secondary role; therefore, this institution shall be examined as a healthcare provider. According to the CPT's report, detainees shall be provided with all healthcare services that are available to the regular population.

The NPM established that the living space in the wards did not reach the statutory minimum. An impropriety related to the right to health was caused by the fact that the Hospital had not been able to properly enforce the regulations aimed at protecting non-smokers in the wards. Hospital furniture were in rather bad shape, the sanitary units were run-down, the uninterrupted provision of hot water could not be ensured.

In the course of his inspection, László Székely pointed out that the Hospital was struggling with the general lack of physicians: the number of positions specified in the duty schedule in effect during the inspection was not sufficient to ensure uninterrupted operation. The inspection found out that this fact had even jeopardized the Hospital's functionality before. It has to be pointed out, however, that the lack of physicians notwithstanding, the Hospital performs its duties conscientiously, on a high professional level, and its medical-professional conditions may be characterized as good.

The tires of the wheelchairs found in the Hospital were flat, which made the movement of disabled detainees within the institution rather difficult. The inspection found catering problematic, since the meals the Hospital provided were not adequate for the patients' state of health, which resulted in a mental health-related impropriety. Although the living space in the obstetrics and gynecology ward reached the statutory minimum, the living space provided to mothers and new-born babies was less than the standard of six square meters recommended in the CPT's report.

An impropriety related to the protection of personal data resulted from the fact that some detainees had filled out declarations of consent on behalf of others. There is no community room or sports field on the Hospital's premises, and no joint activities are organized for the patients. Detainees may not spend more than one hour a day in the open air; most of them do not avail themselves of this opportunity.

In an earlier report (AJB-226/2010), the Ombudsman pointed out that the phones installed in the Hospital and in other penitentiary institutions may be used for an extremely high per-minute charge: it infringes on the implementation of the fundamental right to maintain contact.

There is not a single locker room for the staff in the Hospital. Due to the tight work schedule and prison stress, staff-members may occasionally project their frustration on to the vulnerable detainees; therefore, regular supervisions of the personnel would be appropriate. The absence of a locker room and the working conditions cause an impropriety related to human dignity.

In his report, László Székely requested the Government to ensure the financial resources for the expansion and modernization of the Hospital. He requested the Chief

Commissioner of the Hungarian Prison Service Headquarters to create the conditions for possible engagement of the patients, adequate to their state of health, and to provide for an increase in personnel, making the fulfilment of security-related tasks possible without involving the nursing staff. The Commissioner for Fundamental Rights made a recommendation to the Chief Commissioner of the HPSH as to introducing a system of supervisions available to all officers. The Ombudsman requested the Chief Medical Director of the Hospital to provide for the enforcement of regulations serving the protection of non-smoking patients, ensure the provision of meals, adequate for the patients' state of health, and to forbid to engage the convicts in activities where the personal data of the patients may fall in their hands.