

Summary of the visit to the Somogy County Penitentiary Institution (Report on Case № AJB-3865/2016)

On June 24-25, 2016, the OPCAT National Preventive Mechanism (hereinafter the "NPM") made an unannounced visit to the Somogy County Penitentiary Institution (Kaposvár, Kossuth Lajos u. 19.).

The inspection focused mainly on following up the conclusions of the 2013 visit to Hungary by the European Committee on the Prevention of Torture and Inhuman Treatment or Punishment (hereinafter the "CPT"). In its report the CPT pointed out, inter alia, that most of the Hungarian penitentiary institutions were overcrowded, inmates were not engaged appropriately, there had been several instances when inmates had been physically ill-treated by prison officers, and racist and xenophobic remarks had been regular.

The NPM found that, as compared to the conclusions of the CPT report, there had been some progress as regards several fundamental-rights-related problems, in particular regarding the Institution's over-crowdedness that had significantly decreased in the recent period. However, the members of the visiting delegation also found that the Institution was not complying with its obligations stipulated in Act CCXL of 2013 on the execution of punishments, criminal measures, certain coercive measures and confinement for administrative offences. Judging by the number of inmates per cell, the Institution could not provide the mandatory 3 m² per capita living space in the cells, and there were some instances when persons in pre-trial detention were held in the same cell with persons finally convicted, and minor inmates were kept together with adult inmates.

The investigation pointed out that violence was present in the inmates' relations to each other, prison officers had not taken effective measures to prevent it, and their inspections had not been suitable for detecting the inmates' injuries and the possession of unauthorized, dangerous objects within the Institution. It was also learned in the course of the investigation that certain members of the staff may have facilitated the emergence of violence as a result of the inadequate reorganization of the cells' occupants and through their unacceptable ways of communicating with the inmates.

It may give cause to special concern that the inmates were made undress for examination in the chapel, a part of the prison dedicated to practicing religion, every time when they were coming back from receiving visitors. This practice may elicit aversion not only from the inmates, but also from those prison officers who have to perform mandatory body cavity searches in such a sacred place. In connection with this method of examination, requiring undressing, the investigation established that the presence of a physician would be required when conducting such an examination, and that the prevailing legal regulations, unlike Section 150, Subsections (1)-(3) of Act XIX of 1998 on Criminal Proceedings, do not stipulate that the person to be searched shall first be demanded to surrender the subject of the search or the prohibited articles prior to the inspection.

A recurring complaint by the inmates living in penitentiary institutions is that unreasonably high—in relation to market conditions—per-minute phone charges make maintaining contact with the outside world significantly more difficult. According to some press reports, there was a significant change in this area recently: another service provider is going to provide mobile phones to the inmates in order to facilitate communication with substantially lower charges.