

Summary of case AJB-793/2017

Between July 26–28, 2016, the National Preventive Mechanism (NPM) conducted an on-the-spot inspection in the Szombathely National Prison (hereinafter the “Prison”).

Capacity-wise, the Prison is one of the largest penitentiary institutions in the country; in addition, it is one of the two domestic penal institutions operated on the basis of a PPP Contract. The contractor, FMZ Savaria Szolgáltató Kft. [*FMZ Savaria Services LLC*] is in charge of daily operations, i.e., provisioning, servicing, and maintenance; the State supervises security operations and performs all detention-related regular and special tasks.

The Prison occupies an area of 53 hectares on the outskirts of Szombathely County Town; its holding capacity is 1,476 persons. On the first day of the visit (July 26, 2016), there were 1,474 detainees registered in the Prison, of whom 1,432 were actually present, accounting for an occupancy rate of 97 %. At the time of the visit, no signs of overcapacity or overcrowding could be detected. Living space and furnishing in the cells on the cell block were in compliance with the regulations. Access to the Prison is made difficult by the absence of means of public transport.

Material conditions, in general, are adequate; however, the use of partially blocked windows, having an adverse effect on lighting and ventilation, the replacement of bed slats with bed mesh while keeping the mattresses not properly supported by mesh, give cause for concern. Some detainees complained about the lack of detergents, short shower time, and uncontrollable water temperatures. Due to its size and design, the “courtyard” on the roof, used by detainees in isolation, is not suitable for daily exercise.

On several occasions, detainees requested to be transferred to another institution because of their inability to maintain personal contacts. Due to the difficulty of having visitors, many detainees could keep in touch with their relatives mainly or even exclusively via phone or mail. Detainees could choose between using landlines or mobile phone services. Their majority opted for the latter as, although per-minute charges were higher, the conditions of use were, in general, more favorable. It gave cause for concern that several detainees could not contact their relatives because their mobile phones had been stolen or taken away for security checking; their complaints had not been duly inquired into. It is also problematic that neither the text of the In-House Rules, nor the Prison’s actual practices are in compliance with the rules of corresponding with the penal authorities, human rights organizations specified by the law, and defense attorneys.

Although some of the physician posts were vacant at the Healthcare Unit, the detainees were able to visit their physician on the designated days; in cases of emergency, they were taken care of by specialized nurses. It gives cause for concern that, according to some detainees, the attending physician would not prescribe any medication if they had no money on their deposit accounts. The infirmary room, also suitable for persons with reduced mobility, was not barrier-free.

There is a separate Psychological Unit operating in the Prison; at the time of the visit, there were six psychologists and a psychology assistant working there. The detainees were aware of the fact that they could consult a psychologist not only during but also after their reception. It gives cause for concern that, based on the visit’s findings, the efficient conduct of suicide prevention activities is hindered by insufficient staffing, uneven distribution of persons belonging to psychological imbalance and suicide risk groups, and by the design of the bathrooms that allows attempts at suicide by hanging. Although manifestations of self-harming behavior are relatively frequent in the Prison, not all staff members possess the adequate knowledge of or the skill set necessary to handle such situations. As regards preventing the use of illegal substances,

the biggest challenge was to identify the new psychoactive substances that are difficult to detect using traditional methods.

It is also problematic that those on a special diet due to their state of health or religious beliefs were often given the wrong food, and that the shop used by the inmates had a limited range of food items.

Reintegration activities provided by the Prison (work, education, organized free time activities) did not meet the detainees' requirements. The increased difficulty of access to these activities by inmates belonging to special detainee groups (juveniles, women, foreigners) caused an impropriety related to the enforcement of the prohibition of discrimination. In the case of the women, it gave cause for concern that most programs organized for them were held in the communal areas of the premises designated for their daily activities. In the case of the foreign detainees, language barriers prevented them from efficiently communicating with the guards and from participating in education.

It is particularly worrisome that even members of the medical staff did not have a clue who should be considered and treated as a disabled person. The staff did not have any information regarding the identities and the special needs of the disabled, which casts serious doubt on whether the protection of the special rights of persons living with disabilities could be ensured in practice.

As far as the personnel is concerned, the actual number of employees showed a 6 % shortage compared to the official roster of posts, affecting mainly the medical staff and the drivers. Overwork and stress, affecting the personnel, the supervisory staff, in particular, present serious difficulties in performing everyday tasks. It affects the quality of reintegration activities available to detainees, the staff's behavior towards the inmates, and may have an adverse effect on the effectiveness of violence prevention among detainees.

It may be concluded that the Prison, operating with the involvement of a private contractor, provides adequate physical conditions as regards both the placement of the detainees and the personnel's job performance. This particular management model provides several benefits in day-to-day operation, e.g., necessary repairs can be carried out within a predictable timeframe. It may cause some difficulties, however, that this system which, in addition to the Prison and the Hungarian Prison Service, also includes the Operator as a third party, can adapt to the changing circumstances less efficiently.