

Summary of Case Report No. AJB-2728/2020

On May 13, 2020, the Commissioner for Fundamental Rights of Hungary, who is responsible for performing the tasks of the OPCAT National Preventive Mechanism (hereinafter the “NPM”) paid a visit to the Szombathely National Prison (hereinafter the “Prison”), which 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, hereinafter the “Contractor”] is in charge of daily operations (i.e., provisioning and maintenance); while the staff of the Prison performs all the detention-related regular and special tasks.

At the time of the visit, there were 1448 detainees registered in the Prison with a capacity of 1476. With 1437 detainees present, the utilization rate was 97.4%.

Due to the risks of the pandemic, the visit, in contrast to the general practice of the NPM, was previously announced to the Prison. The members of the visiting group, wearing appropriate personal protective equipment, inspected the premises of the Institute and made interviews with the members of the management, the staff, and the detainees.

The aim of the visit was to investigate into the measures taken to prevent the spread of COVID-19 and to cope with the challenges of the pandemic, and to inspect the impact of the restrictions imposed due to the COVID-19 outbreak on the everyday life of the detainees.

Although the NPM already visited the Prison due to the pandemic situation, the purpose of the inspection was not to check the implementation of the recommendations made in Case Report AJB-793/2017 on the previous visit.

At the time of the visit, there was not any COVID-19 positive person in the Prison.

The warden of the Prison took measures to provide the necessary protective equipment and disinfectants, and in order to prevent infection in the Prison by the adaptation of the Action Plan of the Hungarian Prison Service Headquarters. The NPM considered as good practice that the most vulnerable elderly and chronically ill inmates were placed on a separate floor as a protective measure.

The Prison, in compliance with the provisions of special legislation due to the pandemic, has introduced restrictions which affected the means of contact and the participation of the inmates in education and training, and also in work and free time activities.

Visits were prohibited. Education and training were provided without the personal presence of teachers or trainers. Free time activities were organized in smaller groups, in the communal areas of the residential units of prisoners. Work opportunities decreased, because the separation of the detainees and the civilian employees of the Contractor could not be ensured.

The detainees made use of the possibility to make longer phone calls and communicate via the internet (Skype) as compensation for the ban on visits; the latter opportunity was highly appreciated.

The NPM considered as good practice that taking advantage of the characteristics of the facility, the inmates were provided an extra hour a day for outdoor activities.

Regarding the particularly stressful period of the pandemic, it was especially worrisome that more than half of the psychologist’s job positions were vacant in the Prison, which caused an impropriety related to the right to physical and mental health.