

Summary of Report No. AJB-874/2021

On 2 February 2021, the Commissioner for Fundamental Rights of Hungary, who is responsible for performing the tasks of the OPCAT National Preventive Mechanism (hereinafter the “NPM”), and his staff members paid a visit to the Márianosztra Strict and Medium Regime Prison (hereinafter the “Prison”).

At the time of the visit, there were 492 adult male detainees present in the Prison with a capacity of 505 places; therefore the utilization rate was 97.43%.

Due to the risks of the pandemic, the visit, in contrast to the general practice of the NPM, had been announced to the Prison. The members of the visiting group, wearing appropriate personal protective equipment, inspected the premises of the Prison and conducted 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, as well as to inspect the impact of the restrictions imposed due to the COVID-19 outbreak on the everyday life of the detainees.

Until the time of the visit, none of the inmates had become infected by COVID-19 virus, whereas there had been 11 confirmed cases among the staff.

The warden of the Prison took measures to provide the necessary protective equipment and disinfectants, as well as to prevent infection in the Prison. In compliance with the provisions of special legislation due to the pandemic, restrictions had been introduced, which affected the means of contact and the participation of the detainees in education and training, and also in free time activities.

Visits were prohibited. Education was mainly ensured without the personal presence of teachers, with the exception of vocational training, where protective measures were applied in order to prevent infection. Free time activities were organized in smaller groups. As all the workplaces of the inmates were either in the territory of the Prison, or on the premises of Nostra Ltd., located in its proximity, by introducing appropriate preventive measures, there was no need to decrease work opportunities.

As a compensation for the ban on visits, longer phone calls and the possibility of electronic communication (via Skype) were provided for the detainees.

The NPM identified several circumstances causing or potentially leading to fundamental-rights-related improprieties.

Although the living conditions of the detainees improved since the NPM’s previous visit in 2017, some of the cells were still in poor condition, and bedbug infection was still present. Concerning the provision of personal hygiene conditions, the dilapidated and dirty bathroom raised serious concerns.

The NPM established that the understaffing in terms of line officers directly in contact with inmates, with special regard to the particularly stressful period of the pandemic, may adversely affect the treatment of detainees.