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**Report to the Hungarian Government  
on the visit to Hungary  
carried out by the European Committee  
for the Prevention of Torture and Inhuman  
or Degrading Treatment or Punishment (CPT)**

**from 30 May to 4 June 2003**

The Hungarian Government has requested the publication of this report and of its response. The Government's response is set out in document CPT/Inf (2004) 19.

Strasbourg, 17 June 2004



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**Copy of the letter transmitting the CPT's report**

Strasbourg, 18 November 2003

Dear Mr Vókó,

In pursuance of Article 10, paragraph 1, of the European Convention for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment, I enclose herewith the report to the Government of Hungary drawn up by the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT) following its visit to Hungary from 30 May to 4 June 2003. The report was adopted by the CPT at its 52nd meeting, held from 3 to 7 November 2003.

The CPT requests the Hungarian authorities to provide within three months a response containing an account of action taken by them to implement the Committee's recommendations and setting out their reactions to its comments and requests for information. The recommendations, comments and requests for information are listed in Appendix I to the report.

The CPT would be grateful if it were possible, in the event of the response forwarded being in Hungarian, for it to be accompanied by an English or French translation. It would also be most helpful if the Hungarian authorities could provide a copy of the response in a computer-readable form.

I am at your entire disposal if you have any questions concerning either the CPT's report or the future procedure.

Yours sincerely,

Silvia CASALE  
President of the European Committee for  
the Prevention of Torture and Inhuman  
or Degrading Treatment or Punishment

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## **I. INTRODUCTION**

### **A. Dates of the visit and composition of the delegation**

1. In pursuance of Article 7 of the European Convention for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (hereinafter referred to as "the Convention"), a delegation of the CPT carried out a visit to Hungary from 30 May to 4 June 2003.

2. The visit was carried out by three members of the CPT, Silvia CASALE, President of the CPT and Head of the Delegation, Mario FELICE and Pieter Reinhard STOFFELEN. They were supported by Mr Wolfgang RAU of the CPT's Secretariat, and assisted by Michael LEVY, Medical doctor, Corrections Health Service, Matraville, New South Wales (Australia), as well as István AMBRÓZY, Éva HALÁSZ and Gábor KARAKAI (interpreters).

### **B. Context of the visit, consultations held and co-operation encountered**

3. The visit was one which appeared to the Committee "to be required in the circumstances" (cf. Article 7, paragraph 1, of the Convention); its main purpose was to examine the situation of remand prisoners in both police and prison establishments, which had given rise to serious concerns by the Committee during its 1994 and 1999 visits to Hungary. In this respect, the information provided by the authorities in response to the Committee's 1999 report and accounts received from other sources suggested that no significant change for the better had taken place in recent years. More particularly, prison overcrowding had further increased (cf. paragraph 33), and previously-announced plans to end, in principle, the practice of holding remand prisoners on police premises had still not materialised (cf. paragraph 7).

It was against this background that the 2003 visit took place; it included follow-up visits to the Police Central Holding Facility in Budapest and Unit II of Budapest Remand Prison, and first visits to the recently opened Unit III of that prison and to the 2<sup>nd</sup> and 4<sup>th</sup> District Police Stations of the capital.

The visits to the aforementioned facilities also offered an opportunity to examine the provision of health care to remand prisoners on police premises, and possibilities for such inmates in police and prison establishments to maintain contact with the outside world.

4. As had been the case during previous visits of the CPT to Hungary, the delegation's meetings with national authorities - both at the start and the end of the visit - took place in a spirit of close co-operation. The CPT is grateful for the time devoted to its delegation by Tibor PÁL, State Secretary, Ministry of the Interior, and István SOMOGYVÁRI, Executive State Secretary, Ministry of Justice. Fruitful discussions were held with Ferenc TARI, Deputy State Secretary, Ministry of Justice, István BÖKÖNYI, Head of the Prison Service, József HATALA, Assistant National Commissioner of Police, and other senior officials. In addition, the delegation held useful talks with Péter POLT, General Prosecutor, and Albert TAKÁCS, General Deputy of the Parliamentary Commissioner for the Rights of the Citizen.

The CPT wishes to highlight the assistance and information received both during and after the visit from the Committee's liaison officer, Mr György VÓKÓ, General Director of the Office of the Prosecutor General.

At the outset of the visit, the delegation also met representatives of the Hungarian Helsinki Committee.

5. With one exception, the delegation enjoyed excellent co-operation from the authorities, at both national and local level. It was granted prompt access to all places of detention visited, and provided with all the information necessary for carrying out its task. However, at the Police Central Holding Facility, the delegation was initially refused access to medical documentation by the doctor on duty, who seemed to be unaware that the Convention obliges Parties to provide the Committee with information available to them - including of a medical nature - which is necessary for the Committee to carry out its task (cf. Article 8, paragraph 2.d, of the Convention). The matter was eventually resolved through the efficient intervention of the liaison officer, and the delegation then received full access to the medical data required. The incident highlights the need for State Parties to ensure that all the relevant authorities, including medical staff in places of detention, receive detailed information on the CPT's terms of reference and on their obligations vis-à-vis the Committee.

### **C. Immediate observation under Article 8, paragraph 5, of the Convention**

6. At the end-of-visit talks, the delegation made an immediate observation under Article 8, paragraph 5, of the Convention, concerning Unit III of Budapest Remand Prison, where the delegation visited two cells, the windows of which had been fitted with plexiglas screens. These devices exacerbated the already stuffy conditions prevailing in the establishment's standard cells, and the hot and airless atmosphere in the two cells reached unbearable levels. The delegation requested that all existing plexiglas screens be removed immediately. By letter of 4 July 2003, the Hungarian authorities confirmed that, within one week of the talks, the aforementioned screens had been removed. The CPT welcomes this prompt and positive reaction to the immediate observation made by its delegation.

## II. FACTS FOUND DURING THE VISIT AND ACTION PROPOSED

### A. Establishments under the authority of the Ministry of Interior

#### 1. Preliminary remarks

7. At the time of the 2003 visit, it was still common for persons to be held on remand in police establishments, often for periods of several months. However, the information provided to the delegation suggested that the number of such inmates had recently decreased, as had apparently the time remand prisoners spent in police facilities.

Remand prisoners should not, in principle, be held in police cells. Such a practice is all the more inappropriate bearing in mind that the detention facilities of law enforcement agencies will often not be suitable for long periods of detention; this was confirmed once again during the 2003 visit.

In this regard, it is particularly regrettable that the entry into force of section 135 of the new Code of Criminal Procedure (i.e. Law No. XIX), according to which pre-trial detention must, as a rule, be carried out in remand prisons, has been delayed from January 2003 (as announced in 1999) to January 2005. The main reason for this is apparently the failure to provide sufficient additional accommodation within the prison estate (cf. paragraph 33). **The CPT trusts that the Hungarian authorities are taking concrete steps to ensure that the implementation of the aforementioned provision is not delayed further.**

In this connection, **the Committee also wishes to reiterate its recommendation that appropriate measures be taken to ensure that the possibility offered by paragraph 2 of section 135 of Law No. XIX, to have remand prisoners kept on police premises for a certain period (i.e. a cumulative maximum of 60 days), will be resorted to only in exceptional cases (as clearly intended by the legislature).**

8. It is evident from the information received by the delegation that some of the existing police premises will continue to be used by the police to hold remand prisoners<sup>1</sup> or be transferred to the prison service. In both cases, **the medium-term objective should be to ensure that conditions of detention enjoyed by remand prisoners on such premises are on a par with those prevailing in ordinary remand prisons.**

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<sup>1</sup> Pursuant to paragraph 2, section 135 of Law No. XIX

## 2. Ill-treatment

9. The delegation did not receive any allegations of ill-treatment by custodial staff working in the police facilities visited. Overall, staff-detainee relations appeared to be free of particular tension and, in each of the facilities, positive remarks about some staff members were made by detainees.

Notwithstanding this generally positive picture, a remand prisoner interviewed at the 4<sup>th</sup> District Police Station complained that, on two occasions, he had been obliged to walk across the street to the nearby prosecutor's office with his hands cuffed and attached to a lead which was held by the escorting police officer. **Exposing a person deprived of his liberty to public view in this way is clearly humiliating and, consequently, might well be considered as degrading.**

10. It must be added that, from the information received during interviews with detainees, it would appear that the prospect of them being moved - after completion of the police investigation - to a remand prison (where conditions were said to be noticeably less austere than in police facilities) was used as an inducement to obtain information from detainees. **In the view of the CPT, such a state of affairs would not be acceptable.**

11. The delegation noted that custodial staff at the 4<sup>th</sup> District Police Station openly carried truncheons and/or tear gas canisters in detention areas. In the interest of promoting positive relations between staff and detainees, **the CPT considers that custodial staff in police facilities should not carry such devices as a matter of routine in detention areas; if it is deemed necessary for custodial staff to be armed with truncheons or gas canisters in specific and clearly defined circumstances, the devices concerned should be hidden from view.**

## 3. Conditions of detention

### a. material conditions

12. The Police Central Holding Facility is located in a complex of buildings which also contains Unit II of Budapest Remand Prison. With 151 remand prisoners (including several women and juveniles) and some 6 persons on 72-hour detention, at the time of the visit, the establishment was operating below its official capacity of 208. As had been the case during previous visits by the CPT to the facility in 1994 and 1999, the vast majority of inmates was accommodated two to a cell measuring between 6 and 8 m<sup>2</sup>.

13. In their response to the report on the 1999 visit, the Hungarian authorities stated that conditions of detention in the police facilities of the capital were "steadily approaching international standards" (cf. page 15 of CPT/Inf (2001) 3). In this connection, several improvements to the material conditions at the Police Central Holding Facility were observed. These concerned the renovation of the communal sanitary facilities, the fitting of a new central food service kitchen, the overhaul of the lighting system in the corridors and improvements to the heating system.

That said, some of the deficiencies criticised in 1994 and 1999 (poor access to natural light and poor ventilation in detention areas) were still present, and the delegation heard several complaints from detainees about this state of affairs. Moreover, the level of cleanliness in a number of cells left much to be desired.

14. The 2<sup>nd</sup> District Police Station had 9 cells (7.5 to 12.5 m<sup>2</sup> for 1 to 3 persons) with an overall official capacity of 20, and was holding 7 remand prisoners. The cell equipment was limited to narrow wooden beds covered with mattresses, which were much broader than the beds. As a consequence, it was apparently not uncommon for detainees to fall to the floor during the night.

The 4<sup>th</sup> District Police Station had 5 cells (6 to 11 m<sup>2</sup> for 1 to 3 persons) for remand prisoners, and, at the time of the visit, held 7 such persons for an official capacity of 9. The detainees slept on wooden platforms covered with mattresses and were given blankets. The only other cell equipment consisted of a few shelves.

In both police stations, cells had small windows/openings (fitted with dense and frequently dirty grids), which allowed virtually no access to natural light and fresh air. Given the absence of proper ventilation, in-cell temperatures reached 29-32°C at the time of the visit, and most of the detainees wore only underwear in their cells. The delegation was told by inmates that, depending on the goodwill of the staff on duty, cell door hatches were kept open during certain periods of the day in order to improve circulation of the air.

15. From the information gathered by the delegation, it would appear that the official capacities of the facilities visited were generally observed. Nevertheless, **cells measuring less than 8 m<sup>2</sup> (as was the case for many of the cells at the Police Central Holding Facility) should not be used to accommodate more than one remand prisoner (save in exceptional cases when it would be inadvisable for a detainee to be left alone), and a cell of 11 m<sup>2</sup> (as seen at the 4<sup>th</sup> District Police Station), not more than two.**

16. Save for a few cells at the Police Central Holding Facility, the three establishments were not equipped with integral sanitation. As for the communal sanitary facilities (comprising washbasins, lavatories and showers), they were, on the whole, of an acceptable (4<sup>th</sup> District Police Station) or even good standard (Police Central Holding Facility). However, those of the 2<sup>nd</sup> District Police Station were very dirty.

At the three establishments, detainees complained that access to lavatories was difficult to obtain, and it was apparently common practice at night for them to resort to urinating into plastic bottles or buckets. This matter was also mentioned in inspection records drawn up by the competent prosecutor.

On the positive side, inmates could take showers on a daily basis, and there was a sufficient supply of hot water.

17. **The CPT trusts that the Hungarian authorities will take measures to further improve conditions of detention at the Police Central Holding Facility, in the light of the remarks made in paragraph 13 and 15.**

**The Committee recommends that urgent measures be taken at the 2<sup>nd</sup> and 4<sup>th</sup> District Police Stations to improve access to natural light and ventilation. As a first step, custodial staff should be instructed to keep cell door hatches open during periods of hot weather. As regards the window grids, they should be kept clean and, if necessary, replaced by less dense devices.**

**As regards more particularly the 2<sup>nd</sup> District Police Station, sleeping arrangements for remand prisoners should be improved and steps be taken to ensure that the sanitary facilities are kept clean.**

**Finally, as regards the three establishments visited, the CPT recommends that custodial staff grant detainees access to the toilet at any time of day or night, unless – in exceptional cases - overriding security concerns require otherwise.**

b. regime

18. As was the case during previous visits, none of the police establishments offered a suitable regime for persons on remand. Such inmates spent almost all their time locked up in their cells with little to occupy their time. There were virtually no jobs available, and no sports activities or library services. Even regular outdoor exercise of one hour per day was not guaranteed in all establishments, and specific facilities for such exercise were either non-existent (as was the case at the 4<sup>th</sup> District Police Station) or were of an oppressive design and too small for real physical exertion. Persons detained in the three establishments also complained that they did not have proper access to TV, due to the absence of power-points in their cells (however, battery-operated TV sets were allowed).

The inadequacy of the regime was compounded by unsatisfactory arrangements for detainees' contact with the outside world (cf. paragraph 26).

19. As a matter of principle, all prisoners - irrespective of their place of detention, the authority responsible for their custody or the state of the proceedings brought against them - should be able to spend a reasonable part of the day outside their cells, engaged in purposeful activity of a varied nature. It is highly doubtful, especially regarding the two district police stations visited, whether it would be possible to comply with this requirement, given the material constraints imposed by the premises concerned.

For as long as police establishments in Hungary continue to be used to accommodate remand prisoners, **the CPT's previous recommendations concerning the regime of such inmates remain valid, namely:**

- **to ensure that all remand prisoners held in police establishments are offered at least one hour of outdoor exercise every day;**
- **to provide some form of activities for remand prisoners held in police establishments.**

In this latter respect, **the Committee invites the Hungarian authorities to seek ways of improving detainees' possibilities for association - preferably outside their cells, or if this is not feasible, inside the cells (naturally, subject to an assessment of the security risk individual detainees may represent and to the interests of the investigation).**

More generally, **due regard should be had to the allocation of detainees who do not speak Hungarian to cells with fellow-detainees with whom they can communicate.**

**Ideally, cells which continue to be used to accommodate remand prisoners should be equipped with power points, in order to allow detainees to operate TV sets under appropriate conditions. If necessary, the relevant rules and regulations should be changed.**

#### **4. Health care**

20. The system of medical care in police detention facilities remained basically unchanged (cf. paragraphs 22-25 of CPT/Inf (2001) 2). Medical services at the Police Central Holding Facility were provided by police doctors, assisted by a team of trained nurses who provided 24-hour cover. The two police stations were visited several times per week by a police doctor, and access to outside consultants and specialist hospital services was said not to be problematic.

Nevertheless, at the three establishments, detainees claimed that the quality of care provided by police doctors was poor; moreover, some of the doctors allegedly often displayed a dismissive attitude towards detainees' health concerns. A number of complaints about long delays in access to dental care were also heard. **The CPT would like to receive the comments of the Hungarian authorities on these points.**

21. The medical screening of newly arrived detainees at the 2<sup>nd</sup> and 4<sup>th</sup> District Police Stations (as well as other Budapest district police stations) was performed at the Police Central Holding Facility.

As regards the recording of injuries as part of the initial medical screening, the delegation was informed that police doctors in Hungary are now required to notify the competent prosecutor directly (i.e. without first referring the matter to the commander of the police facility) of any injuries observed on newly arrived detainees which are consistent with allegations of ill-treatment. **The CPT would like to receive confirmation that this is indeed the case, as well as a copy of the relevant provisions/instructions placing this obligation on police doctors. Further, the CPT trusts that police doctors will fully comply with the above-mentioned requirement.**

The information gathered by the delegation suggested that the screening of remand prisoners for infectious diseases such as tuberculosis and hepatitis left much to be desired, and HIV screening appeared not to be available. This is all the more of concern given the lengthy periods such persons can spend in police facilities in Hungary (cf. paragraph 7). Further, little effort was being made by the police medical service as regards the assessment of mental health problems and of the treatment and counselling needs of drug-addicted inmates (including in terms of detoxification).

In the CPT's view, the screening procedures applied in respect of remand prisoners held in police establishments should be equivalent to those followed in ordinary remand prisons.

Consequently, **the CPT recommends that the Hungarian authorities review the medical screening of remand prisoners held in police establishments, bearing in mind the above remarks.**

22. The CPT is also concerned about the quality of medical documentation at the police facilities visited. Medical information concerning individual detainees was contained, inter alia, in a *Medical Opinion at Reception* certificate (i.e. the results of the medical examination upon arrival) and chronological entries in various registers, concerning medical examinations, prescriptions, laboratory results, and recourse to public emergency services. In the event of a detainee's transfer to another establishment (e.g. another police facility or a remand prison), it was very difficult, if not impossible, to follow the detainee's medical history, given that it was only recorded in the aforementioned registers and not in an individualised medical file.

**The Committee recommends that a personal medical file be compiled for each remand prisoner held in a police facility (containing diagnostic information as well as an ongoing record of the person's evolution and of any special examinations he/she has undergone).** This would, inter alia, render the transfer of medical information more effective than appears to be the case at present. **In principle, the medical file should accompany detainees whenever they are transferred to another detention facility or an outside medical establishment.**

23. Turning to the presence of police officers during medical examinations, the CPT already pointed out in 1994 and 1999 that it is essential for all medical examinations of persons in police establishments to be conducted out of the hearing and - unless the doctor concerned requests otherwise in a particular case - out of the sight of police officers. The information gathered during the 2003 visit clearly indicated that this requirement was still not being met despite the Hungarian authorities' claim that "police doctors do their best" in this respect (cf. page 10 of CPT/Inf (2001) 3). **The CPT trusts that the authorities will take appropriate steps to fully implement the recommendation made on this subject in its previous visit reports. The Committee also wishes to receive confirmation that the existing regulatory framework does not contain any impediment to the implementation of this recommendation.**

24. In the report on the 1999 visit, the CPT criticised the fact that police officers had access to medical data. The delegation which carried out the 2003 visit again found practices which were in flagrant breach of the principle of medical confidentiality. By way of example, the duty doctor at the Police Central Holding Facility routinely handed over the *Medical Opinion at Reception* certificate (cf. paragraph 22) unsealed to the police officer(s) escorting the detainee concerned; further, the certificate was subsequently included in the detainee's general administrative file, to which both custodial staff and investigators had access.

**The CPT recommends that steps be taken to ensure that all medical data concerning persons detained in police facilities are handled in such a way as to ensure strict confidentiality.**

25. The CPT was informed by the Hungarian authorities that - mainly for budgetary reasons - medication continued to be administered to detainees by staff with no medical training in all police establishments in Hungary below the level of the Budapest Police Central Holding Facility and, in the rest of the country, the county district headquarters.<sup>2</sup>

**The Committee invites the Hungarian authorities to reconsider their position on this matter. Ideally, police establishments holding remand prisoners which do not have an in-house medical service should be visited by a nurse on a daily basis.** Such a nurse could, in addition to ensuring the preparation and distribution of prescribed medicines, receive requests from persons detained to see a doctor, control the establishment's stock of medicine, and keep the medical files (thus ensuring medical confidentiality).

## 5. Other issues

26. Reference has already been made to the difficulties encountered by remand prisoners in police establishments to maintain good contact with the outside world (cf. paragraph 18). As a rule, the persons concerned could receive two visits of 30 minutes (or a one-hour visit) per month, taking place in the office and in the presence of the investigator dealing with their case. The latter could authorise additional visits; however, such visits appeared to be a rare occurrence. In the CPT's view, a visiting time of one hour per month is not sufficient to enable persons on remand to maintain appropriate contact with the outside world. **The objective should be to offer a visit every week, of at least 30 minutes duration.**

Detainees at the 2<sup>nd</sup> and 4<sup>th</sup> District Police Stations were allowed one supervised phone call to relatives of some 5 minutes per week. By contrast, at the Police Central Holding Facility, inmates virtually never benefited from this facility. Moreover, in all of the establishments visited, detainees claimed that incoming letters were often received - and outgoing letters dispatched to their addressees - with considerable delay (apparently due to the routine censoring of such correspondence by the competent investigator).

**The CPT recommends that serious efforts be made to improve the possibilities offered to remand prisoners held on police premises as regards their contact with the outside world, bearing in mind the remarks made above; in this context, the authorities should be particularly sensitive to the difficulties encountered by foreign nationals to maintain contact with relatives living abroad.**

In order to alleviate the pressure on investigators concerning the supervision of family visits and the censoring of detainees' correspondence, **consideration should be given to replacing the current blanket procedure in respect of these matters with a case-by-case approach. Further, some of the control duties currently discharged by investigators - where still deemed necessary - might well be taken over by staff other than investigators (e.g. custodial staff who are in daily contact with the detainees concerned).**

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<sup>2</sup> Cf. paragraph 20 of CPT/Inf (2001) 3, and section II.2 of the Summary report on the implementation of Decree No. 12/2001 (IV.4.) issued by the National Police Command concerning the implementation of the CPT's recommendations.

27. At the three facilities, arrangements for confidential telephone contact with lawyers were in place. However, the delegation was told by an investigator that he would always read letters from remand prisoners to their lawyers. Such a practice, if indeed in existence, would be inadmissible. **The CPT wishes to receive clarification of this point.**

28. Regarding staffing issues, at the Police Central Holding Facility, the delegation heard a few credible claims from detainees that certain staff members would accept or request advantages (cigarettes, coffee, etc.) in exchange for arranging additional phone calls, passing on messages, even bringing in alcohol, or - more generally - for being responsive to detainees' requests.

In this regard, the CPT wishes to stress that a relationship which exploits, or is widely perceived to exploit, persons who are deprived of their liberty by a public authority is clearly unacceptable. More particularly, the exercise of detainees' rights and their earning of privileges must never depend on advantages offered, or improper services rendered, to staff. Such dealings amount to an abuse of authority and must be dealt with severely.

**The CPT recommends that the Hungarian authorities deliver to both managerial and basic grade staff the clear message that receiving or demanding advantages from detainees is not acceptable and will be the subject of severe sanctions; this message should be reiterated in an appropriate form at suitable intervals.**

29. District prosecutors are now formally required to carry out inspections of all police holding facilities (and prisons) at least once every two weeks.<sup>3</sup> In the course of the 2003 visit, the CPT's delegation examined in some detail the accounts of prosecutors' inspections kept at the Police Central Holding Facility and the 2<sup>nd</sup> District Police Station, and other relevant documentation (e.g. on thematic inspections) provided by the General Prosecutor's Office. In the light of the information gathered, the CPT commends the thorough approach taken by the Hungarian authorities in this area; prosecutorial supervision of places of detention in Hungary clearly has the potential of making an important contribution towards the prevention of ill-treatment and, more generally, of ensuring satisfactory conditions of detention.

30. The delegation's examination of the detention records kept at the two district police stations indicated that there is room for improvement in this area. In particular, the manual daily logs of detained persons made it very difficult to gain a clear picture of the flow of detainees over a period of time (including of persons under the responsibility of the police stations concerned, but detained elsewhere, e.g. for lack of space). This state of affairs may well hamper proper monitoring of detention by the managers of the facilities and supervising prosecutors (as well as other monitoring bodies). **The CPT therefore invites the Hungarian authorities to review the manner in which detention is being recorded at the 2<sup>nd</sup> and 4<sup>th</sup> District Police Stations.**

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<sup>3</sup> Pursuant to Section 1 of Circular 3/2000 (ÜK. 12.) LÜ h., issued by the Deputy Prosecutor General.

31. As had been the case in the past (cf. paragraph 56 of CPT/Inf (96) 5.), remand prisoners could still be returned from prison to a police facility for further investigative work, however subject to express permission from the court/prosecutor.

In this regard, the CPT wishes to stress once again that, from the standpoint of the prevention of ill-treatment and intimidation, it would be far preferable for further questioning by police officers of persons committed to a remand prison to take place in prison rather than on police premises. **The return of prisoners to police custody, for whatever purpose, should only be sought and authorised when it is absolutely unavoidable. It is also axiomatic that in those exceptional circumstances where a remand prisoner is returned to the custody of the police, he/she should enjoy the rights already referred to in previous visit reports (in particular, the rights of access to a lawyer and to a doctor). Inmates re-entering prison after such custody should always be examined by a doctor. Finally, the fact that a prisoner has been returned to police custody should be duly recorded, at both the prison and the police establishment concerned.**

## **B. Establishments under the authority of the Ministry of Justice**

### **1. Preliminary remarks**

32. In the course of the 2003 visit, the CPT's delegation visited Unit II of Budapest Remand Prison (which - together with Unit I - was already visited in 1994 and 1999) as well as the establishment's new Unit III. Initially designed as a workers' hostel, the premises of the new unit were purchased by the Hungarian Prison Service in 1996 and converted into a prison facility.

Budapest Remand Prison now has a total official capacity of 1,018 (as compared to 379 in 1999)<sup>4</sup>. However, at the time of the visit, the establishment was holding 1,797 inmates, the great majority of whom (i.e. some 80 %) were on remand. The respective inmate populations of units II and III were 428 (for a capacity of 237) and 1,116 (for a capacity of 628). Other than inmates in pre-trial detention, Budapest Remand Prison was holding a small number of sentenced prisoners (mainly employed on domestic services) and inmates awaiting transfer. Female prisoners (79 at the time of the visit) were accommodated in Unit II.

With the entry into service of Unit III, the overall occupancy level of Budapest Remand Prison has declined from 236 % in 1999 to 177 % at the time of the 2003 visit, which has contributed to a general improvement in material conditions of detention in Unit II. By contrast, the situation as regards activities for remand prisoners continues to be highly unsatisfactory.

33. Overcrowding remains one of the most important challenges facing the Hungarian prison system. Between the 1999 and the 2003 visits, Hungary's prison population has grown from 15,202 to 17,506; during the same period, the overall capacity of the prison estate has also increased, albeit at a lower rate than the prison population (namely from 10,068 to 11,163). As a consequence, the occupancy rate for the prison estate rose from 151 % to 157 % .

In order to address the issue of overcrowding, the Hungarian authorities have conceived a multi-stranded strategy comprising, inter alia, the continuous extension and upgrading of the prison estate, a review of current law and practice in relation to custody pending trial (e.g. introduction of a maximum duration of pre-trial detention and wider use of alternatives to such detention), as well as the promotion of more frequent recourse to community sanctions and measures. **The CPT recommends that the Hungarian authorities vigorously pursue their efforts to combat prison overcrowding. In this context, they should take into account, in particular, the principles and measures set out in Recommendation N° R (99) 22 of the Committee of Ministers of the Council of Europe concerning prison overcrowding and prison population inflation.**<sup>5</sup>

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<sup>4</sup> Calculated on the basis of 3.5 m<sup>2</sup> of free floor space and 6 m<sup>3</sup> air space per person.

<sup>5</sup> Cf. the official home page of the Committee of Ministers: <http://cm.coe.int/ta/rec/1999/99r22.htm>

## 2. Ill-treatment

34. The CPT's delegation heard some allegations of ill-treatment of prisoners by staff at Unit III of Budapest Remand Prison. Those allegations concerned beatings of inmates by prison guards in the disciplinary section (reportedly in retaliation for alleged misbehaviour) as well as verbal abuse and other forms of disrespectful or provocative behaviour; it was also clear that prisoners were afraid or reluctant to speak openly to the delegation about this subject. Moreover, staff-inmate relations appeared to be of a rather formal and distant nature, with staff limiting their interaction with inmates to the strict minimum.

No allegations concerning physical ill-treatment of inmates by staff were received at Unit II of Budapest Remand Prison, and no particular difficulties in relations between staff and prisoners were observed. That said, signs of a distant attitude of some staff towards inmates were also discernible at Unit II.

**The CPT recommends that the management of Budapest Remand Prison deliver the clear message to custodial staff in Unit III that physical ill-treatment and verbal abuse of inmates as well as other forms of disrespectful or provocative behaviour vis-à-vis prisoners are not acceptable and will be dealt with severely. Inmates should be dealt with only in accordance with the prescribed disciplinary procedures.**

35. The delegation was informed that roughly two thirds of the staff assigned to Unit III had no previous experience of working in a custodial context and had to be trained on the job.

In the light of the information set out in paragraph 34 above, the CPT wishes to stress the great importance it attaches to the adequate recruitment and training (both initial and in-service) of prison staff. There is no better safeguard against ill-treatment - and no better means of developing constructive staff-prisoner relations - than properly recruited and trained prison staff who know how to adopt the appropriate attitude in their relations with prisoners. In this regard, developed interpersonal communication skills are an essential part of the make-up of such staff. Such skills will often enable them to defuse situations which could otherwise turn into violence, and will help to reduce tensions and improve the quality of life in the prison concerned, to the benefit of all. **The CPT recommends that the Hungarian authorities review the training needs of staff serving at Budapest Remand Prison, and especially at Unit III, having regard to the above remarks.**

In this connection, the delegation was told at the end-of-visit talks that a new training system for prison staff was being developed by the Hungarian Prison Service. **The CPT would like to receive more information on this issue.**

### **3. Conditions of detention**

#### **a. material conditions**

36. Unit II of Budapest Remand Prison has been described in some detail in the reports on the CPT's 1994 and 1999 visits.

Despite the age of the premises of Unit II, the delegation which carried out the 2003 visit found the establishment in a good state of repair and reasonably clean; moreover, some improvements were noted as regards facilities for collective use (cf. paragraph 42). However, overcrowding was still rampant, and in a few cells/dormitories the delegation observed very high occupancy levels (for example, 3 inmates in a cell of 8 m<sup>2</sup>; 16 in a dormitory of 36 m<sup>2</sup>).

37. Prisoner accommodation in Unit III was provided in two virtually identical eight-storey buildings, which were well kept and impeccably clean.

Overall, material conditions of detention in the unit were of a high standard in terms of access to natural light (due to large windows), artificial lighting, cell-furnishings, and in-cell sanitation (lavatory, washbasin and - in several cells - a shower). There were also well-equipped communal shower facilities.

Conditions such as those described above could well serve as a model in the context of the development plans for penal institutions in Hungary.

However, given that the unit was holding 488 prisoners in excess of its official capacity, the establishment's standard double cells (measuring some 15 m<sup>2</sup> excluding the sanitary annex), accommodated 4 prisoners each; such an occupancy level is too high. Further, the design of the windows prevented the circulation of fresh air, which resulted in a very stuffy atmosphere. The occasional practice of keeping door hatches open during certain periods of the day relieved this shortcoming to some extent. However, a number of inmates claimed that it depended entirely on the staff on duty whether, and for how long, the hatches were kept open.

38. The delegation visited two cells, the windows of which had been fitted with plexiglas screens, reportedly as part of a pilot project aimed at rendering more difficult prisoners' communication with people outside in the nearby street. These devices were found to exacerbate the already stuffy conditions referred to above, and the hot and airless atmosphere in the two cells reached unbearable levels. As already mentioned (cf. paragraph 6), the screens were subsequently removed.

39. Non-working inmates at Budapest Remand Prison (i.e. the vast majority of the establishment's population) had access to communal shower facilities once per week. Allowing more frequent access, as recommended by the Head of the Prison Service, was reportedly not possible, because of staff shortages.

Inmates stated that a regular supply of personal hygiene products was now ensured; however, female detainees at Unit II claimed that they had to pay for sanitary items required for their monthly needs. **The CPT would like to receive clarification of this issue.**

40. A number of inmates met at Unit II asserted that it was not uncommon for staff to temporarily switch off the call system; as a consequence, delays of up to 30 minutes had occurred before staff responded to prisoners' requests for attention. This is a potentially dangerous practice. **The CPT recommends that it cease immediately.**

41. Moreover, **in the light of the above remarks, the CPT recommends that:**

- **further efforts be made to reduce cell/dormitory occupancy rates at Budapest Remand Prison;**
- **the ventilation of prisoner accommodation in Unit III of Budapest Remand Prison be improved.**

**The Committee also invites the Hungarian authorities to find ways to increase inmates' access to shower facilities.**

b. regime

42. Some welcome improvements were noted by the CPT's delegation in Unit II of Budapest Remand Prison as regards facilities for collective use; these included the fitting of a new weight-lifting room and, in the women's section, the creation of a small library/communal room and an area for table tennis. The unit also had a multifunctional room used, inter alia, for religious services.

It is regrettable that the rebuilding/extension of the unit's basement, which - according to the response of the Hungarian authorities to the CPT's 1999 visit report - represented an essential element of their development plans for penal institutions, has been postponed to 2004, reportedly for financial reasons.

According to the information provided by the management of Budapest Remand Prison, in Unit II, a mere 17 remand prisoners were involved in maintenance work, cleaning duties or the distribution of meals. A further 8 to 10 inmates spent several hours per week on a carpet-weaving course, and 4 female detainees had occasional work in a small packaging workshop. Regarding recreational/cultural activities, an aerobics course for women had been started, and there were apparently two lectures per week organised by an outside educational body.

Unlike in 1999, the delegation heard no complaints about the regular provision of outdoor exercise.

43. Overall, Unit III had a good range of facilities for collective use. They comprised a number of communal rooms (in principle, intended for table-tennis, handicrafts and talks with educators/welfare officers), a pleasantly decorated chapel, a fitness room (however, with some equipment which was out of order) and spacious areas for exercise in the open air and sports. Inmates could also borrow books from the establishment's library service.

The considerable potential offered by the aforementioned facilities stood in stark contrast to the paucity of the regime actually delivered, which - in some respects - appeared to be even less favourable than in Unit II. Virtually no organised education, vocational training or cultural activities were available. However, remand prisoners were offered a weekly session of 45 minutes of sport, and outdoor exercise of one hour was guaranteed on a daily basis.

44. It is clear from the information set out above that much remains to be done in order to provide inmates at Budapest Remand Prison with a satisfactory programme of activities. **The CPT trusts that, in line with its previous recommendations, the Hungarian authorities:**

- **will intensify their efforts to develop the activity programmes for inmates. As a first step, remand prisoners, who are currently confined to their cells for most of the day, should be allowed to participate in association periods outside their cells (naturally, subject to an assessment of the security risk individual inmates may represent and to the interests of the investigation);**
- **will increase the use of the existing communal facilities (e.g. fitness rooms);**
- **will exploit to the fullest the space available in the establishment (e.g. the large corridors in prisoner accommodation areas in Unit II; the spacious landings near the lifts in Unit III, after appropriate security alterations);**
- **will accord a high priority to the planned rebuilding/extension of the basement of Unit II of Budapest Remand Prison.**

**Developing programmes of activities may well require increasing and/or redeploying staff resources (custodial and specialist) and revising the capacity of Budapest Remand Prison.**

#### 4. Health care

45. As regards health care staff resources, at Budapest Remand Prison there were 6 doctors, 2 dentists, 2 dental assistants and 24 nurses, all working full-time. Nursing cover was provided on a 24-hour basis. Further, after 1999, the vacant posts of psychologists had been filled and, at the time of the 2003 visit, the establishment was employing two full-time and two part-time psychologists. Access to outside specialist treatment and prison hospital services was, in principle, not a problem.

The delegation was informed that all health care staff posts had been filled. Nevertheless, the establishment's management considered current health-care staffing insufficient to properly cater for inmates' needs. In this regard, the CPT's delegation received many complaints from inmates about long delays in access to doctors and nurses and, in particular, dentists.

Consequently, **the CPT considers that there is a need to carry out a review of health-care provision at the establishment.**

46. The health-care service premises and equipment seen by the delegation do not call for particular comments.

Further, the approach followed at the establishment as regards medical screening on admission was generally found to be in line with the CPT's standards in this area. In particular, the delegation did not gather evidence suggesting delays in such screening or a lack thoroughness.

The medical records seen were of a good standard. As far as the delegation could ascertain, the confidentiality of these records (including during transfer to outside services/other establishments) was observed.

47. The CPT's delegation was informed that, according to a new practice introduced in January 2003, HIV testing in Hungarian prisons is now performed on a voluntary basis (in addition to anonymous screening along community lines).<sup>6</sup> Further, written information on HIV in a wide range of languages had been made available for newly-arrived prisoners, and staff training on the issues of HIV had apparently been strengthened. The CPT welcomes this development.

From the information received during the visit, the CPT's delegation was unable to form a clear idea as to the procedure followed in respect of prisoners diagnosed HIV positive. However, it would appear that the segregation policy already criticised in the 1999 report (cf. paragraph 121 of CPT/Inf (2001) 2) was still being applied in 2003. **The CPT would like to receive more precise information on this matter (e.g. are all HIV positive prisoners transferred to Tököl Prison Hospital, irrespective of whether they have developed AIDS?).**

48. The CPT learnt with interest about ongoing work on medical standards concerning prison health care and co-operation between prison and public health care services. **The Committee would like to receive more information on this subject.**

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<sup>6</sup> With the entry into force on 1 July 2003 of Decree No. 25/2003. (VII. 1.) of the Minister of Justice on certain amendments to Decree No. 5/1998. (III. 6.) of the Minister of Justice on the health care of detained persons, the approach was given a formal basis.

## 5. Other issues

49. Regarding contact with the outside world, the CPT was pleased to note that remand prisoners were now allowed one phone call of 5 minutes per week to members of their family, and that supervision of telephone conversations was no longer being carried out in a systematic manner. Nevertheless, this represents only a modest improvement as compared to the situation observed during previous visits.

Further, the delegation heard some complaints from remand prisoners about telephone access to their lawyers. In particular, the inmates concerned claimed that the entitlement of one 5-minute call per week was insufficient to properly prepare their defence; moreover, in the event of reaching the lawyer's office on a given day, but not the lawyer himself, they were reportedly not allowed to renew the call during that week.

**The CPT recommends that steps be taken to further improve access to the telephone for prisoners, in the light of the above remarks.**

50. As in 1994 and 1999, the visit entitlement at Budapest Remand Prison was still only one hour per month. This is not sufficient to enable pre-trial detainees to maintain good contact with members of their family and friends. On the positive side, at Unit II, the visiting room was found to be clean (unlike in 1999), and the open visiting arrangements appeared to be working well, a fact highly valued by inmates. By contrast, the layout of the visiting facilities at Unit III only allowed for visits under closed conditions (i.e. inmates and their visitors separated by a glass partition) and inmates - without exception - complained about this situation. Moreover, the ventilation of the existing facilities was grossly insufficient, a fact also acknowledged by the management.

In the light of the above, **the CPT must reiterate its long-standing recommendation that the visit entitlement of inmates at Budapest Remand Prison be substantially increased (cf. paragraph 26). Further, regarding Unit III, the Committee recommends that part of the existing visiting facility be converted into an area for open visits and that ventilation be improved.**

51. The delegation was told that prisoner correspondence was no longer systematically censored, unless this was expressly ordered by a prosecutor or court in a given case. Notwithstanding this positive development, several inmates complained that letters subject to censorship (both incoming and outgoing) were often received/forwarded with considerable delay. **The CPT would like to receive the comments of the Hungarian authorities on this matter.**

52. A number of (mainly female) inmates of foreign origin claimed that maintaining contact with their families living abroad through letters and the telephone was virtually impossible because they did not have the means of purchasing writing materials, stamps and phone cards. **The CPT invites the Hungarian authorities to review the current arrangements concerning correspondence and use of a telephone vis-à-vis remand prisoners of foreign origin.**

53. With respect to security arrangements, at Unit III, the delegation observed that Grade 4 prisoners were handcuffed during outdoor exercise in a completely sealed-off yard with cuffs attached to their waist belt. Further, handcuffs apparently also continued to be applied systematically to such prisoners during visits (even if the visits were taking place under closed conditions). The CPT had already strongly criticised the routine handcuffing of Grade 4 prisoners in its report on the 1999 visit (cf. paragraph 100 of CPT/Inf (2001) 2). In their response to that criticism, the Hungarian authorities agreed in general terms that the systematic application of means of restraint on Grade 4 prisoners when outside cells "needs reviewing" (cf. page 25 of CPT/Inf (2201) 3). In the light of the delegation's findings, the CPT retains doubts as to whether a meaningful review of this matter has been carried out. **The CPT calls upon the Hungarian authorities to carry out such a review without further delay.**

Moreover, the Director of Budapest Remand Prison informed the delegation that inmates, in general, were searched each time they left or returned to their cells. Further, muzzled dogs were present outside the areas where inmates took outdoor exercise. In the view of the CPT, such practices appear to be an inappropriate and disproportionate response to legitimate security needs. Consequently, **the CPT invites the authorities to review these practices.**

54. The CPT's delegation noted that female custodial staff were only deployed in the section for women prisoners (i.e. at Unit II). According to the Director of Budapest Remand Prison, mixed-gender staffing in male detention areas could not be envisaged because of current searching policies (cf. paragraph 53).

It is axiomatic that persons deprived of their liberty should only be searched by staff of the same gender; however, upholding this principle will normally not preclude mixed-gender staffing, as evidenced in many countries visited by the CPT. More generally, in the experience of the CPT, the introduction of female staff in male prisons/wings is a positive step that can improve the general atmosphere and the level of staff-prisoner interaction in detention areas. Consequently, **the Committee invites the Hungarian authorities to give consideration to the possibility of mixed-gender staffing in male detention areas.**

55. Budapest Remand Prison (like other prisons in Hungary) employs a number of educators/welfare officers. They have the difficult task of combining *welfare functions* proper (e.g. assisting inmates in arranging family visits, dispatching letters or lodging complaints; organising activities), and *control tasks* (e.g. granting privileges, such as access to the gym, allocating prisoners to work places, censoring correspondence, monitoring telephone calls, or performing certain investigative functions in the context of disciplinary proceedings).

It is noteworthy in this regard that some of the prisoners interviewed by the delegation expressed little confidence that the officers concerned would act in inmates' best interest. The CPT would add that the aforementioned combination of tasks is capable of generating conflicts of interest which the officers concerned may find difficult to resolve, and may well not allow them to devote sufficient attention to activity programmes for prisoners. **The CPT invites the Hungarian authorities to review the role of educators/welfare officers, bearing in mind the above remarks.**

56. As regards discipline, the CPT's delegation was informed that the infliction of self-harm was no longer punishable; **the CPT would like this to be confirmed.**

As was the case in 1994 (cf. paragraph 134 of CPT/Inf (96) 5), the delegation that carried out the 2003 visit observed that inmates isolated for disciplinary reasons at Budapest Remand Prison still had no access to reading matter other than religious material. **The CPT once again invites the Hungarian authorities to broaden the range of reading material made available to prisoners in disciplinary confinement.**

## APPENDIX I

### **LIST OF THE CPT'S RECOMMENDATIONS, COMMENTS AND REQUESTS FOR INFORMATION**

#### **A. Establishments under the authority of the Ministry of Interior**

##### **Preliminary remarks**

###### recommendations

- appropriate measures to be taken to ensure that the possibility offered by paragraph 2 of section 135 of Law No. XIX, to have remand prisoners kept on police premises for a certain period (i.e. a cumulative maximum of 60 days), will be resorted to only in exceptional cases (as clearly intended by the legislature) (paragraph 7).

###### comments

- the CPT trusts that the Hungarian authorities are taking concrete steps to ensure that the implementation of section 135 of the new Code of Criminal Procedure (i.e. Law No. XIX) is not delayed further (paragraph 7);
- the medium-term objective should be to ensure that conditions of detention enjoyed by remand prisoners on police premises are on a par with those prevailing in ordinary remand prisons (paragraph 8).

##### **Ill-treatment**

###### comments

- exposing a person deprived of his liberty to public view in the way described in paragraph 9 of the visit report is clearly humiliating and, consequently, might well be considered as degrading (paragraph 9);
- in the view of the CPT, using the prospect of detainees being moved from police facilities to a remand prison as an inducement to obtain information, would not be acceptable (paragraph 10);
- the CPT considers that custodial staff in police facilities should not carry truncheons and/or tear gas canisters as a matter of routine in detention areas; if it is deemed necessary for custodial staff to be armed with truncheons or gas canisters in specific and clearly defined circumstances, the devices concerned should be hidden from view (paragraph 11).

## **Conditions of detention**

### recommendations

- urgent measures to be taken at the 2<sup>nd</sup> and 4<sup>th</sup> District Police Stations in Budapest to improve access to natural light and ventilation. As a first step, custodial staff should be instructed to keep cell door hatches open during periods of hot weather. As regards the window grills, they should be kept clean and, if necessary, replaced by less dense devices (paragraph 17);
- sleeping arrangements for remand prisoners at the 2<sup>nd</sup> District Police Station to be improved and steps to be taken to ensure that the sanitary facilities are kept clean (paragraph 17);
- custodial staff at the three establishments visited to grant detainees access to the toilet at any time of day or night, unless – in exceptional cases – overriding security concerns require otherwise (paragraph 17);
- concerning the regime of remand prisoners:
  - it be ensured that all remand prisoners held in police establishments are offered at least one hour of outdoor exercise every day;
  - some form of activities to be provided for remand prisoners held in police establishments(paragraph 19).

### comments

- cells measuring less than 8 m<sup>2</sup> (as was the case for many of the cells at the Police Central Holding Facility) should not be used to accommodate more than one remand prisoner (save in exceptional cases when it would be inadvisable for a detainee to be left alone), and a cell of 11 m<sup>2</sup> (as seen at the 4<sup>th</sup> District Police Station) not more than two (paragraph 15);
- the CPT trusts that the Hungarian authorities will take measures to further improve conditions of detention at the Police Central Holding Facility, in the light of the remarks made in paragraphs 13 and 15 (paragraph 17);
- the Hungarian authorities are invited to seek ways of improving detainees' possibilities for association – preferably outside their cells, or if this is not feasible, inside the cells (naturally, subject to an assessment of the security risk individual detainees may represent and to the interests of the investigation) (paragraph 19);
- due regard should be had to the allocation of detainees who do not speak Hungarian to cells with fellow-detainees with whom they can communicate (paragraph 19);
- ideally, cells which continue to be used to accommodate remand prisoners should be equipped with power points, in order to allow detainees to operate TV sets under appropriate conditions. If necessary, the relevant rules and regulations should be changed (paragraph 19).

## **Health care**

### recommendations

- the Hungarian authorities to review the medical screening of remand prisoners held in police establishments (paragraph 21);
- a personal medical file to be compiled for each remand prisoner held in a police facility (containing diagnostic information as well as an ongoing record of the person's evolution and of any special examinations he/she has undergone); in principle, the medical file should accompany detainees whenever they are transferred to another detention facility or an outside establishment (paragraph 22);
- steps to be taken to ensure that all medical data concerning persons detained in police facilities are handled in such a way as to ensure strict confidentiality (paragraph 24).

### comments

- the CPT trusts that police doctors will fully comply with the requirement to notify the competent prosecutor directly (i.e. without first referring the matter to the commander of the police facility) of any injuries observed on newly arrived detainees which are consistent with allegations of ill-treatment (paragraph 21);
- the CPT trusts that the authorities will take appropriate steps to fully implement the recommendation made in its previous visit reports on the subject of avoiding the presence of police officers during medical examinations (paragraph 23);
- the Hungarian authorities are invited to reconsider their position on the administration of medication to detainees by staff with no medical training. Ideally, police establishments (without an in-house medical service) holding remand prisoners should be visited by a nurse on a daily basis (paragraph 25).

### requests for information

- comments of the Hungarian authorities on the points raised in paragraph 20 of the report (paragraph 20);
- confirmation that police doctors are now required to notify the competent prosecutor directly of any injuries observed on newly arrived detainees which are consistent with allegations of ill-treatment, as well as a copy of the relevant provisions/instructions (paragraph 21);
- confirmation that the existing regulatory framework does not contain any impediment to the implementation of the CPT's recommendation made in paragraph 23 of the visit report (paragraph 23).

## **Other issues**

### recommendations

- serious efforts to be made to improve the possibilities offered to remand prisoners held on police premises as regards their contact with the outside world; in this context, the authorities should be particularly sensitive to the difficulties encountered by foreign nationals to maintain contact with relatives living abroad ( paragraph 26);
- the Hungarian authorities to deliver to both managerial and basic grade staff the clear message that receiving or demanding advantages from detainees is not acceptable and will be subject to severe sanctions; this message should be reiterated in an appropriate form at suitable intervals (paragraph 28).

### comments

- the objective should be to offer remand prisoners a visit every week, of at least 30 minutes duration (paragraph 26);
- consideration should be given to replacing the current blanket procedure, in respect of the supervision of family visits and the censoring of detainees' correspondence, with a case-by-case approach. Further, some of the control duties currently discharged by investigators – where still deemed necessary – might well be taken over by staff other than investigators (e.g. custodial staff who are in daily contact with the detainees concerned) (paragraph 26);
- the Hungarian authorities are invited to review the manner in which detention is being recorded at the 2<sup>nd</sup> and 4<sup>th</sup> District Police Stations in Budapest (paragraph 30);
- the return of prisoners to police custody, for whatever purpose, should only be sought and authorised when it is absolutely unavoidable. It is axiomatic that in those exceptional circumstances where a remand prisoner is returned to the custody of the police, he/she should enjoy the rights already referred to in previous visit reports (in particular, the right of access to a lawyer and to a doctor). Inmates re-entering prison after such custody should always be examined by a doctor. Finally, the fact that a prisoner has been returned to police custody should be duly recorded, at both the prison and the police establishment concerned (paragraph 31).

### requests for information

- clarification of the point raised in paragraph 27 of the visit report (paragraph 27).

**B. Establishments under the authority of the Ministry of Justice**

**Preliminary remarks**

recommendations

- the Hungarian authorities to vigorously pursue their efforts to combat prison overcrowding. In this context, they should take into account, in particular, the principles and measures set out in Recommendation No. R (99) 22 of the Committee of Ministers of the Council of Europe concerning prison overcrowding and prison population inflation (paragraph 33).

**Ill-treatment**

recommendations

- the management of Budapest Remand Prison to deliver the clear message to custodial staff in Unit III that physical ill-treatment and verbal abuse of inmates as well as other forms of disrespectful or provocative behaviour vis-à-vis prisoners are not acceptable and will be dealt with severely. Inmates should be dealt with only in accordance with the prescribed disciplinary procedures (paragraph 34);
- the Hungarian authorities to review the training needs of staff serving at Budapest Remand Prison, and especially at Unit III (paragraph 35).

requests for information

- more information on the new training system for prison staff (paragraph 35).

**Conditions of detention**

recommendations

- the practice allegedly followed by prison staff at Unit II of Budapest Remand Prison of temporarily switching off the call system to cease immediately (paragraph 40);
- further efforts to be made to reduce cell/dormitory occupancy rates at Budapest Remand Prison (paragraph 41);
- the ventilation of prisoner accommodation in Unit III of Budapest Remand Prison to be improved (paragraph 41).

comments

- the Hungarian authorities are invited to find ways to increase inmates' access to shower facilities (paragraph 41);
- the CPT trusts that, in line with its previous recommendations, the Hungarian authorities:
  - will intensify their efforts to develop the activity programmes for inmates at Budapest Remand Prison. As a first step, remand prisoners, who are currently confined to their cells for most of the day, should be allowed to participate in association periods outside their cells (naturally, subject to an assessment of the security risk individual inmates may represent and to the interests of the investigation);
  - will increase the use of the existing communal facilities (e.g. fitness rooms);
  - will - additionally - exploit to the fullest the space available in the establishment (e.g. the large corridors in prisoner accommodation areas in Unit II; the spacious landings near the lifts in Unit III, after appropriate security alterations);
  - will accord a high priority to the planned rebuilding/extension of the basement of Unit II of Budapest Remand Prison (paragraph 44);
- developing programmes of activities may well require increasing and/or redeploying staff resources (custodial and specialist) and revising the capacity of Budapest Remand Prison (paragraph 44).

requests for information

- clarification of the issue raised in paragraph 39 (paragraph 39).

**Health care**

comments

- the CPT considers that there is a need to carry out a review of health-care provision at Budapest Remand Prison (paragraph 45).

requests for information

- more precise information on the procedure followed in respect of prisoners diagnosed HIV positive (e.g. are all HIV positive prisoners transferred to Tököl Prison Hospital, irrespective of whether they have developed AIDS?) (paragraph 47);
- more information on the ongoing work on medical standards concerning prison health care and co-operation between prison and public health care services (paragraph 48).

## **Other issues**

### recommendations

- steps to be taken to further improve access to the telephone for prisoners (paragraph 49);
- the visit entitlement of inmates at Budapest Remand Prison to be substantially increased (paragraph 50);
- part of the existing visiting facility at Unit III to be converted into an area for open visits and ventilation to be improved (paragraph 50);
- the Hungarian authorities to carry out, without further delay, a review of the application of means of restraint on Grade 4 prisoners when outside cells (paragraph 53).

### comments

- the Hungarian authorities are invited to review the current arrangements concerning correspondence and use of a telephone vis-à-vis remand prisoners of foreign origin (paragraph 52);
- the Hungarian authorities are invited to review the practices referred to in the second subparagraph of paragraph 53 of the report (paragraph 53);
- the Hungarian authorities are invited to give consideration to the possibility of mixed-gender staffing in male detention areas (paragraph 54);
- the Hungarian authorities are invited to review the role of educators/welfare officers (paragraph 55);
- the Hungarian authorities are once again invited to broaden the range of reading material made available to prisoners in disciplinary confinement (paragraph 56).

### requests for information

- the comments of the Hungarian authorities on inmates' complaints that letters subject to censorship were often received/forwarded with considerable delay (paragraph 51);
- confirmation that the infliction of self-harm is no longer punishable (paragraph 56).

**APPENDIX II**

**LIST OF THE NATIONAL AUTHORITIES AND  
NON-GOVERNMENTAL ORGANISATIONS WITH WHICH THE  
CPT'S DELEGATION HELD CONSULTATIONS**

**A. National authorities**

Ministry of the Interior

Mr Tibor PÁL	State Secretary
Mr József HATALA	Assistant National Commissioner of Police
Mr Mihály DÉZSI	Head of Secretariat
Ms Éva RÓZSA	Chief Counsellor
Mr József HORVÁTH	Head of the Office of the National Police Headquarters (ORFK)
Mr László SZERENCSÉS	Head of the ORFK's Department of Public Order
Mr Tamás CSATAI	Head of the Joint Centre for Health and Psychology, ORFK's Directorate General of Human Resources
Mr Zoltán FÜLÖP	Head of the Criminal and Penitentiary Medical Service, Joint Centre for Health and Psychology
Mr János NYÚL	Special Rapporteur for the ORFK's Directorate General of Public Security
Mr Györgyi MENDEGE	Head of Section, Budapest Police Headquarters (BRFK)
Mr Péter BUZÁSI	Head of the Second Subdivision of the BRFK

Ministry of Justice

Mr István SOMOGYVÁRI	Executive State Secretary
Mr Ferenc TARI	Deputy State Secretary
Ms Katalin GÖNCZÖL	Ministerial Commissioner
Mr István BÖKÖNYI	Head of the Prison Service
Mr László HUSZÁR	Deputy Head of Operations of the Prison Service
Ms Erzsébet HATVANI	Head of Probation Department
Mr László CSERE	Director of Budapest Remand Prison
Ms Veronika PÁZSIT	Consultant
Ms Dóra TÓTH	Counsellor
Ms Katalin KISS	Head of Section

Ministry of Foreign Affairs

Mr Zoltán PECZE	Director General of Human Rights and Minority Rights
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General Prosecutor's Office

Mr Péter POLT  
Mr Tamás KOVÁCS  
Mr György VÓKÓ

Ms Éva HORVÁTH  
Ms Ilona LÉVAI

Mr Miklós JORDÁN  
Mr József PACSEK  
Mr András SZÜCS

General Prosecutor  
Deputy General Prosecutor  
Director General, Government's liaison officer to the  
CPT  
Public Prosecutor, Deputy liaison officer  
Head of the Office for International and European  
Affairs  
Public Prosecutor  
Public Prosecutor  
Public Prosecutor

Office of the Ombudsman

Mr Albert TAKÁCS

Ms Erika Góré PAJCSICS  
Ms Katalin HARASZTI  
Mr László KISS  
Ms Erzsébet WOLF

General Deputy of the Parliamentary Commissioner of  
the Rights of the Citizen  
Head of Department  
Deputy Head of Department  
Deputy Head of Department  
Director of the Office

**B. Non-Governmental Organisations**

Hungarian Helsinki Committee (HHC)

Mr Ferenc KŐSZEG, President  
Mr András KÁDÁR  
Ms Márta PARDAVI  
Mr János SOMOGYI

Ms Andrea PELLE (Hungarian Civil Liberties Union)