The Cost of No Torture in Hungarian Places of Detention

How much should be allocated in Hungary's annual budget to comply with the government's duties under the UN OPCAT?

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Table of Contents

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Executive Summary

Hungary signed the Optional Protocol of the Convention against Torture (OPCAT), a UN treaty on preventing torture in institutions where people are deprived of their liberty[1]. It plans to implement that treaty by mandating the Ombudsperson's Office to carry out independent visits to such institutions. In this paper, using a list of the institutions in question as complete as we could compile, we try to calculate annual cost of such a National Preventive Mechanism (NPM).

For numbers of experts, hours, etc. we used information about arrangements in the Czech Republic and Estonia, already parties to the OPCAT and monitoring their institutions. Still, a lot is up for the government to decide: the amount of time experts spend in places of detention during their visits, the fees of the lawyers, doctors, social workers, psychologists and other experts on missions or the quality of their accommodation when they have to stay overnight.

Based on those dimensions, we estimated necessary expenditures using three scenarios. The *minimalist* scenario calculates with the most parsimonious ratios possible, potentially occurring if work is done in a perfunctory manner, in a way that may not be up to the customary European OPCAT standards. This scenario counts with paying an hourly salary of HUF3000 (€10) to a qualified expert (usually a lawyer). The *average* scenario uses the average/somewhat below average ratios of the Czech and Estonian data, therefore it can be considered as a scenario under which the Hungarian NPM would perform satisfactorily. Under this, we count with experts being paid HUF5000 (€17) per hour. The *optimal* scenario uses the most acceptable ratios and HUF7000 (€24) per hour to the experts; if resources in line with that scenario could be allocated to the visits, the NPM would be likely to receive enough resources to carry out thorough enough and frequent enough investigations.

The state can also decide how often teams visit the institutions and the proportion of additional, ad-hoc „surprise" visits to the scheduled ones. This adds further variation to our results.

We tabulated various further scenarios, depending on whether visit cycles are 3, 4, or 5 year long and allowing for ad-hoc visit ratios of 0%, 10% and 20% for each of the scenarios. Results are summarized in Table 7. The budget requirements vary dramatically from €100,000 (minimalist scenario, five year

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[1] In the present study for the simpler use the term „detainee" or "inmate" will be used for all those persons who are deprived of their liberty and fall under the scope of the OPCAT regardless of the institution where they are kept (e.g. psychiatric institution, penitentiary, children's home, etc.). Note that the term does not only include detainees in prisons.

visit frequency, no ad-hoc visits) to €847,000 (optimal scenario, three year visit frequency, +20% ad-hoc visits). This is a very broad range spanning from the ideal, but rather costly case to the minimalist version, in which the NPM would probably not function smoothly and properly, visit frequency would be very low and there would be no room for surprise visits. The average scenario seems appropriate, but still affordable. If we use the salaries and time-budgets used for the *average* scenario, calculate with a not-too-ambitious visit cycle of 4 years and do not completely neglect ad-hoc visits either, we obtain the annual expenditure of €298,000.

This amount happens to be in line with what we found by selecting a set of comparable signatory states of OPCAT and looking at their budget spending on their national mechanisms to prevent torture. If the annual Hungarian NPM budget were in the range between €251,000 and €549,000, it would be roughly at the middle of the interval of what a small set of six comparable countries, from Serbia to Austria spend on that purpose.

In the above calculations we estimated that the NPM delegation involves independent experts available in the labour market mandated by the ombudsperson. If exclusively an NPM unit within the Ombudsperson's Office fulfilled the NPM task, its annual budget would amount to €182,760 but the structure would only allow a 25-year monitoring cycle in the individual closed institutions. In order to ensure a 4-year visiting cycle 5 times more staff is necessary.

If there is political will, the designing, piloting and launching of the national preventive mechanism could be financed by the EU-funded development programme Operational Programme for State Administration Reform, which is meant to serve precisely such goals.

Introduction

In August 2012 the Hungarian Helsinki Committee contracted the Budapest Institute to estimate the annual sum necessary to be expended from the budget by the Hungarian state in order to carry out adequately its duties as specified under the OPCAT (q. v. below).

The work was done between August 2012 and February 2013 by a team including Dániel Pass (in August 2012) and Márton Varga, lead by Balázs Váradi. Timea Sütő also contributed.

We thank Borbála Ivány, Balázs Tóth, Iva Hrazdílková and her colleagues, Dorottya Karsay, Kertti Pilvik, and Matthew Pringle for their generous help and Ágota Scharle and Balázs Romhányi for their comments; any remaining mistakes are ours, not theirs.

Disclaimer: given the nature of the task, i.e. to compute future expenses for measures whose details are as yet unspecified, based on data compiled by the Hungarian Helsinki Committee that could be incomplete or out of date, our calculations could not possibly yield more than a rough estimate. Much more comprehensive and detailed calculations must take place before actual budget appropriations are approved.

Below, we first sum up the institutional challenge we are hypothetically budgeting for, then present two different ways in which we did our estimations: first we select a set of comparable countries already financing a monitoring arrangement similar to what Hungary has undertaken to introduce and we calculate what sum would place Hungary within this range. Second, we carry out bottom-up calculations multiplying the number of institutions and inmates with assumed costs of visits under different scenarios. Then we present an estimation showing the budget if exclusively the Ombudsperson's Office delivered the tasks of the NPM instead of mandating external experts from the labour market. We finish by identifying a potential funding source for the costs of the introduction of the required new monitoring regime.

Our calculations are all in 2012 Forints (HUF) and throughout the paper we used an exchange rate of HUF290 to one Euro.

OPCAT and Hungary

The Optional Protocol of the Convention against Torture[2] (OPCAT) was adopted in December 2002 by the General Assembly of the United Nations and entered into force in June 2006. Articles 3 and 17-23 oblige the signatory states to "set up, designate or maintain at the domestic level one or several visiting bodies for the prevention of torture and other cruel, inhuman or degrading treatment or punishment", usually referred to as National Preventive Mechanism (NPM). The treaty specifies key requirements for such mechanisms: they should be independent, experts participating should have the necessary qualifications, visits should not be one-time events, etc. In article 18, the treaty explicitly states that "[t]he States Parties undertake to make available the necessary resources for the functioning of the national preventive mechanisms".

Hungary ratified the OPCAT in 2012, with a declaration under the Article 24, postponing the operation of its NPM for a few years. It decided to designate its Ombudsperson's Office as NPM, through amendments to the Ombudsperson's Act. It is foreseen that the NPM will start its operations and be effective in 2015.[3]

This study is meant to be an independent and public contribution to shape the process of the Hungarian state implementing OPCAT.

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[2] http://www2.ohchr.org/english/law/cat-one.htm
[3] http://helsinki.hu/en/promoting-ratication-of-the-opcat-2008 (in English), http://helsinki.hu/az-opcat-ratifikacioja-2008 (in Hungarian, in more detail)

International comparison

In order to find out the amount countries similar to Hungary allocate to NPM duties, and how much Hungary should allocate in order to not be an outlier, we first identify the pool of states that have already launched the OPCAT. Of the 18 countries listed on the United Nations' OPCAT website[4], we were able to acquire a close approximation on the annual expenses of 12 countries.[5] We sorted the pool of countries in ascending order, based on their similarity to Hungary taking into account three factors: population size, GDP per capita[6] and incarceration rate[7]. We had to combine these factors. A way to measure the countries' proximity to Hungary in terms of these three factors is to calculate the squared Eucledian distance between Hungary and each of the countries. To do so, we use the following formula:

$$PRO_i = (POP_i - POP_{HU})^2 + (GDP_i - GDP_{HU})^2 + (INC_i - INC_{HU})^2,$$

where PRO_i refers to the country's proximity to Hungary, POP_i is the country's population, GDP_i is the GDP of the country and INC_i is the incarceration rate. The lower the value of PRO_i, the closer is the corresponding country to the Hungarian factor values.

Table 1. shows the factor values of the countries, their proximity to Hungary and their rank in terms of that proximity. Countries with sufficient budget information are highlighted in grey. We believe that countries that are neither neighbours of Hungary nor members of the EU are institutionally disparate enough to eliminate them from the comparison pool. Therefore, from the countries with available budget data we keep only those that are either members of the European Union, or are located in the close neighbourhood of Hungary. Thus we form what we hope to be a valid pool for comparison (bold in Table 1.).

The elimination procedure yielded the following list of countries: Austria, Estonia, the Czech Republic, Denmark, Serbia and Slovenia. Since, besides budget data, information on the characteristics of the NPM in these countries is also available, we included one-paragraph descriptions of how they perform their duties in Appendix A.

Table 1. Country rankings

Country	Population	GDP per	Incarceration	Proximity (squared	Rank

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[4] http://www2.ohchr.org/english/bodies/cat/opcat/mechanisms.htm
[5] We collected that information from annual reports and direct emails to the corresponding offices. We are especially grateful for the invaluable help of the Czech and Estonian offices.
[6] For 2010, PPP Converted GDP Per Capita, G-K method, at 2010 prices (in $). Population and GDP data are taken from the Penn World Table. https://pwt.sas.upenn.edu/php_site/pwt71/pwt71_form_test.php
[7] Prison population rate per 100 000 inhabitants, OECD Factbook 2010: Economic, Environmental and Social Statistics. Unfortunately this is narrower measure than the number of detained persons OPCAT extends to, but this is all we have reliable comparable data for.

	(in thousands, 2010)	capita (in $, 2010)	rate (per 100,000)	Eucledian distance in millions)	
Hungary	*9,992*	*18,360*	*152*	*0*	*-*
Czech Republic	**10,202**	**25,486**	**209**	**51**	**2**
Estonia	**1,291**	**19,097**	**273**	**76**	**3**
Serbia	**7,345**	**9,696**	**154**	**82**	**4**
Slovenia	**2,003**	**27,961**	**65**	**156**	**5**
Macedonia	2,072	8,627	112	157	6
Moldova	4,317	2,905	183	271	7
Denmark	**5,516**	**38,747**	**63**	**436**	**8**
Austria	**8,214**	**42,489**	**99**	**585**	**10**
Poland	38,464	18,988	225	811	13
Spain	46,506	30,816	164	1,488	14
France	64,768	35,223	96	3,285	16
Germany	81,644	38,289	90	5,531	17
Croatia	4,487	17,125	115	32	1
Sweden	9,074	40,891	74	508	9
Netherlands	16,783	42,546	100	631	11
Switzerland	7,623	45,368	76	735	12
United Kingdom	62,348	38,463	153	3,145	15
Luxembourg	498	93,497	155	5,736	18
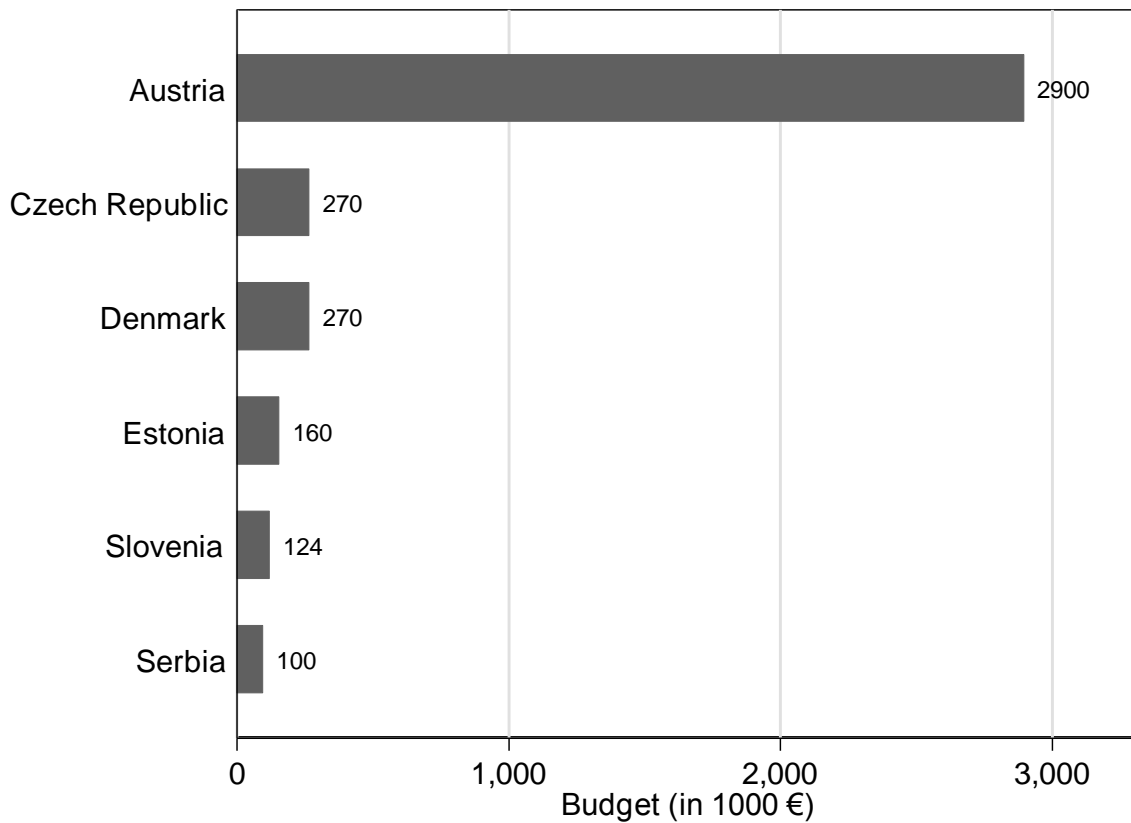
Figure 1. Annual NPM budget of comparable countries

Figure 1. summarizes the annual budget of the NPMs in the aforementioned six countries. We see that Austria allocates the most in total, almost 10 times more than the runner-up Czech Republic and Denmark. Austria remains the leader even if we consider spending proportional to GDP or population. The order of the rest of the countries, however, slightly changes if we do so. For instance, as Figure 3. reveals, Estonia and Slovenia turn out to spend relatively more if we take into account that they are poorer.[8]

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[8] On the chart, Budget/GDP ratios are multiplied by 10^6. Budget is measured in Euros, GDP is measured in USD.
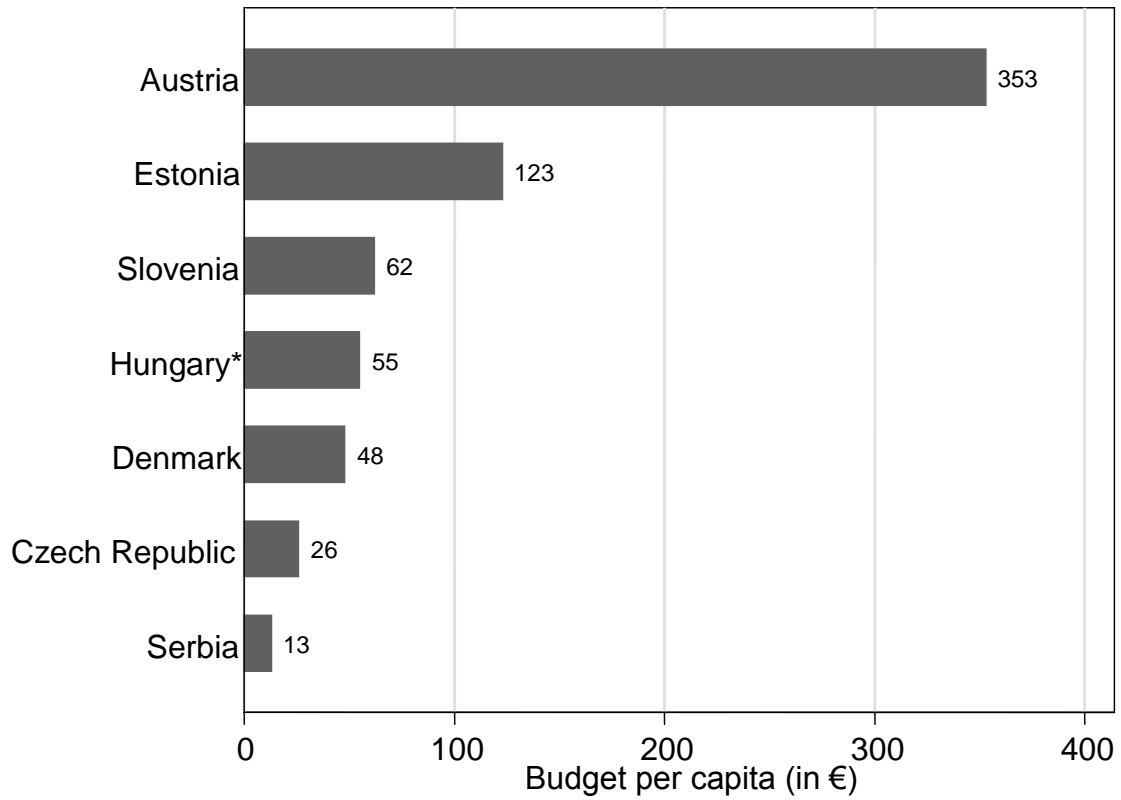
Figure 2. Annual budget of comparable countries proportional to population size
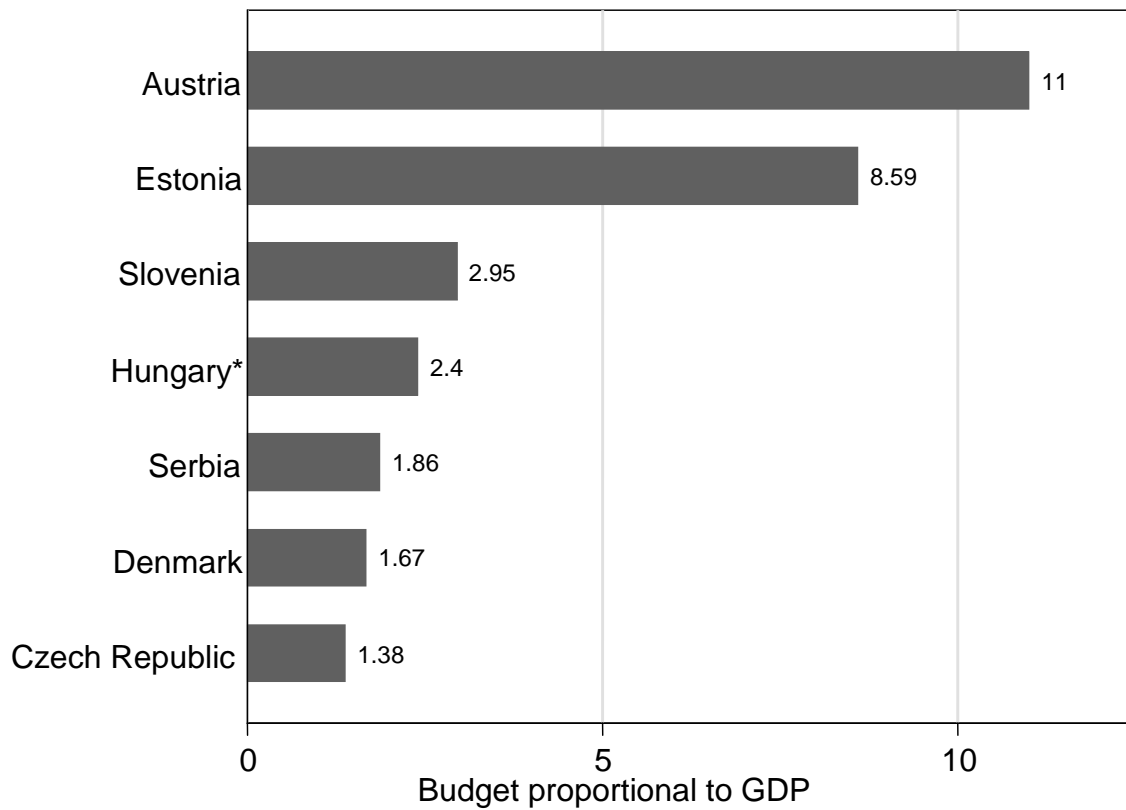
Figure 3. Annual budget of comparable countries proportional to GDP

In Figures 2. and 3. we also imputed a value for Hungary (marked with a star), set at the **median** of the values of comparable countries. If Hungary spent €55 per capita on supporting the NPM, that would make Hungarian spending average among these comparable countries. Hence, to avoid over/underspending, Hungary should allocate around €549,000 a year to the NPM. Results change somewhat if we use the median of the comparable countries' NPM budget to GDP ratio as a base for calculation. In that case, Hungary should spend a share of 2.4 x 10-6 of its GDP on supporting the NPM, which equals around €251,000 annually (Figure 4.). In other words, if the Hungarian NPM budget were in the €251,000-€549,000 range, it would be roughly at the middle point of what a small set of comparable countries, from Serbia to Austria spend on that purpose.[9]
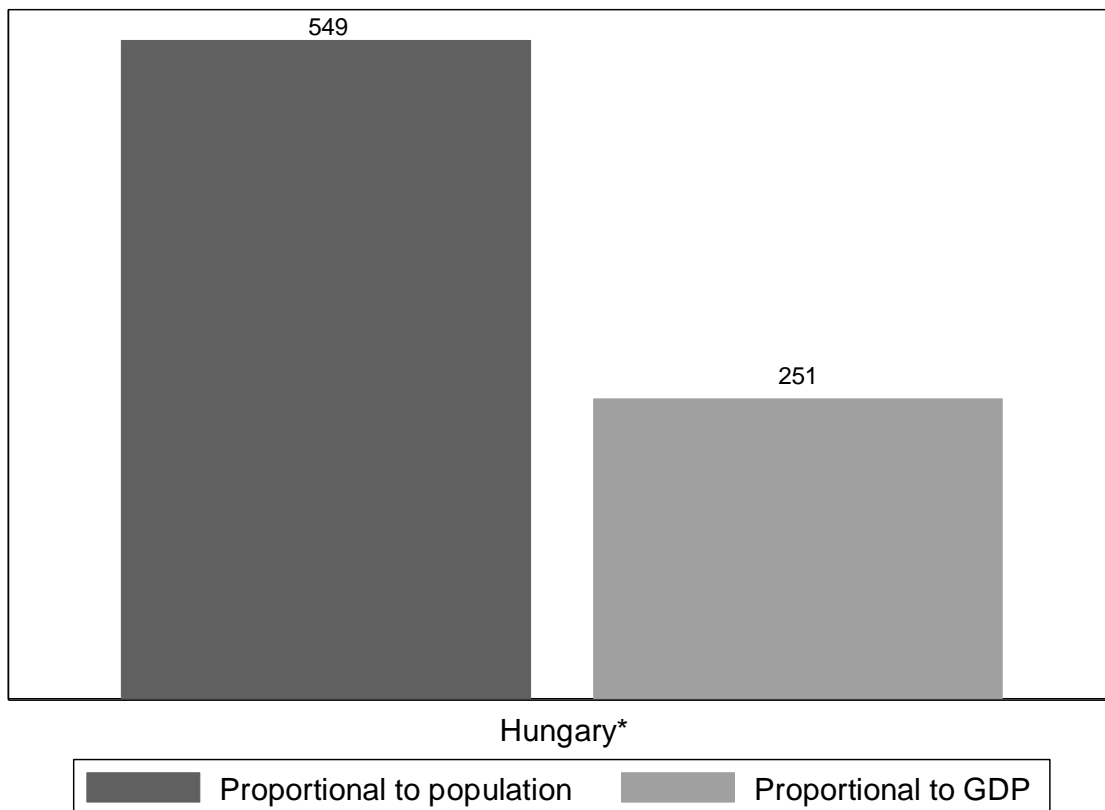
Figure 4. Projected budget based on international comparison

Bottom-up calculations

The previous chapter presented a way to calculate the necessary budget of the Hungarian NPM based

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[9] To measure the robustness of this result, for each comparable country we also calculated how much its NPM spends on one detainee (number of incarcerated divided by the budget) and we divided this ratio by the GPD per capita. We used this number to project how much the country's budget requirement would be if it had the Hungarian GDP per capita and incarceration rate. Numbers tended to be somewhat higher than what we see on Figure 4. (Czech Rep.: €267,000, Estonia: €717,000).

on international comparison. In this chapter, we build a framework for the estimation that relies on available Hungarian data: it is based on a list of the 1249 institutions (assumed to be exhaustive), ordered into 10 distinct categories with a total population of detainees exceeding 100,000 (see more details in Table A1. and A2. in Appendix).[10] According to NPM best practice, all of these institutions are to be visited in a visit cycle that should not last more than 5 years, preferably shorter[11]. Ad-hoc visits are also advisable to be carried out in addition to the regular ones within a cycle.

We divide the total expenditure of the NPM into two main categories: to **fieldwork related costs** involving expert fees, travel and accommodation expenses, and to **back-office costs** made up mostly of salaries of experts for report writing purposes and administrators. We assume no personnel beyond the experts (e.g. translators), no installation costs, no rent or utilities or communication costs to be paid, and no training or technical assistance costs at all when calculating the annual budget. If such expenses arise, our results are likely to underestimate total expenditures.

When calculating fieldwork related costs, for each type of institution we calculate (i) the *detainees to (fieldwork) days ratio*, defined as the number of detainees divided by the number of days the NPM team has to spend visiting the institution, and (ii) the *hours per detainees ratio*, which is the total number of working hours spent during the visit to the institution, divided by the number of detainees. Knowing the number of detainees in a specific institution belonging to a type, the first ratio shows how many days the NPM team should spend on the visit. In other words, it tells us how many nights are necessary to secure for accommodation if the institution is not located in the area of the NPM headquarter.[12] Using the second ratio, we can estimate the total number of expert hours required for a specific visit, thus we can also estimate the wages to be paid for that visit. In order to calculate the annual office workload, hence the back office labour cost, we have to estimate the number of visits, the average time to write a report following an inspection, and the total of the general administrative hours in a year.

We received detailed data concerning both types of costs from the Czech and Estonian NPM offices. We could use those to form estimations regarding the aforementioned ratios (Table 2.) and office workload (Table 3.). Although the types of institutions slightly vary across countries, we were able to come up with an approximate of detainees to (fieldwork) days ratio and an hours per detainees ratio for each type of the Hungarian institutions to be visited. Here, we created three scenarios in order to be

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[10] To create that list, we used data provided by the Hungarian Helsinki Committee. Note that there is a small probability that some institutions are missing, because there exists no officially validated list of the institutions in question.

[11] In personal communication with Mr. Matthew Pringle reference was made to the expert opinion of Prof. Malcolm Evans, chair of UN Subcommittee on Prevention of Torture, who asserts that visits should be made much more frequently than every five years. On the other hand, the countries we use for comparison use longer cycles than that.

[12] We assume that the headquarter would be in Budapest. An institution is in the area of Budapest if it is not farther away than 70 kilometers.

able to simulate how budget expenses would vary according to the duration and thoroughness of the NPM team visits (Table 4.). The *minimalist* scenario calculates with the most parsimonious ratios possible, potentially occurring if work is done in a perfunctory manner, in a way that may not be up to the European OPCAT standards. The *average* scenario uses the average/somewhat below average ratios of the Czech and Estonian data, therefore it can be considered as a scenario under which the Hungarian NPM would perform satisfactorily. In this case the frequency of visits would also remain under the OPCAT standards. The *optimal* scenario uses the most acceptable ratios; if resources in line with that scenario could be allocated to the visits, the NPM would be likely to receive enough resources to carry out thorough enough and frequent enough investigations. Designing scenarios for the fieldwork expenditures is essential as we have discovered that this first type of the costs would constitute around 96% of the total spending in the case of Hungary.

Table 2. Czech and Estonian data – Visits

Type of institutions	Hours spent	Days	Team size	No. of detainees	No. of detain-ees inter-viewed	Share of detainees interviewed	Distance (km)	Detainees to days ratio	Hours per detainees
Czech NPM									
Remand prison (1)	16	2	4	169	n.a.	n.a.	n.a.	84.5	0.38
Remand Prison (2)	16	2	5	272	n.a.	n.a.	n.a.	136.0	0.29
Children's home	20	3	5	57	20	35%	n.a.	19.0	1.75
Psychiatric hospital for children	14	2	5	57	n.a.	n.a.	n.a.	28.5	1.23
Diagnostic institute for juvenile	20	3	4	46	n.a.	n.a.	n.a.	15.3	1.74
Social service facilities for disabled	16	2	5	129	10	8%	n.a.	64.5	0.62
Estonian NPM									
Social welfare institution (care home)	8	1	2	61	26	43%	185	61.0	0.26
Police detention facilities (detention chamber)	8	1	4	30	18	60%	255	30.0	1.07
Expulsion centre (of police and border guards)	8	1	5	12	6	50%	5	12.0	3.33
Reception centre for asylum seekers	8	1	5	5	5	100%	220	5.0	8.00
Defence forces (air defence, artillery and pioneer battalion)	8	1	6	86 *	43	50% *	96	86 *	0.56 *
Prison	24	3	7	956	36	4%	165	318.7	0.18
Psychiatric department in prison	8	1	3	12	12	100%	200	12.0	2.00
Special care service (in a hospital)	8	1	2	45	7	16%	160	45.0	0.36
Special schools	8	1	4	37	27	73%	210	37.0	0.86
Adolescents Treatment and Rehabilitation Centre	8	1	6	16	16	100%	165	16.0	3.00

*Partially based on our estimation.

Table 3. Czech and Estonian data – Annual office workload

	Czech Republic	Estonia
Hours per report (one institution)	3-120	4-40
Administrative hours (total)	250	n.a.
Number of inspections	55	33
Administrative hour per inspection	4.5	n.a.
Total hours on reports (on average) *	660	528
Total number of incarcerated **	21,321	3,524
Inspections per 10 000 incarcerated	25.8	93.6

*We assume that writing an average report requires 3 times more than the shortest.
** OECD Factbook 2010.

The remaining 4% is spent on office work. Given Hungary's similarity to the Czech Republic in terms of population size, to estimate the office workload we use the Czech hours per report ratios as benchmarks. We also took into account the differing incarceration rates that serve as proxies for the detainees to be visited, thereby avoiding overestimation. Table 5. summarizes the results: if the Czech data are taken as a benchmark, the Hungarian office would need 178 administrative hours and 470 report-writing hours annually. Note that using the Estonian ratios instead would result in an increase in the projected workload.[13]

It has to be noted as well that the calculation of the administrative costs – unlike the estimation of the field visits – does not take into consideration that all 1249 Hungarian closed institutions should be monitored during one visit cycle. The calculation is rather an estimation of administrative costs which presumes that the Hungarian NPM visits the institutions similarly to the Czech and Estonian monitoring frequency. However this frequency does not even allow that the NPM monitors every institution once at least every 5 years. Applying the Czech and Estonia ratios the Hungarian NPM would only be able to visit all places of detention every 32 years which is clearly contrary to the OP-CAT. Nevertheless – as we have mentioned above – the importance of this item is negligible within the total costs.

Beside the ratios and workload, a few further assumptions also have to be made for the budget projection. Just as the NPM can outline the hours allocated to a visit, it can determine the money spent on accommodation, travel and salaries. Naturally, such decisions may also influence the quality of the

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[13] Another important remark is that the projection of the administrative costs, unlike the on-site costs earlier, does not take into account that all the 1249 institutions must be visited in a cycle. Rather, it is an approximation of the workload based on the assumption that the Hungarian NPM would visit a lower fraction of institutions similar to the Estonian or the Czech practice. At the desirable visit frequency such costs should also be higher.

work; higher wages and better conditions tend to attract more qualified employees.[14] Hence, we order different price assumptions to the three above mentioned scenarios (Table 6.).[15] Regarding the size of the NPM team, we assume that in most cases it would consist of 4 or 5 persons like its Czech or Estonian counterparts and like the Hungarian NGOs (the Hungarian Helsinki Committee and the Hungarian Civil Liberties Union) on similar missions. For the calculation of the travel costs, we sum the number of detainees per county and institution type, and further assume that another trip (travel from the headquarters to the county) is required after each 100 persons.[16] This allows for the possibility of multiple visits during a trip if several smaller institutions are located close to each other. For large institutions (categories I-V in Table A2. in Appendix B), we relaxed the previous assumption and applied a one institution – one trip framework.

Since the NPM can determine the length of a visit cycle (in how many years it visits all the institutions) and the number of ad-hoc visits, we projected the budget requirement for visit cycles of 3 to 5 years and for ad-hoc visit ratios of 0%, 10% and 20% for each of the scenarios. Results are summarized in Table 7. We calculated the necessary budget both in Hungarian Forints and Euros. Depending on the generosity of the resources and the intensity of the NPM team's care, the budget requirement varies from €100,000 to €850,000. This is a very broad range that includes the most niggardly version, in which the NPM would probably not function smoothly and properly, experts would be underpaid, visits would only take place once in five years and there would be no ad-hoc visits at all, and also the ideal well-financed case much closer to best practices. For this reason, it makes sense to look at the middle case for the middle scenario as an appropriate, but still an affordable one. If we calculate with a modest visit cycle of 4 years and do not completely neglect ad-hoc visits, we obtain €297,540 p. a. for the projection. That amount is close to the budget suggestion obtained from the international comparison in the previous chapter.

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[14] According to the Hungarian practice, even the lowest paid legal practitioners (public defenders are paid a gross 3000 HUF per hour for performing similar tasks that is required here. (Article 55 (3) and (4) of Act CCIV of 2012 on Hungary's budget in 2013)

[15] We assume that the maintenance cost (insurance, amortization, rent or purchase and tolls) of the team's vehicle is proportional to the distance travelled, approximately equals to the gasoline price (around HUF 440 / l) and slightly varies across scenarios (maintenance costs are higher for better cars).

[16] That is a conservative assumption based on personal communication with Mr. Tamás Verdes, the expert of the Hungarian Civil Liberties Union, a Hungarian NGO that carries out such visits to psychiatric institutions. For providers of special care services for disabled this threshold is 60.

Table 4. Hungarian projection - Visits

Type of institution	Scenario					
	Minimalist		*Average*		*Optimal*	
	Detainees to days ratio[17]	Hours per one detainee	Detainees to days ratio	Hours per one detainee	Detainees to days ratio	Hours per one detainee
I. Penitentiaries	300	0.18	200	0.29	85	0.38
II. Penitentiaries (Hospital)	300	0.18	200	0.29	85	0.38
III. Police detention facilities	35	1	30	1.07	25	1.2
IV. Immigration detention centres	86	0.55	20	1	12	3.33
V. Juvenile reformatories	70	0.3	60	0.4	50	0.5
VI. Children's homes (infants or rehabilitation service)	37	0.86	20	1	15	1.75
VII. Social institution for elderly	70	0.2	61	0.26	50	0.3
VIII. Psychiatric hospitals	45	0.36	25	1	12	2
IX. Special care homes for people living with disabilities	64.5	0.36	55	0.5	45	0.62
X. Rehabilitation centres for addicted individuals	20	2.5	16	3	12	3.5

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[17] As introduced above, this value represents the number of detainees divided by the number of days the NPM team spends visiting the institution.

Table 5. Hungarian projection - Annual office workload

Hours per report (one institution)	3-120
Administrative hours (total)	178
Number of inspections*	39
Administrative hour per inspection	4.5
Total hours on reports (in average)**	470
Total number of incarcerated***	15,188
Inspections per 10 000 incarcerated	25.8

* As explained above, this low number is based on Czech and Estonian data, not the much higher visit frequencies we calculate with in the different scenarios.
** We assume that writing an average report requires 3 times more than the shortest.
*** OECD Factbook 2010.

Table 6. Price assumptions

	Scenario		
	Minimalist	*Average*	*Optimal*
Wages (expert, hourly)	€10.30/HUF3,000	€17.20/HUF5,000	€24.10/HUF7,000
Wage (administrator, hourly)	€5.20/HUF1,500	€6.90/HUF2,000	€8.60/HUF2,500
Accommodation (4-5 person)	€86/HUF25,000	€103/HUF30,000	€121/HUF35,000
Gasoline and car maintenance (per litre)	€2.75/HUF800	€3.10/HUF900	€3.44/HUF1,000
Fuel consumption (per 100 km)	7	8	9

Table 7. Budget depending on length of visit cycle and ad-hoc visits

HUF (in thousands)	Ratio of ad-hoc to regular visits (%)	Minimalist			Average			Optimal		
		0	10	20	0	10	20	0	10	20
Length of visit cycle (years) — 3	3	48,427	53,270	58,113	104,589	115,048	125,507	204,760	225,237	245,713
	4	36,320	39,952	43,585	78,442	86,286	94,130	153,570	168,927	184,284
	5	29,056	31,962	34,868	62,753	69,029	75,304	122,856	135,142	147,427

EUR*	Ratio of ad-hoc to regular visits (%)	0	10	20	0	10	20	0	10	20
Length of visit cycle (years)	3	166,993	183,692	200,391	360,655	396,720	432,786	706,072	776,680	847,287
	4	125,244	137,769	150,293	270,491	297,540	324,589	529,554	582,510	635,465
	5	100,196	110,215	120,235	216,393	238,032	259,671	423,643	466,008	508,372

*Exchange rate = 290 HUF/EUR

An alternative approach

In the previous chapters we implicitly assumed that, as is the case in several countries, the NPM would consist of independent experts (lawyers, psychologists, etc.) who are readily available in the professional labour market, and they are paid fees corresponding to one of the three scenarios. In this section, we briefly investigate how much the NPM would annually cost if the task were delivered by the office of the Ombudsperson and a separate unit was created solely for that purpose. Based upon the point of view of the Hungarian Helsinki Committee – departing from the present legislative text – such a unit would reasonably be made of 12 employees (1 head of the unit, 1 deputy head, 9 staffs and an administrator) from which 2 monitoring teams could be established. One team – avoiding that staff members become indifferent and burnt out very quickly – would be able to carry out 2 visits a month, leading to a total of 50 NPM inspections annually. It has to be underlined that the annual 50 visit would lead to a 25-year visiting cycle which is not in compliance with the OPCAT obligations. In order to achieve a 4-year monitoring cycle carried out by exclusively by the public officials of the Ombudsperson's Office a 5-time bigger NPM unit would be necessary.

Assuming that the staff of 12 people each has at least 7 years of work experience in average, hold a driving licence and an intermediate language exam certificate, the yearly salary of the unit would be approximately a gross €173,140 (HUF 50,210,000).[18] Applying the average scenario price structure from Table 6., the travel and accommodation costs would be around €9,000 (HUF 2,610,000) for the 50 visits carried out in a year. Thus, the annual budget requirement of the Ombudsperson's NPM unit would be €182,140 in total (HUF 52,820,000). Note, however, that under this scenario, only 50 visits p. a. could be carried out, without any ad-hoc visits. Under the market-based model above, yearly visits to 300 institutions from the total of 1249 could be covered by a budget of €300,000 (HUF 86,286,000)[19]. Since this in-house arrangement seems to be much less efficient, we advocate the earlier, more economical market-based model.

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[18] The calculation is based on the current salary structure for public servants and officials.
[19] Using the average cost structure, a 4-year cycle and 10% ad-hoc visits.

A potential source for funds to launch the mechanisms needed

The Operational Programme for State Administration Reform (Államreform Operatív Program – ÁROP), one of the operational programmes under which **EU development funds** earmarked for Hungary are spent, was launched in 2007 with the purpose of increasing the quality of governmental and judicial administration, enhancing the efficacy of the government as well as improving the functioning of governmental, judicial and defence bodies, including civil organisations active in these sectors. The ÁROP is organised under four main priority axes, one of which is the renewal of processes and organisational development (*Folyamatok megújítása és szervezetfejlesztés*). The main goal of this priority is to achieve higher administrative performance by improving governance and self-governance capabilities (sub-priority 1.1) and by simplifying administrative procedures and introducing organisational development tools (sub-priority 1.2).

In the spirit of improving governance and self-governance sub-priority ÁROP 1.1 focuses on strengthening strategic management, creating quality legislation and promoting a strong partnership with the civil society and social partners. The Operational Programme for State Administration Reform as adopted by the European Commission on August 21st 2007, highlights the importance of civil participation and governmental-civil partnership not only in consulting, but the substantive inclusion of social partners in the decision-making process as well as in implementation. The governmental-civil partnership is also beneficial in the sense that it fosters public involvement and the public confidence in government, thus contributing to the strengthening of democracy.

As published in the Hungarian Official Gazette on May 3rd 2012, the ÁROP action plan for 2011-2012 included a call directed towards the strengthening of administrative partnerships (Közigazgatási partnerségi kapcsolatok erősítése). Both governmental bodies and civil organisations were eligible to apply for the **HUF 400 million grant** under ÁROP 1.A.6. This allocation was meant to subsidize the construction of new or strengthening existing networks between administrative governmental bodies and civil organisations, as well as for funding the direct cooperation of government and social partners.

While deadlines for individual calls come and go, the presence of such programmes shows that there exist European development resources that could be spent on properly designing, piloting and introducing a prison monitoring scheme in Hungary.

Appendix A: Short descriptions of the NPM regimes used in the six countries of comparison

In this appendix, based on material provided by the Helsinki Committee and international and country experts, we briefly summarize the institutional arrangements used in the six countries we selected for comparing with Hungary.

Austria: The Ombudsperson is responsible for the NPM duties in Austria. The NPM board of the Ombudsperson comprises 14 members who spread across various departments. In addition, 6 regional monitoring commissions function with 7 part-time workers in each. Occasionally the Human Rights Advisory Council (an external advising body consisting of 15 people) meets to opine about the work of the NPM. All of the employees receive a generous salary, and the allocated budget of the Austrian NPM is probably the highest among the countries of that size: €2,900,000 a year.

Denmark: The Ombudsperson has been appointed as an NPM in Denmark and may call upon the special medical and human rights expertise of a state body and an NGOs that function as an advisory capacity within the OPCAT cooperation. OPCAT inspections are carried out by a certain unit comprising of three staff members of the Ombudsperson's Office and an NGO delegate. In 2010, the NPM visited 20 institutions from the existing 426 that cover state prisons, secure institutions for juveniles, county gaols, police detention facilities and psychiatric centres. When the parliament authorised the Ombudsperson to handle the task of NPM, it increased the Ombudsperson's Office's overall budget for 2009 and beyond by approximately €270,000.

The Czech Republic: Since 2006, the Public Defender of Rights (Ombudsperson's Office) has been empowered to perform the task of NPM in the Czech Republic. From the 113 employees of the Ombudsperson's Office 8 constitute the NPM team. In 2010, the Ombudsperson carried out 55 visits primarily to remand prisons, prisons for women and juveniles, police cells, administrative detention facilities as well as to homes for people with health disabilities and psychiatric hospitals. Occasionally other professionals are invited to join the visits in order to achieve the best results possible. The Czech NPM's budget was approximately €270,000 in 2011.

Estonia: Estonia designated the Office of the Chancellor of Justice (Ombudsperson's Office) as the NPM who performs this function since 2007. In the case of Estonia, a specific NPM unit has not been established within the Office of Chancellor of Justice. Two thematic units carry out the preventive tasks; one that focuses on prisons, police, military service and expulsion centre, and another one that concentrates on social care homes, psychiatric hospitals, rehabilitation centres for children, special schools for juveniles. When the parliament decided to assign the tasks of the NPM to the Chancellor of Justice, the latter one received an additional €160,000, which amount approximates the annual cost of NPM functions.

Serbia: The Protector of Citizens (Ombudsperson's Office) fulfils the mandate of NPM in Serbia since

July 2011, when a separate unit with 4 employees was established in the Office of the Protector of Citizens. That unit cooperates with 9 NGOs and the Ombudsperson of Vojvodina, Serbia's autonomous province. Visits started in the end of 2011, and according to the initial plans the NPM conducts about 80 visits in 2012, of which 50 are to be undertaken in the police stations, 10 in prisons, 10 in nursing homes for the elderly, 6 in residential social welfare institutions, 5 in psychiatric hospitals and one in a shelter for immigrants/refugees. The allocated budget of NPM for 2012 is €75,000 plus an amount that covers employee's salaries, which indicates a total of €100,000.

Slovenia: The Ombudsperson and selected non-governmental organisations perform duties of the NPM. 6 staff undertake the tasks on behalf of the Ombudsperson's Office, however they also have other obligations unrelated to the NPM. Regular visits have been carried out since 2008. In 2011, 46 institutions were visited; 10 penitentiary institutions, 19 police stations, two institutions for asylum seekers and migrants, 2 psychiatric institutions, 3 special social care institutions, 5 nursing homes, a combined institution and 4 juvenile facilities. For the year 2010, €124,822 was allocated to the NPM; €103,200 for salaries, €13,000 for material costs and €8,622 for NGOs.

Appendix B: List of institutions to be visited in Hungary

This is the list of institutions provided by the Hungarian Helsinki Committee that was used for calculations in chapter 4.

Table A1. Number of detainees in Hungary

County \ Type of institution	I. Penitentiaries	II. Penitentiaries (Hospital)	III. Police detention facilities	IV. Immigration detention centres	V. Juvenile reformatories	VI. Children's homes (infants or rehabilitation service)	VII. Social institution for elderly	VIII. Psychiatric hospitals	IX. Special care homes for people living with disabilities	X. Rehabilitation centres for addicted individuals	Total
Bács-Kiskun	1832		5	144		198	2850	346	886	10	6271
Baranya	203		7			504	2521	884	688	55	4862
Békés	129		5	57		293	3884	416	623	34	5441
Borsod-Abaúj-Zemplén	888		15			149	3502	578	868	27	6026
Budapest	3087	207	31	12	130	1519	6636	877	678	127	13304
Csongrád	1496		13			263	2508	503	595	9	5387
Fejér	2880		10			336	1942	405	882	32	6487
Győr-Moson-Sopron	892		10	32		265	2156	567	428	0	4350
Hajdú-Bihar	289		7		96	688	2448	826	864	19	5236
Heves	186		8			199	1571	332	500	0	2796
Jász-Nagykun-Szolnok	234		7			286	2295	365	662	0	3848
Komárom-Esztergom			5			392	1682	300	397	11	2787
Nógrád	440		13			161	1003	370	484	12	2483
Pest	1994		12	32	233	410	5580	993	3572	24	12850
Somogy	201		5			525	1864	321	0	86	3003
Szabolcs-Szatmár-Bereg	1033		5	229		615	3591	674	20	33	6199
Tolna	146		3			216	1495	179	513	103	2655

Vas	832		7			208	1235	992	662	19	3955
Veszprém	273		5			174	1753	327	698	27	3256
Zala	119		7			295	1624	467	438	24	2974
Total	17155	207	177	506	459	7696	52140	10721	14458	652	104170

Table A2. Number of institutions in Hungary

Type of institution	Number of institutions
I. Penitentiaries	35
II. Penitentiaries (Hospital)	2
III. Police detention facilities	22
IV. Immigration detention centres	6
V. Juvenile reformatories	4
VI. Children's homes (infants or rehabilitation service)	195
VII. Social institution for elderly	670
VIII. Psychiatric hospitals	130
IX. Special care homes for people living with disabilities	155
X. Rehabilitation centres for addicted individuals	30
Total	1249