



AUSTRIAN
OMBUDSMAN BOARD

Austrian Ombudsman Board (Volksanwaltschaft)
International Unit AOB
Singerstraße 17
1015 Vienna
Austria
aobint@volksanwaltschaft.gv.at

Language(s): English only

HUMAN RIGHTS COUNCIL
55th Session

30 October 2023

Written statement submitted by the Austrian Ombudsman Board in Response to Call for input current issues and good practice in prison management

This is the submission of the Austrian Ombudsman Board (AOB) to the call of the Special Rapporteur on Torture on good practices in prison management. In the following submission, the AOB identified current issues and good practices in prison management which seek to contribute to the thematic report of the Special Rapporteur on Torture.

ELIS – Online Platform for Resocialization

In 2009, the e-learning online platform “ELIS” was introduced to the Austrian prison system. The purpose of ELIS is not only to provide similar education opportunities compared to the outside world but also to ensure social rehabilitation into society after imprisonment and thus prevent recidivism. A degree or training that was obtained during detention, can improve the likelihood of finding an occupation after prison, and therefore promote a regular life. The initial idea of ELIS was to complement ordinary education in prison with online content. Research has shown that detainees have a higher motivation to learn with online tools than with conventional media such as books.

Since its establishment, ELIS has evolved greatly to a tool that is widely used in the preparation of release and resocialization. Next to basic education, ELIS contains over 500 online and offline contents related to daily social, digital, and financial competencies, career guidance, job application training, apartment search, and leisure activities such as access to a media library. ELIS contains also information about application processes at public authorities, such as the employment office, or health care provider. With the development of ELIS, users are now also allowed to contact public authorities directly from prison to prepare

for their life after release. With the help of so-called “moderated emails”, prisoners have very limited email access that is monitored by social workers, to contact relevant authorities or landlords. This email permits detainees, for instance, to arrange accommodation or unemployment benefits before their release. The possibility of e-learning, training in social competencies, and limited communication with the outside world constitutes a building block in facilitating active and social participation in society after prison.

Video Interpretation System

According to numbers of the Austrian Ministry of Justice, in 2023, around 50 percent of the detainees are not Austrian nationals.¹ Therefore, the diversity of languages spoken by inmates can pose challenges in communication with prison guards. In 2014, a pilot project, involving simultaneous video interpretation during medical consultations in prison, tried to tackle language barriers. The use of video interpretation during the project has proven to be successful. Patients could effectively learn about the risks of treatment and give informed consent. Moreover, the workflows improved since the absence of external interpreters saved financial and time resources.

With the successful completion of the project, video interpretation was implemented nationwide. Next to its application during medical consultation, it is now also used for misdemeanor proceedings during imprisonment and psychosocial services. The video interpretation system currently consists of a normal computer-sized screen that is connected to a fixed desktop computer. Hence, the system is not easily moveable. During the COVID-19 pandemic, smaller mobile devices were employed where the users simply speak into the device and the device subsequently interprets. However, these devices are not sufficiently developed to replace professional video interpretation but can complement current interpretation services. To provide high-quality services anywhere on the prison premises, the Austrian NPM recommended procuring mobile tablets which can be utilized everywhere for quick and accessible video interpretation.

VISCI – Suicide Prevention

The “Viennese Instrument for Suicidality in Correctional Institutions” (VISCI) is an effective low-cost questionnaire that is first carried out upon admission to prison. After admission, the questionnaire is repeated in frequent intervals as the risk of suicide can change over the course of detention. The goal of the questionnaire is to assess the risk of suicide of the detainees. The VISCI is therefore an important tool for suicide prevention in prisons. The 20-question survey is designed in such a way that all prison staff can perform it without the help of trained psychological staff. Questions about health, psychological, and family situations can determine with a low error ratio the risk of suicide.

Once the test is concluded prison staff will immediately receive results and instructions on how to treat the detainee. The VISCI system operates according to a traffic light system: red means high risk, yellow indicates no immediate need for action, and green means that there is no risk. For each category, there are clear instructions for prison staff on how to treat the

¹ ,Insassinnen- bzw. Insassenstand nach Staatsbürgerschaft (Inmate status by citizenship)’, Austrian Ministry of Justice, October 2023 <<https://www.justiz.gv.at/strafvollzug/statistik/insassinnen-bzw-insassenstand-nach-staatsbuergerschaft.2c94848542ec498101444595343b3e06.de.html>>

inmate, when they will first receive psychological services, and to which cell they are brought.

Social Net Conferences

Social network conference is an alternative to detention for adolescents. The social network conference aims to involve the adolescents' social environment such as parents, other family members, friends, neighbors, teachers, etc., in overcoming their crisis and to support them in not committing more crimes in the future. Since 2016, two types of social network conferences exist, firstly the pre-trial detention conference and secondly the release conference. The purpose of the pre-trial social net conference is to find alternative probation measures to the ongoing pre-trial detention. This takes place with the involvement of the probation service agency and other relevant professionals. Similarly, the release social net conference invites professionals and the social net of a juvenile offender, to prepare for their conditional release. At the conferences, adolescents work out a detailed plan for their future and a methodology to prevent recidivism. The probation officer supervises compliance with the orders, and therefore also the implementation of the plan.

The model is based on the assumption that adolescents, who are in a crisis phase of their lives and consequently committed offenses, are themselves capable of decision-making and problem solving.

Use of Pictograms for Clear and Accessible Communication

The Austrian NPM frequently observed communication barriers between prison staff and foreign-speaking detainees.² Moreover, persons with intellectual and/or psychosocial disabilities may not always understand instructions. As a consequence, it was recommended to create pictograms that clearly delineate the house rules of the prison facility.³

In 2019, the Ministry of Justice complied with the recommendation and ordered the use of pictograms in prisons to inform detainees about the house rules. The purpose of the pictograms is to facilitate barrier-free and quick communication with all prisoners. For example, one of the pictograms, clearly communicates the times for consulting a nurse by showing a nurse, a weekly calendar, and the respective time on a clock. With this clear communication, detainees have a better chance to understand the rules and abide by them.

Federal Standards for Specially Secured Cells

The "General Directorate for the Penitentiary System and the Enforcement of Custodial Measures" agreed in 2023 on national minimum standards for specially secured cells that are used for persons in crisis. According to those standards, specially secured cells in newly built or renovated facilities need to have: floor heating, no electrical plugs, indestructible lights, light switches, and TV, a squat toilet, a washbasin and shower integrated into the wall,

² ,Bericht der Volksanwaltschaft an den Nationalrat und an den Bundesrat: Präventive Menschenrechtskontrolle 2017 (Annual report on the activities of the Austrian National Preventive Mechanism 2017)', Austrian Ombudsman Board, p.116; ,Bericht der Volksanwaltschaft an den Nationalrat und an den Bundesrat: Präventive Menschenrechtskontrolle 2019 (Annual report on the activities of the Austrian National Preventive Mechanism 2019)', Austrian Ombudsman Board, p.148

³ ,Präventive Empfehlungen zum Schutz und zur Förderung der Menschenrechte im Bereich des Straf- und Maßnahmenvollzugs Band VII (Preventive recommendations for the protection and promotion of human rights in the area of penal and the preventive detention Volume VII)', Austrian Ombudsman Board, 2022, p. 22 <https://volksanwaltschaft.gv.at/downloads/8j2e8/empfehlungen-straf-und-massnahmenvollzug-2021_bf.pdf>

whereby the shower is controllable outside of the cell, a clock with display of daytime, a ventilation system, and a secure service hatch.⁴

Already existent specially secured cells will be adjusted according to those standards if the budget permits it.

Gaby Schwarz

Ombudsperson

⁴ ,Response of the Austrian Government to the report of the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT) on its periodic visit to Austria from 23 November to 3 December 2021', CPT, 27.06.2023 < <https://rm.coe.int/1680abc176>>