

Criminal Detention in the EU

National Standard

COUNTRY	DETENTION ISSUES	KEY PROVISION	LEGAL INSTRUMENT	NPM RECOMMENDATION	NPM RECOMMENDATION YEAR	NPM REPORT URL
Austria	Healthcare	Necessary medical care for prisoners has to be provided by medical officers (Amtsärzte) or by other precaution (Vorsorge) by making sure that a doctor can intervene without unnecessary delay. In minor cases paramedics may take care of prisoners. Prisoners are free to consult a doctor of their choice on their own costs. Those consultations have to take place in the cell. The health status of	Code of Conduct for Detention (Anhalteordnung), Penal Code (Strafvollzugsgesetz)	It must be guaranteed that the medical care of detainees is on the same level as that of persons who are at liberty. The NPM considers it necessary to hire additional medical personnel, particularly for the purpose of psychiatric care in the out-patient clinic of the Stein correctional institution. Regular visitations shall help to prevent bodily and mental neglect of long-term prisoners. It was demanded that, if it was absolutely necessary to have a prison guard present during the examination of a detainee, he or she should be a person of the same gender. Under which circumstances it is absolutely necessary to have a guard present during a medical treatment (in the room at the correctional institution provided for this purpose) is still left open. Moreover, the NPM emphasises that placebo medication can only be tolerated if the patient is informed. A clear definition of the term “fitness to undergo detention” should be provided in the Code of Conduct for Detention. Particular sensitivity should be used in determining whether a person is unfit to undergo detention due to mental impairment. Police physicians should always be able to correctly assess the need for specialised treatment of detained persons based on the situation and to quickly access psychiatric expertise, if necessary, regardless of the day of the week and the time of day. The development of criteria for the medically necessary transfer of such persons to specialised clinics instead of their placement in specially secured cells could minimise the risk of jeopardising the health of this particularly vulnerable group of persons by making a bad decision. Police doctors shall inform persons, who are not able to stay in prison, prior to leaving the prison about medical measures and possibilities to allow for later care for the person. Only trained health care and nursing personnel should provide	2015 , 2016 , 2017	https://volksanwaltschaft.gv.at/en/reports#anchor-index-2950 , https://volksanwaltschaft.gv.at/en/reports#anchor-index-2950 , https://volksanwaltschaft.gv.at/en/reports#anchor-index-2950

inmates and their weight are to be monitored. In case of illness, accident, suicide attempt or other self harm the prison doctor has to be informed and has to treat the inmate or transfer her/him to special doctors. Prisoners have to be granted the necessary dental treatments. Dentures are only provided on the own costs of the inmate.

services in infirmaries and physician's offices. They may not perform any supervisory functions. Prison guards may only be utilized as an exception by request of the physician due to a risk assessment. Medical experiments on inmates are prohibited by law. The prohibition is absolute. It is irrelevant whether an adverse effect can be expected from the invasive procedure. Newly admitted prisoners have to be medically checked within 24 hours upon arrival. In the interest of self-protection, the protection of others and the discovery of mistreatment, the health examination upon arrival should include a physical examination in addition to a medical history record. Prisoners who suffer from psychiatric (pre-existing) illnesses have to be brought to a psychiatric doctor in short time after admittance to the prison and are to be cared for by regular contact to the doctor. To guarantee effective suicide prevention, prisoners who hold VISCI red status, have to be brought to the psychological and psychiatric experts as soon as possible to produce an experts' report.

To guarantee this care under comparable conditions as for persons in freedom, medical personnel has to be available in a sufficient number. Inmates with substance abuse problems are entitled that their special treatment, care and advise necessities are taken into account. Prisoners who show psychological particularities and at the same time are not able for regular imprisonment have to be separated from other inmates and have to receive special care and therapy. Standards for care and criteria for classification have to be developed. Individual therapeutic treatments for accommodated persons have to be foreseen as well as specific rooms. Therapy has to start soon after accommodation. Months of inactivity are not acceptable. Upon arrest in special secured cells in PAZ an immediate first medical check by a doctor has to take place. If there is a suspicion of suicide risks, this has to be documented. Information of decision makers as well as medical checks have to take place. If suicide risks are confirmed, organisational measures have to take place to hinder access to dangerous items. After a suicide (attempt) immediate measures to save the life have to be conducted. Measures of crisis intervention regarding inmates have to be conducted quickly. Medical examinations and treatments of persons in police inspections have to be in general conducted by doctors alone. Police officers may only be present due to security reasons and shall not be those who conducted the arrest. At police

				inspections the presents of a police officer during medical examination, the name, the reasons for presence as well as the measures for upholding privacy of the inmate shall be documented. In case of being naked during a medical check the present police officer has to have the same sex as the inmate. Officers being present because of security reasons shall be out of earshot and if possible also out of sight. If possible, separate rooms for examinations shall be available at PI. In any case technical measures to guarantee a confidentialation medical examination have to be taken. Protection of non-smokers has to be provided in all PI. Cells may not be used as smoking zones of personnel.		
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