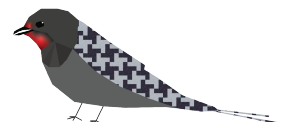




Keeping in Contact with Detainees in Hungarian Penitentiaries

Research Report
Support Network for Detainees and their Families (FECSKE)
2020-2021



FOGVARTOTTAKÉRT
ÉS CSALÁDTAGJAIKÉRT

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What is FECSKE?

Support Network for Detainees and their Families

FECSKE is the abbreviation in Hungarian for Support Network for Detainees and their Families, it also means swallow in Hungarian.

One of the purposes of imprisonment is deterrence from the future commission of crimes. An equally important goal is to rebuild one's life after serving the prison sentence by finding a job, being able to make an honest living, and returning to one's family. In grim prison conditions, years spent away from the family make it difficult for former detainees to make a new start on life.

FECSKE's members include former detainees; and relatives, supporters of people detained in penitentiary institutions, as well as academics and professionals who are working together for a humane and fair prison system. They believe that whatever someone has done, it cannot be at the expense of losing contact with their loved ones or serving their prison sentence in humiliating circumstances. FECSKE's members also believe that children and family members have a right to maintain quality contact with their incarcerated loved ones.

FECSKE helps to ensure that those waiting to serve their prison sentence, inmates and their relatives, and various professionals receive information about the status, operation and rules concerning the execution of prison sentences. In addition, the members, using their own experience and expertise, work for a fair prison system, and thus for a society of solidarity.

Research summary

With nearly 17,000 detainees and their roughly 100,000 relatives (including approximately 40,000 children) affected by prison rules and practices, one of the most important elements in the reintegration of detainees is the preservation of family ties. The Support Network for Detainees and their Families (**FECSKE**) examined the situation using public information, Freedom of Information (hereinafter: FOI) requests, in-depth interviews and questionnaires.

In addition to describing the generally applicable legislation, the report also presents the special rules introduced during the **pandemic period**, as the latter has significantly transformed the possibilities for contact between detainees and their families. **Personal visits** have been banned for more than a year at the time of writing, and alternative forms of contact are being tried as replacements. The report deals in detail with the rules for video calls conducted through **Skype**. Skype calls were available in the past, but during the pandemic a total visitation ban was introduced, which had to be compensated, made Skype contact common. The introduction of the Skype call option was welcomed by respondents, but there are a number of practical problems with Skype calls that contribute to the low proportion of Skype users. The report details the causes of the problems in practice, and addresses the difficulties arising from the nature of the technology. Increased **telephone call** time also served to compensate for the ban on receiving visitors. In this regard, research participants often mentioned that weak signal strength and the poor quality of the network are problems. In addition, the high per-minute charges means that they are unable to take advantage of the increase of allowed telephone time. Quarantining of **letters** has further slowed the arrival of mail. COVID-19 has also altered detainees' **free time activities**, and there are reports that prison conditions have deteriorated in this regard.

The report also presents **pre-COVID** personal visit experiences. It covers practical problems with **high security booths**. Former inmates, relatives of detainees, and professionals approach the total general prohibition of physical contact for all inmates from different perspectives. Nevertheless, there is no significant difference in their perception; all consider the total general prohibition of physical contact for all inmates to be problematic. According to the research, the high per-minute **phone** charges, the deposit required for mobile phones, and the poor quality and short length of calls were significant problems even before the pandemic. The most frequently mentioned difficulties with **correspondence** were the slowness of delivery and the poor quality of the copies received. The rules for sending **parcels** were tightened even before the pandemic. While easing the workload of the staff, sending parcels via a penitentiary online shop not only resulted in increased prices, but also offered a more limited range of products that are available.

The report addresses another problem of personal contact: it poses a significant challenge to relatives if their detained family member is placed in a **remote** institution, even hundreds of kilometres from their place of residence. In these cases, personal contact can be rare, and in many cases impossible.

1. Introduction, research sources

One of the most significant problems for detainees and their relatives today, the largest group affected by the penitentiary system, is the difficulty of communicating with each other. After exploring the problems and gathering information on existing experiences of stakeholders affected, FECSKE has developed system-wide recommendations.

The group highlighted the topic of how detainees' can remain in contact because the most important element of their relationship with the outside world is the family, which is the basis of their social attachment and the safety net that surrounds them. Families play a critical role in detainees' reintegration. When COVID-19 appeared in Hungary in March 2020, the issue of contact between detainees and their relatives became especially relevant. Visits, the most direct form of contact are still banned due to the pandemic. Consequently, technology is much more widely employed. For instance, Skype-based video communication has become a regular practice.

Experiences on keeping in contact were gathered through a brief exploratory research between October 2020 and January 2021. During the research, we interviewed three people whose relatives were in prison at the time; interviewed six penitentiary professionals; and developed an online questionnaire for relatives of detainees that was completed by 35 people between 6 November 2020 and 26 November, 2020. In addition, we submitted four FOI requests to the National Prison Administration (hereinafter: NPA) in 2020 that focused on COVID-19 measures and inmates' contact with relatives. In order to get as complete a picture as possible of the different contact methods' characteristics, we examined those report findings of the Commissioner for Fundamental Rights' (ombudsperson) visits to penitentiary institutions in 2020 that were already published (Szeged, Sátoraljaújhely, Szombathely and Kiskunhalas).

1.1 Basic characteristics of our questionnaire

The questionnaire was completed by 32 female and three male relatives of detainees. The majority of their detained family members started serving their sentences in 2020 (18 people), while six entered in 2019, five in 2018 and six between 2015 and 2017. Two detainees have already been released. Respondents' relatives are serving or have served their sentences in a total of 15 penitentiary institutions. They were all serving final and binding prison sentences. The majority will spend one and a half to two years in prison; some three to six years; and the longest-serving detainee could be released in 2029. Among the respondents, relatives of the detainees, the most common strictness of detention is high security prison (23 persons).¹ The most common regime classification² is general (18 persons), while 10 persons are held under the mildest regime. Five of the respondents' detained relatives received the benefit of lighter enforcement rules (EVSZ).

1.2 Structure of the research report

**Figure 1 –
Places of detention for
the relatives of the
respondents**

Állampuszta
Baracska
Bács-Kiskun County Penitentiary
BAZ County Penitentiary
Budapest Medium and High Security Prison
Budapest Penitentiary
GYMS County Penitentiary
Hajdú-Bihar County Penitentiary
Márianosztra
Martonvásár
Pálhalma
Sopronkőhida
Szombathely
Tiszalök
Tököl
Veszprém County Penitentiary

¹ Penitentiary institutions have three security levels of execution defined by the Penitentiary Code as "modes of execution". These are, from the mildest to the most severe, low-, medium- and high security prison.

² Within the levels of the execution of a custodial sentence, and in accordance with the principle of individualisation (Article 82(6) of the Penitentiary Code) three categories of security regimes are defined: mild, general and strict.

The introduction is followed by a summary of the legal framework for contact (Chapter 2), in which we discuss the general framework separately; and then the changes introduced during the COVID-19 pandemic. In the third chapter, we discuss the research experiences in detail, organised by different forms of contact. We found it useful to divide the report into different forms of contact because each of those were affected by the pandemic situation in different ways and to varying degrees.

Thus:

- Personal visits have been suspended for more than a year since the pandemic outbreak. Therefore, we focused our research and data processing on respondents' pre-pandemic experiences, problems, and the effects caused by a complete absence of visits;
- Skype contact existed before the pandemic, but its use was not typical (it was available only to detainees subject to mild regime rules). Due to the pandemic situation, Skype use has become commonplace throughout the penitentiary system. Since previous experience is negligible in the case of Skype calls, we focused on data collection and analysis of the experiences gained during the pandemic;
- The pandemic situation caused fewer changes for telephone contact than in the case of the previous two forms of contact, so we considered it worthwhile to compare the respondents' experiences before and during the pandemic; and
- Correspondence by letter, sending parcels, orders through the prison online shop and remittances remained similar to that as before the pandemic.

In the fourth chapter, we discuss the effects of the visitation ban on family relationships, followed by the effect on free time activities in penitentiary institutions during the pandemic (Chapter 5). In the sixth and final chapter, we elaborate on research participant recommendations aimed at improving contact between detainees and their outside relations.

2. Legal framework

2.1 The legal framework for maintaining contact

According to Act CCXL of 2013 on the Execution of Punishments, Measures, Certain Coercive Measures and Petty Offence Confinement (hereinafter: Penitentiary Code),³ all detainees have the right to keep in touch with their registered contacts.

In order to facilitate reintegration into society, the penitentiary institution helps the detainee to maintain and develop their relations with their relatives, other people and external organisations during the execution of a custodial sentence.⁴

The legal means of contact⁵ are as follows:

- Correspondence by letter;
- Telephone calls;
- Sending and receiving parcels;
- Visits;
- Receiving visitors outside of the penitentiary institution;
- Short-term temporary release (4-24 hours per occasion); and
- Extended temporary release (5-15 days a year).

³ Article 122(b) of the Penitentiary Code.

⁴ Article 172(1) of the Penitentiary Code.

⁵ Articles 174-180 of the Penitentiary Code.

Correspondence by letter

The detainee can exchange written correspondence with their registered contacts. One can become a registered contact for a detainee by completing, signing and returning a [contact statement](#). The penitentiary institution will then register the contact person. The frequency and length of the letters is not limited.⁶

Telephone conversation on a telephone provided by the penitentiary institution

A detainee may request a so-called penitentiary mobile. In order to use one, a detainee must pay a 35,000 HUF deposit, which according to the wording of the regulation constitutes a “guarantee” to the penitentiary institution. It can be paid in a lump sum or in six monthly instalments. The number of minutes a detainee can call per week depends on the mode and the regime⁷ of execution.⁸ The cost per minute is the same as on a penitentiary institution pay phone (HUF 75/minute, with billing on a per second basis). Only the “owner” can call from the phone, and they can only call their own contacts. The authorities may monitor or interrupt the conversation. The telephone cannot be called back.⁹

Sending and receiving parcels

A detainee can send and receive one parcel a month. Each package can weigh up to five kilograms – both the one they send out and the one they receive. Food, toiletries, tobacco or cigarettes, as well as medicine, medical aids or medical devices may only be purchased or sent through the [penitentiary institution online shop](#). The package may also contain an item that the house rules of the penitentiary allow detainees to keep on their person but is not available in the online shop (for example, books, glasses).¹⁰

Visits

A detainee may receive visitors (maximum of four people at a time) at least once a month for a minimum of 60 minutes and a maximum of 120 minutes (depending on the rules of his/her assigned security regime).¹¹

Receiving visitors outside of the penitentiary institution grounds

Those belonging to a specific group of convicts may make a request to the penitentiary institution to be allowed to meet a contact person outside the penitentiary institution grounds. The official term is “receiving visitors outside of institution grounds”. Convicts may request such a visit if they:

- have served one third of their sentence;
- and depending on their assigned security level of execution have completed at least one year in high security prison, at least six months in medium security prison or at least three months in low security prison; or
- have been placed in a transitional unit.

If such a visit is permitted, it should last for at least two hours.

⁶ For a detailed analysis on written correspondence, see section 3.4.

⁷ Detainees are classified into different regimes based on their performance and behaviour inside prison. Belonging to a regime determines the strictness of detainees’ lifestyle, and the discounts and opportunities available within the mode of execution (low-mid-high security prison) they were assigned to by the court. There are three regime subcategories: strict, general and mild. That is, for example, a cooperative exemplary inmate may keep in touch with his or her family more often and for longer times.

⁸ Detailed contact rules for each stage of implementation, including regimes, are available here: <https://bv.gov.hu/hu/befogadasi-eljaras>

⁹ For a detailed analysis on telephone contact, see section 3.3.

¹⁰ See more about this in section 3.5.

¹¹ See sections 3.1 and 4 for more information about problems concerning the use of the high security booth, as well as the visit ban.

Short-term temporary release

Those belonging to a specific group of imprisoned persons may apply for a short-term temporary leave from their penitentiary institution. Convicts may request a short-term temporary release if they have:

- served one third of their sentence;
- and depending on their assigned security level of execution have completed at least one year in high security prison, at least six months in medium security prison or at least three months in low security prison; or
- have been placed in a transitional unit under a less stringent regime (EVSZ).

Short-term temporary release can last for up to 24 hours. In particular, a detainee may request this if it is necessary to maintain his or her family relationships, if they wish to participate in educational or vocational training, or if they wish to secure employment and housing after their release.

Extended temporary release

A detainee who has served one third of their sentence and depending on their assigned security level of execution has completed at least one year in high security prison, at least six months in medium security prison or at least three months in low security prison may apply to the penitentiary institution for extended temporary release. Depending on the assigned security level of execution and regime, convicts can apply between 5-15 days of extended temporary release a year. If allowed to do so, they are required to report where they will be during this time.

Electronic contact (Skype video calls)

According to the Penitentiary Code,¹² "electronic forms of communication" were also available before the pandemic. Order 53/2017. (VII. 10.) of the NPA's Director General made this possible, in which the Director General made it available for a narrow group of detainees subject to mild regime rules.¹³

Contact with lawyer

A detainee has the right to keep contact with their lawyer without supervision.¹⁴

2.2 Legislative changes affecting contact during COVID-19

Compared to opportunities prior to COVID-19, the possibility for face-to-face contact between detainees and their contacts has completely disappeared during the pandemic.

Between 6 April 2020 and 17 June 2020,¹⁵ the forms of contact and extraordinary temporary releases were not allowed under the legislation in force. According to the wording of the legislation, the Director General of the NPA could limit the number of visitors if justified by epidemiological considerations in "one or more penitentiary institution". Since the Director General of the NPA prohibited all forms of reception of visitors (including inside and outside the penitentiary institution, short-term and extended temporary release) organisation-wide, this meant a total ban in practice.¹⁶ The ban on receiving visitors

¹² According to Article 173(2) of the Penitentiary Code, "Under the rules of the regime they have been convicted, inmates may use the forms of electronic contact provided by the penitentiary institution. The general rules shall apply to the control and limitation of these forms of contact".

¹³ Point 2. of Order 53/2017. (VII. 10.) of the NPA's Director General on Internet-based Skype calling.

¹⁴ Article 39(2c) of the Act XC of 2017 on Criminal Procedure.

¹⁵ Article 3(6-8) of Government Decree 90/2020 (IV. 5.) amending certain penitentiary rules in connection with the declaration of a state of danger.

¹⁶ In accordance to Point 47 of NPA Action Plan II., a visitor permit is valid until revoked. Source: Report of the Commissioner for Fundamental Rights on his visit to Szombathely National Penitentiary Institute as the OPCAT NPM body. Case no. [AJB-2728/2020](#), p.12.

during this period was compensated for by allowing inmates to call 15 minutes more per week, and to talk to their relatives via Skype and to receive multiple packages per month.

Since 18 June 2020, Act LVIII of 2020 (hereinafter: Transitional Act) has regulated pandemic-related restrictions on the execution of prison sentences and compensation for restrictions.¹⁷ According to this, the Director General of the NPA may restrict the forms of contact that involves leaving the penitentiary institution. In practice, this still means a total ban, so detainees have not been allowed personal visits by their relatives since the end of March last year. As compensation for this, penitentiary institutions still provide an extra 15 minutes of phone calls, Skype calls, and the ability to send and receive more parcels than before. The law actually does allow restrictions on the personal visits for detainees,¹⁸ but according to NPA data communicated in response to FOI requests,¹⁹ they have applied a continuous ban on personal visits to penitentiary institutions since the entry into force of the law, without any individualisation. According to the NPA, this also included the low-infection summer period. However, the wording of the legislation²⁰ shows that its purpose is not a total ban, regardless of epidemiological data, but to allow restriction if deemed necessary.

Skype application procedure

Detainees' contact via Skype is regulated by NPA Order 37/2020 (VII. 24.), which has been in force since 2 August 2020. Based on the NPA Order, detainees must apply to communicate with their contacts via Skype by submitting a special application form and an electronic contact statement.²¹ The detainee has to submit this application form. The relative of the detainee has to return the completed contact statement to the detainee, which the penitentiary institution then registers. The reintegration officer (depending on the detainee's behaviour) decides whether to allow electronic contact (Skype). If they reject the application, the detainee can file a complaint to the head of the penitentiary institution.²²

Detainees may Skype up to twice a week, occasionally with up to four contacts, and for a maximum of 60 minutes per week. The penitentiary institution constantly monitors Skype calls.

The NPA Order also stipulates that "all rooms used for electronic communication must be designed" so that only the detainee currently making the call has access to the computer used for it, and no video call should be able to be seen or heard by another detainee. In the case of a video call with a lawyer, the order emphasises that such communication cannot be supervised; that it cannot be seen or heard by anyone other than the detainee and his or her lawyer.

Inspection of mail

The inspection of letters is regulated by Decree 16/2014. (XII. 9) of the Minister of Justice. Inspections were carried out on a random basis until 31 December 2020, so not every single letter was checked. In the recent period, a few complaints about several penitentiary institutions have been received by the Hungarian Helsinki Committee's (hereinafter: HHC) Legal Aid Service. Relatives reported that the detainees' letters had been photocopied without any prior history of bad behaviour (for example,

¹⁷ Article 237(4-8) of the Act LVIII of 2020 on the Transitional Provisions related to the Termination of the State of Danger and on Epidemiological Preparedness (hereinafter: Transitional Act).

¹⁸ Article 237(4) of the Transitional Act.

¹⁹ "The Director General of the National Prison Administration referring to questions 1-3; all penitentiary institutions exercised the following restrictions during the period indicated: all forms of temporary release, with the exception of the suspension of sentences and reintegration detention, are suspended, and cannot be allowed even as a reward. Reception of visitors is suspended, except for contact with a lawyer". Source: Response no. 30500/11510/2020 issued by the NPA to the HHC's FOI request, 29 October 2020, p. 2.

²⁰ According to Article 237(4) of the Transitional Act, "The Director General of the Penitentiary System... may, subject to an epidemiological measure or other reasons related to a health crisis situation, restrict the reception of visitors and the forms of contact involving leaving the institution, including extraordinary departures".

²¹ Point 7. of the NPA Order 37/2020 (VII. 24.) on the procedure for electronic communication by video call.

²² Point 9. of the NPA Order 37/2020 (VII. 24.) on the procedure for electronic communication by video call.

disciplinary offenses), and that prisoners had only received copies of the original letters. As such, photocopies of the enclosed photographs of their homes, children's drawings, etc. were of very bad quality.

This regulation was modified on 1 January 2021.²³ Now, all letters must be inspected.²⁴ Letters are opened to determine if they contain any security-sensitive object or information. A copy of a letter and its contents must be made, and the detainee is only permitted to receive the photocopy if the inspector has reason to believe that the paper has been soaked in a psychoactive substance or if the detainee had previously received a letter on which a psychoactive substance had been used. Since all letters now have to be checked, this imposes a higher administrative burden on staff compared to the previous regulation. However, since the current rules are more precise, they may be more favourable for detainees than before. Now in theory, only will be subjected to the photocopying practice where there is a well-founded suspicion that the letter is impregnated with a psychoactive substance.

2.3 Information for detainees concerning rules of contact changes due to COVID-19

Roughly within our respondents, two-thirds of the detainees' relatives (22-23 people) were informed by the penitentiary institutions about changes to the phone and Skype rules. The situation is changing rapidly, thus making the regulatory environment difficult to follow. This is also burdened by the fact that the changed contact practices due to the COVID-19 pandemic are governed by three different rules. Often, neither the detainees nor their relatives know what their rights and responsibilities are. Based on the answers to the questionnaire, and the experiences of our interviews, it is clear that the practice of communicating changes differs depending on the penitentiary institution. For example, some prisons informed detainees as well as their relatives about the changes, while others did not inform the detainees about them.

In his report on his visit to the Sátoraljaújhely Medium and High Security Prison,²⁵ the Commissioner for Fundamental Rights emphasised that the penitentiary institution specifically supports the use of Skype, and has promoted this through information materials to inmates and their relatives.

3. Experiences by form of contact

3.1 Visits

3.1.1 The situation of visits during the COVID-19 pandemic

Currently, the biggest problem is the total ban on personal visits that has been in place for more than a year. From the pre-pandemic period, all groups interviewed considered the significant restrictions on visits as the biggest institutional personal contact problem.

Within the total ban on visits, our expert interviewees considered uncertainty and lack of information to be the biggest current problems affecting detainees and their relatives, for example, the inability to know in advance when they could see each other again face-to-face. According to experts interviewed, this further aggravates an already mentally stressful situation, and family relationships are being put under stress even more than before the pandemic. Furthermore, experts reported that from a security perspective, ban on visits during the COVID-19 pandemic has created a more favourable and

²³ Article 99 of the Decree 16/2014 (XII. 9.) of the Minister of Justice on the detailed rules for the execution of imprisonment, confinement, pre-trial detention and detention replacing a fine.

²⁴ In addition, it is important to note that pursuant to Article 174(4) of the Penitentiary Code, the content of correspondence between the detainee and their lawyer, international human rights organisations, the Commissioner for Fundamental Rights, and the organisation or staff member of the National Preventive Mechanism cannot be inspected.

²⁵ Source: Report of the Commissioner for Fundamental Rights on his visit to Szombathely National Penitentiary Institute as the OPCAT NPM body. Case no. [AJB-2728/2020](#), p.9.

“comfortable” situation for penitentiary staff. It is considered problematic that everyone, regardless of execution levels or regime rules, is prohibited from receiving a visitor. Moreover, the frequency of Skype calls is not differentiated, either. It is also an issue to be compensated that detainees’ benefits related to getting more frequent contact options are not available at all during the pandemic, such as those who are entitled to receive out-of-institution visits or are subject to lighter enforcement rules.

3.1.2 Experiences of relatives on visits prior to the outbreak of COVID-19

As explained in more detail in the chapter on legislative changes caused by the COVID-19 pandemic, visits to penitentiary institutions were suspended from March 2020 until at least 30 June 2021, as defined in the current legislation.²⁶ At the same time, we considered it important to gather the experiences of relatives and experts in connection with personal visits prior to COVID-19. In our questionnaire and interviews, we asked relatives of prisoners and professional experts about their experiences and opinions. We considered it important to explore experiences on all forms of communication including visits, as over the past six years significant restrictions have been implemented in regulation and practice of visitation. Relatives and experts involved in the research mentioned practices related to visits that use to be more lenient:

- previously, physical contact between visitors and detainees was not almost completely prohibited; and
- after an inspection, the detainee was able to consume the food brought by their visitors.

Most of the respondents to the questionnaire (15 people) were able to visit their detained relatives once a month before the pandemic, but 11 people have never been able to visit because their relatives started serving their prison sentences after COVID-19 restrictions were implemented. The majority of the respondents had a personal visit in March 2020 for the last time, some in February, and some in December 2019.

Respondents who had experience with personal visits reported the following:

1. Visiting rooms are usually crowded and noisy, and as a result, most of the time detainees and their visitors can barely hear each other.
2. According to the information provided by the NPA in response to a FOI request,²⁷ a regulation came into force on 29 April 2019,²⁸ which stipulated that “room dividers” must be installed in all penitentiary institutions’ group visiting rooms. The dividers can be made of several materials, but Plexiglas is often used. According to the experience of the relatives, during the visits it is barely possible to see each other through the Plexiglas because the holes in the Plexiglas are very small, and the surface is often dirty and scratched.
3. Some mentioned as a problem that visits are held in mouldy, stuffy rooms.
4. According to the respondents, sometimes penitentiary institution staff were rude to them during their visit.
5. Some respondents reported that the penitentiary institution modified the pre-arranged visit date on its own, and that they were either notified late or no agreement had been reached on whether the modified date was appropriate for the relative.
6. One respondent reported that “we were able to meet in a family visit room [where physical contact is allowed] far fewer times” than permitted under the regime classification. It even occurred that when the detainee’s relative arrived for a visit with the detainee’s 5 year-old

²⁶ Article 236(1) of the Transitional Act.

²⁷ Source: Response no. 30500/490/2020 issued by the NPA to the HHC’s FOI request, 17 January 2020.

²⁸ According to the data provided by the NPA, the rules on the reception of visitors were laid down in the Order 13/2017 (II. 6.) of the NPA Director General’s on the procedural rules for the implementation of certain reintegration tasks.

grandchild, the visit was denied without any grounds, even though the little boy was really counting on it.

7. Another respondent who came to a family visit room with a small child said, "Basically, the family visit room was never too family-friendly... Toys available for younger children on family visits were not brought out from the room next to us, although we asked nicely. The box of toys was in the smaller, completely empty room where there was no visit happening at the time."

Quotes during the research from relatives about personal contact issues:

"The Plexiglas is punched with holes, but even so, we couldn't hear each other, just everyone else, and that's why we couldn't see [each other] properly either. They didn't permit the family visit, even though it is supposed to be allowed by default. I haven't been able to hug my husband since I married him two years ago. At one penitentiary institution, it once happened that we were alone at the visit, and the guard butted into our conversation (they listened the whole time, since there was less than 1.5 metres between their chairs and my husband's), forcing my husband to answer him (using my time!). The room is so small and echoey (about 25 m²) that it is already very noisy when just 2 prisoners receive visitors, so with 6-10 people, and with the chairs also close to each other, I heard the person next door better than my husband through the Plexiglas (him almost to no extent). At another penitentiary institution they had created a family space right in the non-contact visitation room. My heart was broken when I saw others there while we were not given the opportunity – cruelty!"

"Our child already recognises other people he sometimes sees on the street but he won't recognise his father, and I'm already anxious about that. At least during the summer, when all other restrictions were lifted, they could have allowed one visit a month. He doesn't even submit an application for lighter enforcement rules (LER=EVSZ in Hungarian) because he can't come home anyway, and he would just be relocated to a new part of the penitentiary again. In the current penitentiary institution, he has already been moved here and there and everywhere [in various buildings]. I also don't understand why they have to move him back and forth every few months. He is not eligible for reintegration custody because of being a recidivist, but in these extraordinary circumstances of the pandemic they could think a little bit about expanding the conditions!"

"We as relatives were treated by the guards as detainees (they lined us up; if I had a question, they made fun of me; as a pregnant woman, I couldn't properly use the toilet; and due to the nature and location of the Nagyfa Prison, for a one and a half hour visit I spent the whole day on buses and being subjected to body searching."

"They took him to Nagyfa, even though we live in Ráckeve; so it was far away and expensive (6 hours of travel costing 10,000 HUF=€27-30). Then he got transferred to Márianosztra, which was just as far away, but travel was more affordable. I couldn't visit Nagyfa, only if he was temporarily transferred to Szeged for 1 week as a "guest", and then back again. He could only talk to his parents after 2 years in Debrecen, where he spent a week in transfer just for this 1-hour-long visit. His parents are disabled; they walk on crutches and canes. But if I had not forcibly asked for them to have a chair in Debrecen, they might have just lingered in front of the gate and would not have been let in. We had to arrive in advance even in the winter frost, but we were not allowed in. Everyone was hanging out at the gate until – several times late and in a hurry – everyone was allowed in."

3.1.3 Professional's opinion on visits prior to COVID-19

In interviews, the penitentiary experts involved in the research unanimously reported that in the years before the COVID-19 pandemic, rules of visits to penitentiary institutions had already become more restrictive. According to them, due to the previous restrictions, there were already more complaints from detainees and their relatives on having fewer opportunities to keep in touch overall (fewer times, for shorter periods of time). Furthermore, the supervision of visits was clearly strengthened (while it was

not typical previously, more recently it has become so shortly before the pandemic, examples of prison staff listening to the conversation of detainees and their relatives were reported on). According to the experts involved in the research, the role of visits is very important in the communication between relatives and inmates, because in their experience there are topics that inmates and their relatives can only discuss with each other in person. A personal visit can still provide more intimacy compared to other forms of contact, as it has a slightly lower level of penitentiary institution staff control. Compared to telephone contact, inmate vulnerability is less pronounced in the case of visits (other inmates can hear the telephone conversation, so deeper conversations are not comfortable). The restrictive nature of visiting rules is also reflected in the fact that while in the past detainees and their relatives could consume food brought from home during the visit, today this is no longer possible. According to one of our expert interviewees, for detainees the importance of ability to share homemade food with their family members at visits is twofold. On the one hand, it is an important form of closer contact between detainees and their family members. On the other hand, if detainees do not have to bring back the food to their cells, they are not pressured into sharing this food with their cellmates. The practice, cited by the experts involved in the research, had become more restrictive indeed on the legislative level. The Decree²⁹ on the implementation of the former Penitentiary Code³⁰, which has ceased to be in force on 1 January 2015, still allowed the detainee to consume "food brought by the visitor... after inspection". Nevertheless, the Decree³¹ on the implementation of the current Penitentiary Code only permits food purchased on site to be consumed.

Experts also mentioned that in the case of detainees assigned to stricter, higher security categories, visits are conducted through a security booth³², which is colloquially called the "cubical". However, since the non-contact visits were made the general rule by installing the Plexiglas partition separating the table at group visits, apart from the length of the visit, the difference of experience has evaporated between modalities of visits assigned to the individual stages and security regimes. Thus, those serving their sentences in the lower security execution levels and milder regimes have the same difficulty hearing and seeing each other through the Plexiglas as inmates in contact through the "cubical", just like in the more rigorous regime categories. Experts pointed out that since an important element of reintegration is the preservation of relations, they find it problematic that as a result of the stricter policy, a general weakening of relationships can be perceived regardless of the security classification of the detainees. According to expert interviewees within this, "the most painful is the complete lack of physical contact with children". All this, they say, makes reintegration difficult. Our expert interviewees added that in keeping with the current prevailing approach, and according to many prison staff, it is not important to increase the visit time because "inmates and their relatives do not know what to say to each other after ten minutes anyway".

²⁹ According to Article 89(4) of the Decree 6/1996 (VII. 12.) of the Minister of Justice on the Rules for the Execution of Imprisonment and Pre-trial Detention "A prisoner may be allowed to have food brought by a visitor or purchased on the spot checked and to take the remaining food with him to the precinct."

³⁰ Law Decree no. 11. of 1979 on the Execution of Punishments and Other Measures (hereafter: the Old Penitentiary Code).

³¹ Article 102(3) of the Decree 16/2014 (XII. 19.) Minister of Justice on the Detailed Rules for the Implementation of Imprisonment, Detention, Pre-trial Detention and Detention Replacing the Order Fine, states that "The prisoner may be allowed to consume food purchased locally."

³² The procedural rules for the implementation of visits are set out in NPA Order 12/2020 (IV. 24.). The order distinguishes between four types of visitor reception: i) group, ii) family, iii) through a booth equipped with bars and iv) through a security booth equipped with intercom.

Photo no. 1: "Plexiglass" group visiting room in the Heves County Penitentiary (Eger), 2017³³



Photo no. 2: "Cubicle" high security booth in the Kiskunhalas National Penitentiary, 2020³⁴



Several expert interviewees also found it problematic that the regulatory framework is not transparent on family visits, which are practically the only form of contact within penitentiaries that allows for physical contact between detainees and their visitors. The application of the practice varies greatly from institution to institution. The rules for family visits are laid down in the NPA Order 12/2020 (IV. 24.) on the procedural rules for conducting visits, Points 11-14. As such, the detainee should be allowed in the same space as their visitors, and separate from other detainees and their visitors. At the family

³³ Photo by the Hungarian Helsinki Committee.

³⁴ Report of the Commissioner for Fundamental Rights on his visit to the Kiskunhalas National Penitentiary as the OPCAT NPM body. Case no. [AJB-2456/2020](#), p. 13.

reception, a welcome and farewell kiss on the face may be allowed between the detainee and their relatives; a handshake and a hug may be permitted; and the detainee may hold their children (if under the age of eight) on their lap and hold the hands of their relatives during the visit. A family visit may be allowed to detainees assigned to mild or general security regimes who have not been disciplined within six months prior to the date of the visit, and who have not received disciplinary action for possession of a prohibited object within the last two years. Our expert interviewees mentioned that these rules are very strict and exclusionary. For example, it is easy to lose the right to a family visit (for example, even a one-time punishment for possession of a prohibited object could deprive a prisoner of the opportunity to obtain a permit for a family visit for two years). At the same time, according to experts, it is not an easy task to properly regulate the criteria for permitting a family visit. On the one hand, experts said it was “acceptable to a certain level” that penitentiary institutions need to generalise and standardise rules in order to maintain as secure as possible. On the other hand, they consider it important that the rules are not “blanket restrictions”, and that the principle of individualisation when executing a prison sentence is given a prominent role. Experts involved in the research stated that it would be ideal if reintegration officers were well acquainted with the inmates they work with, so they could have a greater role in determining who can be allowed a family visit. This can be hindered by the high turnover of reintegration officers, the disproportionate workload and the frequent need of substitutions in certain penitentiaries.

Our interviewees claimed that the biggest security threat is the entry of illicit objects, especially psychoactive substances. It is the duty of each individual penitentiary institution, and the responsibility of the people working there to notice and remove any prohibited objects and intoxicating substances before they enter. Some of the efforts to uncover such objects are very time-consuming and energy-intensive, which may be the reason why staff is in favour of limiting contact, especially in times of labour shortages. Yet, the vast majority of professionals interviewed stated that more space should be given to individualise the rules for receiving visitors. According to them, personal contacts that are not based on real relationships also pose a security risk. Moreover, they added that the penitentiary system has set the goal of eliminating false contacts, people with whom detainees have not been in contact for a longer period (half a year). In such cases, the person’s registered contact status was terminated in order to increase security. Experts also pointed out that it is the penitentiary institutions’ task to protect vulnerable detainees who have weaker abilities to stand up for themselves from detainees who seek to exploit them.

In short, professionals consider the severe limitation of personal visits to be a significant problem; a situation that is difficult for both relatives and inmates to bear. All the experts interviewed agreed that the total ban on physical contact (touch, hug or kiss) is problematic, and some called it downright inhuman. Since its three most important features have changed greatly in recent years, the professionals expressed the opinion that the most detrimental effect of restrictions is the devaluation of the personal visit: without personal package delivery; without physical contact; and due to the greater presence of penitentiary institution staff, the quality of conversations have also changed. Nonetheless, the experts interviewed also highlighted that the personal visit carries real security and detention risks that undoubtedly must be addressed. Several believed that restrictions had achieved really good results in terms of security: it reduced situations that posed risks to the order and security of detention, as well as one avenue of access to illicit objects and intoxicants. Restricting contact, experts say, is a two-way street. It puts family relationships even more to the test, making the reintegration process more difficult; but there are also necessary and effective security measures that were important to take.

3.1.4 Structural problems of personal visits before the COVID-19 pandemic

The second most important problem area after the ban on visits for more than a year is the distance of detainees from their place of residence. There are institutions that are difficult to reach by public transport (for example, Unit III of Szeged Medium and High Security Prison in Nagyfa); therefore, it is

difficult for most relatives to get there for visits. Increasing distance can become a problem if a detainee is transferred to another institution located further away. Half of the respondents to the questionnaire for relatives experienced that their family member was transferred to another institution; and for the vast majority of them, the transfer brought on negative changes because the new location was even further from the detainee's relatives. Some were relocated three times in a short period, with four-fifths of their relatives reporting deterioration in contact. Two respondents to the questionnaire complained of an increase in geographical distance (110-160 km). One of them still arranged for a regular visit. The other one, because of increased travel costs, would only be able to visit her husband rarely, even if visits were allowed. In connection with the transfers, we also encountered unpleasant experiences in some of the interviews with relatives: there were those who missed several visits because their imprisoned relatives had just been transferred to another prison shortly before the date of the visit. In one case, the detainee had no contact with his/her family for almost a month after the transfer; nor were packages and correspondence given to him until a letter of complaint was written to the penitentiary institution by his/her contacts outside. According to the experts interviewed, there may be several reasons for transferring detainees to different penitentiaries. For example, a transfer can take place at the detainee's own request because he/she wishes to be detained in a penitentiary where there is the possibility to participate in a work programme. Experts report that the detainees concerned, as most of them benefit from the possibility of earning money, generally welcome work programme opportunities. According to them, in addition, attempts to reduce overcrowding³⁵ within the capacity expansion programme may cause detainees to be transferred to prisons far from their place of residence. In the meantime, due to the implementation of complex rules on detainees separation from one another that support security and reintegration aspects, some experts have seen overcrowded cells remain despite efforts to balance occupancy rates. Our expert interviewees explained that a detainee may be transported hundreds of kilometres away from their family and their place of residence. According to them, transferring detainees far away from their homes usually has a negative effect on them; and due to the increased distance, family members are only able to visit them less frequently or not at all. This makes contact very difficult. Experience has shown that with less contact there is a greater chance that family relationships will break down, which creates a perceptible barrier to detainees' reintegration.

³⁵ Judgment of the European Court of Human Rights in the case of *Varga and Others v. Hungary* in 2015, in which the Hungarian State was obliged to make systemic changes in order to eliminate the overcrowding of prisons. In 2020, penitentiary units were built using lightweight technology to eliminate overcrowding, see for example: <https://bv.gov.hu/hu/intezetek/bvszervezet/hirek/3825>.

3.2 Skype

Since March 2020, family members cannot visit detainees in person. This is why Skype calls have become commonplace. The Penitentiary Code previously made Skype calls possible;³⁶ however, the Order 53/2017 (VII. 10.) of the NPA's Director General made it available to only a narrow group of detainees, such as those assigned to mild regime rules.³⁷ The Order highlighted that Skype "has motivating potential to a prisoner subject to stricter regimes to engage in norm-following behaviour" and defines it as "a form of contact with authorised relatives that promotes emotional attachment".³⁸ The Order further states that the use of Skype can be allowed to communicate with up to two separate contacts, for up to two times a week, and for a maximum of ten minutes at a time.³⁹ It is also clear from the Order's text that Skype was not available in all penitentiary institutions where detainees assigned to the mild security regime were held, as according to point 19, "at institutions where Skype has not yet been set up, efforts should be made to do so".⁴⁰

The penitentiary system have partially compensated for the absence of personal visits since the appearance of COVID-19 by allowing Skype video calls to inmates. In essence, Skype calls have replaced personal visits. Skype calls are becoming commonplace, which is currently the latest development in contact between inmates and their relatives.

There is an important difference between being able to keep in touch with relatives on Skype or by phone. Although a Skype call is free, it requires a long administrative authorisation; and as a prerequisite, Internet connection, a suitable mobile phone, computer or laptop has to be available for the relative. One of the lessons learned from the research is that the frequency and length of calls depends not only on the regulatory maximum, but also on how many Skype-capable devices are available in a penitentiary institution and how staff is able to organise the conversations.

In order to map the proportion of detainees with access to Skype calls, our questions in our FOI request⁴¹ to the NPA included how many Skype calls were made in each penitentiary institution during a completely randomly selected October week; how many detainees initiated them; and what was the average number of inmates housed per institution that week. From the data received through the FOI request, we calculated the proportion of Skype users within the average population of inmates that week. As can be seen in the following table, overall we found only one penitentiary institution where the proportion of Skype users in the selected week exceeded 50 percent (Kalocsa Medium and High Security Prison) for the average number of detainees. The lowest rate of Skype use for the average number of inmates during the selected week was only nine percent at the Forensic Psychiatric and Mental Institution. Additionally, it also remained below 20 percent at three other institutions (13% at Tiszalök National Medium and High Security Prison, 13% at the Sopronkőhida Medium and High Security Prison, and 17% at the Baranya County Penitentiary Institution). During the same week, 32 percent of the total general prison population made Skype calls.

³⁶ According to Article 173(2) of the Penitentiary Code, "A convict may use electronic forms of contact provided by the penitentiary institution and used in accordance with the rules of their regime. The general rules shall apply to the control and restriction of these forms of contact."

³⁷ Point 2 of Order 53/2017 (VII. 10.) of the NPA's Director General on Internet-based Skype calls.

³⁸ Point 2 of Order 53/2017 (VII. 10.) of the NPA's Director General on Internet-based Skype calls.

³⁹ Point 14 of Order 53/2017 (VII. 10.) of the NPA's Director General on Internet-based Skype calls.

⁴⁰ Point 19 of Order 53/2017 (VII. 10.) of the NPA's Director General on Internet-based Skype calls.

⁴¹ Source: Response no. 30500/11510/2020 issued by the NPA to the HHC's FOI request, 29 October 2020.

Figure 2: Skype usage 5-11 October 2020⁴²

Institution	Number of Skype calls (calls)	Number of affected inmates (persons)	Average number of detainees that week (persons)	Proportion of Skype users (%)
Állampuszta National Penitentiary	304	299	1126	27%
Balassagyarmat Medium and High Security Prison	124	115	301	38%
Budapest Medium and High Security Prison	215	213	988	22%
Hajdú-Bihar County Penitentiary	52	52	168	31%
Heves County Penitentiary Institution	58	58	139	42%
Fiatalokorúk Penitentiary	29	29	80	36%
Budapest Penitentiary	284	270	1234	22%
Győr-Moson-Sopron County Penitentiary	35	35	147	24%
Békés County Penitentiary Institution	35	35	98	36%
Forensic Psychiatric and Mental Institution	33	24	257	9%
Kalocsa Medium and High Security Prison	134	134	264	51%
Somogy County Penitentiary	28	28	123	23%
Közép-dunántúl National Penitentiary	350	340	1097	31%
Bács-Kiskun County Penitentiary	52	49	197	25%
Kiskunhalas National Penitentiary	328	323	739	44%
Márianosztra Medium and High Security Prison	174	171	501	34%
Borsod Abaúj-Zemplén County Penitentiary	350	344	771	45%
Szabolcs Szatmár-Bereg County Penitentiary	34	34	148	23%
Pálhalma National Penitentiary	409	405	1223	33%
Baranya County Penitentiary Institution	28	28	165	17%
Sátoraljaújhely Medium and High Security Prison	83	81	293	28%
Sopronkőhida Medium and High Security Prison	75	75	559	13%
Szeged Medium and High Security Prison	685	587	1353	43%
Tolna County Penitentiary	40	38	88	43%
Jász Nagykan-Szolnok County Penitentiary	34	30	119	25%
Szombathely National Penitentiary	600	580	1478	39%
Tiszalök National Penitentiary	147	138	1078	13%
Tököl National Penitentiary	403	369	880	42%
Vác Medium and High Security Prison	236	233	638	37%
Veszprém County Penitentiary	166	163	466	35%
Zala County Penitentiary	28	28	84	33%
TOTAL	5553	5308	16802	32%

Data provided by the NPA highlights differences in the number of available Skype-capable devices at separate penitentiary institutions. For example, in Sátoraljaújhely Medium and High Security Prison where data shows less than average Skype use (23%), inmates were able to use a total of four laptops to keep in touch in October 2020. This means that with an average of 293 inmates at the time, there

⁴² Source: Response no. 30500/11510/2020 issued by the NPA to the HHC's FOI request, 29 October 2020.

were 73 inmates per machine. In contrast to this, the data shows that inmates held in the Szeged Medium and High Security Prison were able to use Skype much more during the period in question; where an average of 43 per cent of detainees were able to hold a Skype conversation with their contact person between 5 and 11 October 2020. On 15 May 2020, the Commissioner for Fundamental Rights paid a visit to the Szeged Medium and High Security Prison. The report summarising the visit shows that there was a good mood in the institution's Skype room during the calls, and that "they tried to place the devices in a way that they were relatively far apart".⁴³ The report goes on to state that inmates in Szeged were able to use Skype on 15 computers equipped with webcams and headphones. The Commissioner highlighted that "the highest rates of uses and longest durations of Skype contact was made at the institution" in the country. In 2019, Szeged detainees used Skype "198 times for a total of 1980 minutes, and in 2020 (until the time of the visit) 2112 times for 31159 minutes".⁴⁴ The good Skype contact rates at the institution are somewhat nuanced by the fact that the second largest number of detainees in the country are placed in this particular penitentiary institution (an average of 1,353 people were detained here between 5 and 11 October 2020, only "surpassed" by the Szombathely National Penitentiary with an average of 1,478).

In addition to the report on the Szeged Medium and High Security Prison, three other reports by the Commissioner for Fundamental Rights on his 2020 visits to other penitentiary institutions were made publically available so far. Skype calls are discussed in all of the reports, mostly citing positive overall experiences related to its introduction. On several occasions, detainees are reported to have said that they love Skype contact. The ombudsperson mentioned several times that he had received many complaints from detainees in the past about high per-minute phone charges, and that he thought it would be a good practice for detainees to have wide access to free Skype calls even after the end of the pandemic. The Commissioner also encountered bad practice in the implementation of Skype calls. According to a note from the prison governor of the Kiskunhalas National Penitentiary, only a detainee "who complies with the penitentiary standards of conduct expected by the institution and demonstrates their smooth cooperation during the probationary period for at least three months" could request a Skype call.⁴⁵ In his view, it is "concerning that the prison governor's command contains the wording »undesirable act«, which allows for an unreasonably broad interpretation",⁴⁶ and considered the command requiring a three-month probationary period as a condition of contact to be unnecessarily long. According to the ombudsperson, this risks the right to be contacted.

3.2.1 Experiences of relatives using Skype to sustain contact

In the relatives questionnaire (that was completed by 35 relatives 6-26 November 2020), we asked several questions related to the use of Skype. According to interviews with relatives, there were penitentiary institutes where it was possible to Skype for about ten minutes a week even before the COVID-19 pandemic (for example, as a reward). Yet, one of our interviewees still preferred a personal visit so they did not use Skype before the pandemic broke out. This situation entirely changed during the pandemic as Skype calls have become one of the systematic forms of compensation for the ban on personal visits.

We were curious about the experiences relatives had with Skype, and how suitable they think it could be to replace a personal visit.

⁴³ Report of the Commissioner for Fundamental Rights on his visit to Szeged Medium and High Security Prison as the OPCAT NPM body. Case no. [AJB-2726/2020](#), pp. 8-9.

⁴⁴ Report of the Commissioner for Fundamental Rights on his visit to Szeged Medium and High Security Prison as the OPCAT NPM body. Case no. [AJB-2726/2020](#), p. 8.

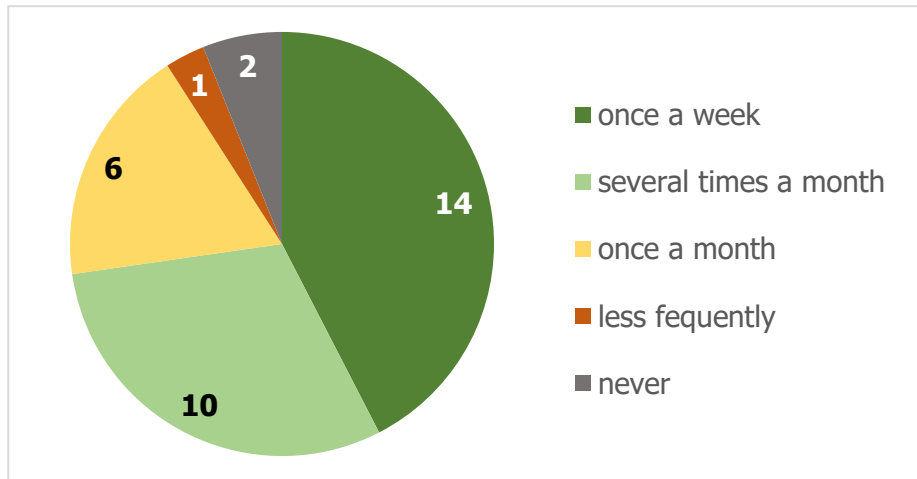
⁴⁵ Report of the Commissioner for Fundamental Rights on his visit to the Kiskunhalas National Penitentiary as the OPCAT NPM body. Case no. [AJB-2456/2020](#), p. 9.

⁴⁶ Report of the Commissioner for Fundamental Rights on his visit to the Kiskunhalas National Penitentiary as the OPCAT NPM body. Case no. [AJB-2456/2020](#), p. 9.

Frequency of occasions

At the time of the survey, most of the respondents to the questionnaire (14 people) were able to Skype with their relative once a week.

Figure 3: Frequency of Skype conversations (persons)



The frequency of Skype calls reported in the relatives' questionnaire varied significantly by institution, as supported by the ombudsperson's reports on his four visits to various penitentiary institutions in 2020. There was a relative who mentioned in the questionnaire that their detained relative had been transferred, and subsequently they were able to Skype with him several times at the new penitentiary institute; even up to four times a week. However, all the respondents concerned said that the Skype and telephone signal strength was very poor at facilities that were built using lightweight technology (such as a unit at the Tököl National Penitentiary). We have also received information from relatives that there are penitentiary institutions where, for some reason, lightweight construction facilities do not have Skype-capable devices. In these cases, detainees can only access Skype if they are escorted to another building where such devices are available. This, according to relatives, makes it more difficult for both penitentiary institution staff and detainees to conduct Skype calls. Detainees may have to wait a long time in the hallway of another building. One relative reported a significant reduction in Skype time at the Tököl National Penitentiary. In fact, one interviewee stated that their relative, a juvenile who was transferred to the adult section – also in Tököl – had no contact with his family for five weeks. Relatives were not informed by the penitentiary over the phone why they could not have a Skype call with their detained family member.

Duration of calls

Questionnaire respondents were typically able to Skype for 30 minutes a week. There were those who could talk for less than that, but for at least 15 minutes. Based on the answers, there are penitentiary institutions where 15 minutes is the routine, and once a month there is an opportunity for a longer conversation. There are some penitentiaries where Skype calls can last for up to 60 minutes. This is the lengthiest of all video calls that was reported by detainees' family members.

Rejection of a Skype request

Eight of the relatives interviewed reported that there had been cases where a detainee had their application for a Skype call rejected by the reintegration officer. In their experience, the rejection often resulted from the reintegration officer not having time to deal with the applications. Moreover, according to a relative, a detainee was rejected on the grounds that "Skype calls are not automatic, they can only be given". Other cases were recounted in which the detainee was unable to Skype because (s)he had

been quarantined or was just waiting to be transferred. In addition, there was a complaint that someone ended up not being able to talk to his/her relative on Skype because there was no device available at a scheduled time.

3.2.2 Difficulties and problems associated with using Skype, according to family members

The relatives who filled in the questionnaire were asked how satisfied they were with the frequency of calls, their authorisation, predictability, quality, duration, the possibility of unsupervised personal conversation and the technical conditions. Most expressed dissatisfaction with the fact that it was not possible to have a conversation without the presence of a penitentiary staff member. The next most common complaint concerned the poor technical conditions. The length and frequency of calls were the main concern for others.

Audio and video quality

Based on relatives' responses, the problem is that inmates and their relatives do not hear and see each other well, but others hear them. That is, sometimes they hear the conversation next door better than their own relatives. Furthermore, there was also a general complaint about high background noise, which, coupled with poor sound quality, ultimately degrades the enjoyment of a conversation.

It is very difficult to keep in touch if the right technical conditions are unavailable. The majority of respondents complained about the picture and sound quality of the calls. There are audio stutters and echoes on the line, the picture often breaks up or freezes, and the calls are generally of poor quality. The situation does not improve with redialling, and the already short time given is used up by trying to solve technical problems.

Additional obstacles

Relatives have identified the fact that there are no rooms in the newly designed lightweight prison buildings that are suitable for Skyping, and that they may encounter a situation where there is no computer present that is suitable for telecommunications. In this case, detainees have to be escorted to another building and often have to stand in line there for hours.

Respondents say staff shortages also make it difficult to provide Skype calls. A single reintegration officer may be responsible for 110 detainees. In effect, this means that one reintegration officer has to read and authorise the Skype requests of 110 people. This makes it even more difficult to organise and assign Skype calls, especially if there are only a few devices available in the penitentiary in question. In addition, conducting a Skype call (accompanying a detainee, supervising a conversation, and then escorting a detainee back to his/her cell) also requires complex organisational work.

Lack of personal conversations

According to most relatives who have expressed difficulties with Skype calls, there is no way to have quality, truly personal conversations in these calls. They cannot speak about meaningful things, experiencing issues that are trying for both inmates and relatives. Quite a few detained family members of respondents started serving their sentences during the COVID-19 pandemic, so many relatives have no way to compare a personal visit with a Skype call. As experienced participants in the research explained, intimate, calm conversation has also been hampered during personal visits for some time due to security measures, overcrowding and noise. Some say the presence of guards during personal visits was less of a barrier to intimate conversation than during a Skype call. Some respondents feel that due to constant monitoring, their relatives do not speak honestly. A respondent had an experience that the reintegration officer broke into a personal conversation because he thought the detainee had started speaking about something he should not have been.

A quote about Skype contact from one of the research participants:

"It would be very important for me to be able to talk to my partner at least once a month without supervision. After all, this is also possible at the personal visit – a guard does not constantly sit there. So, I'm sure there are things my partner won't tell me because of constant monitoring. I don't think they hurt him, at least I hope not, but you never know. In addition, we have a 1-year-old boy who hasn't seen his father since March. Since he isn't interested in Skype, he doesn't know there's someone on the other side of the screen. We usually use Skype on my phone. Maybe if we were on a laptop or tablet where the bigger picture would allow him to see a face; but unfortunately we can't afford it."

Available time, call scheduling

Several of the relatives in the study mentioned that it was not possible to depend on the time available for a call. Respondents at the time of the interview found that Skype calls were typically a minimum of 15 minutes and a maximum of 60 minutes, but several complained that it was often unpredictable how long a particular conversation could last. At such times, the conversation sometimes lasted for 25 minutes, but at other times, it ended after 15 minutes, about which they were not clearly informed before the call. Several respondents pointed out that in the absence of a personal visit, there are too few occasions for Skype calls and they are too short; therefore, contact time is shortened in comparison to personal visits.

Another problem brought up by several respondents is the unpredictability of call scheduling. According to the interviewed relatives, it is difficult to arrange an appointment with the penitentiary institution, and sudden changes and delays at agreed times are frequent. Therefore, Skype calls do not always happen when the detainee requested it or when the reintegration officer allowed it. There were times when an incoming call came to the relative hours ahead of the scheduled time. According to our respondents, in such cases the penitentiary institution usually states that "it is now that it is possible" to conduct the Skype call. As a result, relatives are often unprepared and may not be able to take part in the call just because they did not expect it at that time. Respondents also said that in these cases, if they can, they still have to somehow make themselves available ahead of schedule; otherwise, the whole opportunity will be missed and not replaced.

3.2.3 Professionals' opinion regarding the use of Skype to maintain contact

There is a big difference between how professionals and how the detainees and their relatives see the Skype call situation. The former were of divided opinion on this issue. Most considered that Skype calls could not adequately replace personal visits as a form of contact, but there are also those who thought that it could. According to some professionals, Skype can be a solution for families with suitable access to the required technology, for those located far away from where their detained relatives are located, and when a personal visit poses a significant financial burden for them. At the same time, some of the professionals involved in the research highlighted that the social background of relatives can create significant inequalities in communication, including access to Skype. If a detainee's relative lives in poor conditions (no Internet at home, no suitable device) or does not have sufficient skills to communicate electronically, they will not be able to use Skype. According to the report of the Commissioner for Fundamental Rights on his visit to the Sátoraljaújhely Medium and High Security Prison, the institution's management revealed to the ombudsperson that Skype communication "in many cases depends on relatives, who must have at least one telephone suitable for having a conversation".⁴⁷

Unlike relatives, many professionals believe that Skype conversations are more intimate than the personal visit (where many are present), as the relative can "take the detainee home"; receive them at home. The detainee gets an insight into his/her old life and sees his/her relatives in a family

⁴⁷ Report of the Commissioner for Fundamental Rights on his visit to Sátoraljaújhely Medium and High Security Prison as the OPCAT NPM body. Case no. [AJB-2419/2020](#), p.9.

environment. According to them, this option is also better for young children, because children do not have to go through the traumatic entry into the penitentiary institution. Yet, several of the experts interviewed believed that a Skype conversation was not suitable for “sharing emotions”, so the connection between detainees and their relatives could become superficial if the total ban on visits lasts long.

As explained in the chapter on visits, all professionals involved in the research mentioned that the restrictive policies on visit conditions in recent years has made communication more difficult, and has reduced opportunities for intimacy between detainees and their relatives.

Experts were also divided about whether managing visits and logging people in, or arranging a Skype call mean more work for penitentiary institution staff. Some say there is a greater administrative burden in handling Skype requests than handling personal visits, but others say it significantly less burdening than personal visits.

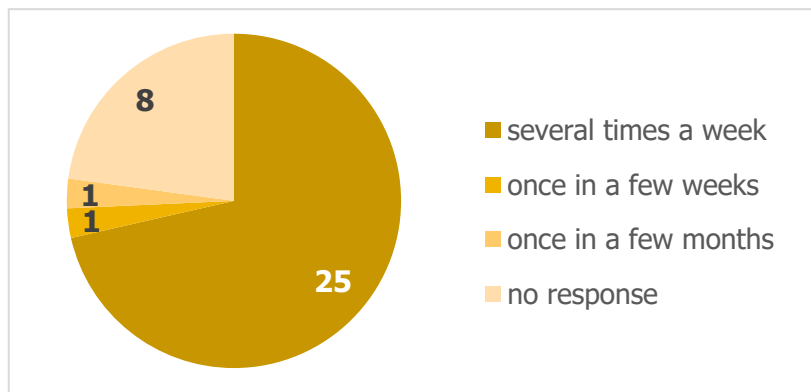
3.3 Telephone

3.3.1 Telephone contact prior to the COVID-19 pandemic

Inmates can make calls on phones provided by the penitentiary institution. They can use a prepaid mobile phone (penitentiary mobile phone) provided by the penitentiary institution. A deposit of HUF 35,000 must be paid for the telephones. Phones cannot be called back, and prisoners can only call the numbers of their registered contacts. The duration of a phone call depends on the level of execution (low-medium-high security prison) and the security regime (mild-general-strict) that the detainee is assigned to. Conversation with a lawyer is not restricted. Detainees in poor financial circumstances who do not have their “own” penitentiary mobile phone can use the payphones available at the institution for limited times. We asked the relatives about how they experienced contact through the penitentiary mobile and payphones before and during the COVID-19 pandemic. Before the pandemic, nearly three-quarters (25 people) of our questionnaire’s respondents were able to speak by phone several times a week with their detained family member (Figure 4). Of these, 24 people mentioned some of the following problems with the calls:

- the most common complaint was that making phone calls is too expensive (HUF 75/minute, equals to €0.7/minute);
- many people complained about poor call quality on both the payphones and penitentiary mobiles: crackling, echoing on the line, no signal strength, often hearing little or nothing; often the conversation is interrupted for a long period of time, meanwhile the money is still running out;
- several mentioned that when a penitentiary mobile breaks, its repair takes a long time; and
- payphones are either out of order or overloaded (many are waiting for them); sometimes detainees need to be escorted by staff to another level to be able to make a phone call (waiting for this to happen can take up to a week).

Figure 4: Frequency of telephone conversations before the pandemic



More than half of the respondents to the relatives' questionnaire (19 people) had already experienced a situation where they were unable to call their detained family member due to lack of money. For 15 respondents, per-minute charges presented a significant obstacle to contacting their detained relative and somewhat of a barrier for a further six respondents.

Each of the experts interviewed in the research also mentioned the high per-minute charge for a phone call as one of the most significant problems. According to them, this is a huge problem for low-income or incomeless detainees. On the other hand, the narrow timeframe for calls is more of a problem for detainees in a better financial position. Experts in the research also agreed that the telephone is important, but it is not enough to sustain quality communication. According to some of them, the quality of the telephone line is usually very poor at several penitentiary institutions. Some experts have also highlighted the security risks associated with the phone. For example, it is almost impossible to filter out tiny phones that enter illegally. According to them, tiny telephones present a much cheaper, freer and better alternative way to communicate; but experts also say that in addition to being illegal, they can give way to extortion between detainees (one detainee pushing another so that his/her family charges the phone). There has also been a security issue with the legal penitentiary mobiles (e.g. successful phone frauds with a hacked device).

3.3.2 Telephone contact during the COVID-19 pandemic

During the COVID-19 pandemic, the main problems previously associated with telephone calls continued to be drawbacks: high per-minute rates, poor call quality and signal strength, and out of order or overloaded payphones. Due to the lack of visits, pre-existing troubles were given more weight in relatives' feedback. In addition, new difficulties related to the pandemic situation were mentioned.

The opinions of the 35 relatives participating in the questionnaire were of divided opinion on whether or not telephone contact conditions had improved as a result of the measures implemented in response to the pandemic. Ten relatives of convicts reported a clear improvement, and relatives of seven detainees said the conditions for telephoning had changed in part in the right direction. Seven did not experience any positive change in this area. Relatives of ten detainees did not answer this question.

Nearly one-third of the relatives of the 35 convicts had no access to contact via a penitentiary mobile – that is, they already belonged to a disadvantaged group in terms of contact at the time of the pandemic. Although convicts in poor financial circumstances with no deposit money or a penitentiary mobile were provided with the possibility to make free calls; all but one of them experienced problems with making free calls. Out of the nine people in this situation, the vast majority of these people (six people) were not able to take advantage of this opportunity at all since the COVID-19 pandemic broke out. Three people were able to make free phone calls, but just brief ones. According to the regulations, free phone calls three times a month for five minutes/occasion are available to those who cannot afford telephone calls otherwise. The fact people concerned could not use their free phone time may be related to not

having been properly informed by the possibility – relatives responding to our questionnaire stated that those who did not have a mobile phone were not or were only partially informed about the changed rules of telephone contact.

According to the data obtained through HHC's FOI request⁴⁸, 2018 people were able to take advantage of the free phone call opportunity 7,072 times between 19 March 2020 and 26 April 2020. As part of the FOI request, we wanted to know how many detainees do not have a penitentiary mobile, but the NPA responded that they have no data on this. One third of the respondents to the questionnaire answered that their relative does not have a penitentiary mobile. Although it can be assumed that a significant segment of the detainee population require the possibility of free telephone calls, it is a question of how many of them actually receive it. According to the report of the Commissioner for Fundamental Rights on his visit to the Sátoraljaújhely Medium and High Security Prison, the detainees interviewed there by the ombudsperson's associates usually took advantage of the extra telephone calls in instalments (in total, 15 minutes per week). For those who do not have their own penitentiary mobile (or deposit money), the penitentiary institute budget would cover three 5-minute calls a month. However, according to the penitentiary's report to the associates to the ombudsperson, not many detainees took advantage of this opportunity in this specific prison because most of them worked, so they had deposit money to make calls on penitentiary mobiles.

Those who have a penitentiary mobile complained that the extra 10-15 minutes of phone time allowed in response to the pandemic was not very much. They often just "squeezed" the more important things that need to be discussed and have little or no time left for more personal topics. Sometimes they do not know exactly how many minutes they still have, and they do not always have time to say goodbye properly either. Many are unable to take advantage of the extra minutes due to expensive per-minute charges (free phone calls are only available to those who do not have a deposit for their "own" mobile phone). Four did not know that if they charge the phone, they could gain extra minutes to talk.

Quotes about telephone contact issues from relatives who participated in the research:

"I stop loading money on the phone because it all gets used up so quickly at a horrific price."

"Since the price per-minute is still high, we try to squeeze out what we can of the same fixed amount."

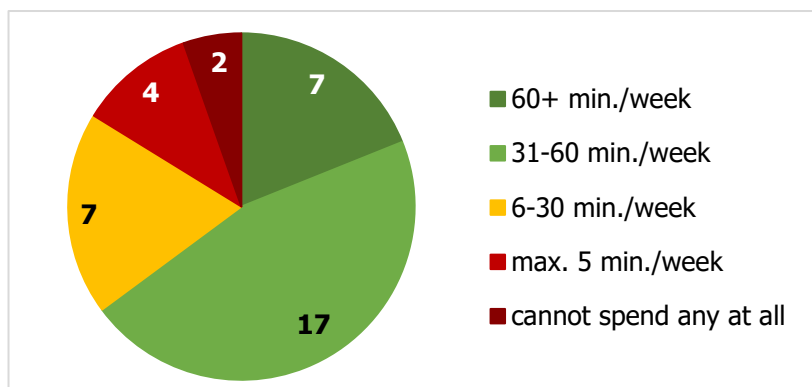
"He rings me up before bedtime in the evening to remind me he is thinking of me, but I don't pick it up. He always pays attention to the use of minutes so we can talk at the weekends as well."

"My partner was the breadwinner. Therefore, I'm left alone. I can't work while pregnant, so unfortunately I can't really send him any money."

Respondents of the questionnaire had an average of 42 minutes on the phone per week, that is, six minutes per day. Convicts are typically able to talk on the phone between 40 and 60 minutes a week. Seven could talk for more than an hour a week. Seventeen were able to talk between a half an hour and an hour. There were seven who could make a phone call, but for no more than half an hour. Four of them could not keep in touch by phone at all. Most callers talked to their relatives for 90 minutes a week, or 12 minutes a day. There is a general consensus among relatives that it is considered unreasonable to limit minutes during the COVID-19 pandemic. They would consider much more phone and Skype time a fairer compensation for losing personal visits than the current policy. Furthermore, they feel that need-based free telephone calls should not only be provided to the most financially deprived prisoners without a mobile phone.

⁴⁸ Source: Response no. 30500/4780/2020 issued by the NPA to the HHC's FOI request, 6 May 2020.

Figure 5: Average time spent on telephone calls per week based on relatives' responses (persons)



Experts added that many detainees' families do not have access to the technical conditions for a Skype call. For these families, only telephone calls replace personal visits. Thus, the problems related to phone calls become even more intense. Several participants in the research mentioned that the penitentiary mobile must be handed over 45 days before release at certain penitentiary institutions for administration and billing reasons. Yet, active contact with relatives would be most needed while convicts are preparing for their release.

3.4 Correspondence

3.4.1 Correspondence before the pandemic

According to the detainees' relatives responding to our questionnaire, pretty much everything was fine with outgoing letters from within the penitentiary institutions before the pandemic; they arrived relatively quickly. Rather, the problem was with incoming letters to penitentiaries. It took a long time to deliver the letters, especially if the detainee had been transferred to another institution in the meantime and the letter was sent after them. Incoming letters were censored. For example, when a relative sent a press article about the prison, the letter did not reach the detainee. Several relatives who responded to the questionnaire also reported that much also depended on the attitude of the reintegration officer: some quickly and completely handed over the letter, some made very careless copies, and some held onto the detainee's outgoing letter for a long time before sending it.

The general problem mentioned by the relatives who filled in the questionnaire was that the pre-condition for correspondence, the acceptance of the contact statement, is slow. It can take several months for it to be approved. In addition, their detained family members often receive photocopies of the letters, which is a drawback because they may also contain colourful children's drawings and photographs which suffer significant deterioration in quality from black-and-white photocopying. According to the experts interviewed, since the reason for photocopying is to prevent the entry of papers impregnated with psychoactive substances, letters were mainly photocopied by penitentiary institutions where experience has shown that there is a high risk of such substances entering. However, as shown in Section 2.2, photocopying letters places a heavy burden on staff, and also causes lengthy delays in arrival. Since the responsibility for the security of letters lies with the staff, according to the majority of expert respondents, this cannot be circumvented at certain penitentiary institutions, as there are no adequate means to detect and filter letters impregnated with any intoxicating material.

3.4.2 Correspondence during the pandemic

According to the detainees' family members responding to our questionnaire, if they are lucky, they can exchange a letter with their relative every week, rather every week and a half since the beginning of the pandemic. They say letters have arrived more slowly in both directions since the pandemic because the letters are quarantined before delivery. The Commissioner for Fundamental Rights reports on his

visits to penitentiary institutions in 2020 consistently state that letters are handed over to detainees within two working days upon arrival in order to “prevent infection”, but after waiting at least 40 hours.⁴⁹

Quotes about correspondence from relatives involved in the research:

"He receives my letter in one week, by priority post, and I often only receive his priority reply in 2 weeks... So we would rather not write to each other anymore because by the time we read it, the situation is completely different or we will discuss it by phone! I just send him pictures in a letter... it's pointless."

"He didn't even get my letter for weeks until I complained, while other times it was handed to him the next day. It depended on which reintegration officer was there... in a Budapest prison small gifts he made me to cheer me up (plant seeds, pressed flowers and other decorative attachments) were stolen twice from his letters. There were sloppy copies of his letters (cut off at the margins, faint-illegible, or without the back part). We filed a complaint, and then they "managed to find" the missing part of the letter... I once sent him a public article about the prison service as an attachment to my letter, which was not even sent back, but the entire letter was "swallowed up" and never received, including the personal part."

3.5 Parcel delivery, online shop, money transfers

Regarding parcel delivery, online shop and money transfers, the participants in the research did not report any changes due to the pandemic. Therefore, in this chapter we processed the general opinions and experiences related to the above.

Sending Parcels

The majority of relatives who completed the questionnaire (19 people) had no experience with sending packages to detained family members. Five of the respondents sent a parcel every two months, eight once a month and three several times a month. During the pandemic, ten of the relatives who sent parcels (14 people) reported experiencing some difficulty, such as no or very slow arrival of the parcel; and on two occasions the penitentiary institution refused permission to allow clothes through. Because of the latter, one of their detained relatives was forced to live with only a single pair of underpants and one sock for a month.

One of the relatives involved in the research put it this way about parcel delivery: *"When he was sent to prison, he didn't know anything about us for almost a month. We knew about him, but he didn't know about us. I don't know what the reason was. I sent money and a package, but when a call came from him, he said he had not received the letters. I cried a lot. I wrote an e-mail to the penitentiary institution, and he called two hours later. The package I sent was given to him because it was not lost; it just had not been given to him until then."*

The majority of the experts participating in the research pointed out that parcel delivery has become stricter in recent years, and the majority said that it has changed in a negative direction:

- less frequently possible;
- more expensive;
- limited range of products available for purchase;
- supply is often very limited; and
- there are institutions where the order does not arrive at all, or the detainee does not receive the actual product that was ordered.

⁴⁹ Source: Reports of the Commissioner for Fundamental Rights on case numbers [AJB-2728/2020](#) (p. 12), [AJB-2726/2020](#) (p. 8), [AJB-2419/2020](#) (p. 9) and [AJB-2456/2020](#) (p. 9) in connection with his visits to the Szombathely National Penitentiary, the Szeged Medium and High Security Prison, the Sátoraljaújhely Medium and High Security Prison and the Kiskunhalas National Penitentiary.

Some experts have pointed out that, as in the case of telephone calls, parcel sending further widens the social gap between detainees of different financial background. There are detainees who receive everything through the penitentiary institution, but there are also detainees who can purchase almost anything they want. According to one of the experts, in the case of low-income detainees, the function of the prison is part of the social welfare system, since “for many people who have no one” on the outside, there is no possibility to receive a package and therefore the penitentiary institution provides them everything. According to another expert, it is not in the interest of the penitentiary institution to lower the prices of packages, so they do not put pressure on the service provider.

A further criticism was that it would certainly be psychologically better for detainees to be able to receive a personalised package from their family. The positive side of the online parcel delivery system is clearly, according to the professionals interviewed, its security: transparent, uniform, well controllable. There was also an opinion that it makes the parcel sender’s job easier because ordering through the online store takes less time than to put together than a personalised package. However, respondents also said that the system could work better and that it would be important to work out the details better. All respondents criticised the high prices.

Online shop

Relatives of detainees who completed the questionnaire respondents with online shop experience (14 people) generally expressed a poor opinion about it. They say the selection is too narrow, the supply is poor (for example, there is a much larger selection of unhealthy products than healthy ones), and products often run out. According to one of the relatives involved in the research, the problem is that “only sweets can be sent through the online shop, no other long-lasting food, although it would be more needed”. According to a relative of a vegetarian detainee, the online shop is a “bust”; no healthy food can be obtained from it. A package containing vitamins sent by the relative was mailed back at their own expense, and the penitentiary doctor did not order what was asked for. All this happened despite the fact that with the permission of the commander receiving necessary medication for detainees is a right guaranteed by law.⁵⁰

The interviewed experts pointed out that the introduction of ordering parcel delivery online has decreased the workload of the staff. Since the packages do not come into contact with the sender and therefore there is no need to inspect the parcels, having the online shop has freed staff from a large administrative burden. Experts involved in the research agreed that the old parcel delivery system involved extraordinary security risks; ones that the penitentiary system cannot take on in its current situation, due to staff shortages and other administrative burdens on the staff. One of the experts with the following story confirmed the fact that the security risk was real: a relative of a detainee worked in a canning factory and was able to conceal prohibited objects (drugs, blades, SIM cards, etc.) in the sealed tin cans they mailed. At the same time, the interviewed experts found it problematic that the online shop is expensive and cumbersome to use, especially for many families who do not have adequate skills to shop online. Inmates typically do not come from the social class where online shopping is commonplace, and in fact, there are families who do not have an Internet subscription.

Money transfers

The majority of respondents to the questionnaire (17 people) sent money to their detained relative several times a month; six once per month, five less frequently than once per month, and seven respondents never. One of the respondents to the relatives' questionnaire complained that money they

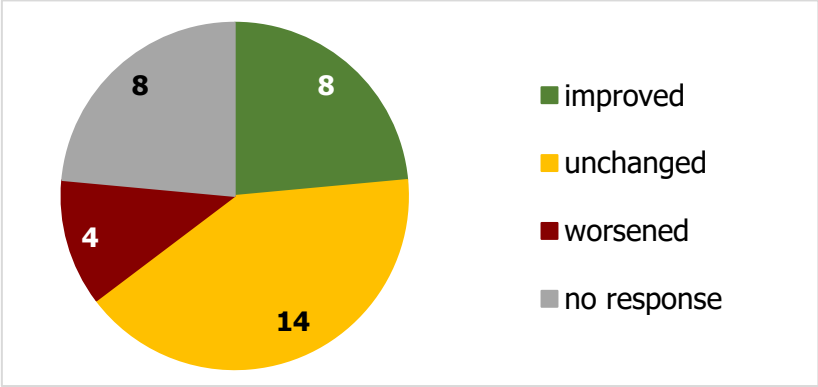
⁵⁰ According to Article 156(4) of the Penitentiary Code, “a convict can use medicine or a medical device provided by the penitentiary institution on the professional recommendation of a doctor and with the permission of the head of the penitentiary institution can have access to a medicinal product, auxiliary medical device or a medicinal product obtained by a relative or other registered contact – if financed by a third person and not illegal – ordered through the penitentiary institution or another method.”

had sent on a "pantry card" (the device detainees use for shopping in the penitentiary groceries) had been deducted, that is "completely disappeared". Another relative omitted to write "meals" beside the name and registration number of the detainee in the comments section of the money transfer, so a larger amount than expected was deducted.

4. The impact of the visit ban on family relationships

In the online questionnaire, we asked whether detainees and their family members talk to each other more often since the visit ban. Thirteen of them (one-third of respondents), said that they speak more than before the visit ban, while 13 speak less than before the pandemic, and 11 speak about as often. When asked if their relationship has changed since the pandemic, 14 people answered that their relationship has not changed, eight said their relationship with their convicted relatives has improved, and four said it has gotten worse, and a high number of family members decided not to respond to this question.

Figure 6: How convict-family relationships have changed since the pandemic (persons)



As for how their relationships have changed, it can be said that families with children have been particularly affected by the lack of personal visits. The pandemic is a crisis in life both outside and inside. Both detainees and their family members outside are equally tense. The detainees and their relatives cannot share their feelings by phone and Skype and support each other in dealing with their problems because of the narrow windows of opportunity and unsuitable spaces for personal conversations. Penitentiary experts say that it is particularly difficult for prisoners who feel powerless to support their family members in crisis outside. The reality is that they are drifting even further apart than in the pre-pandemic period. Relatives who reported deterioration in their relationship unanimously experienced increasing tension and growing distance due to the lack of personal contact. For those on the outside the biggest emotional burden is the uncertainty about keeping contact and the lack of information. Uncertainty triggers destructive emotional mechanisms. According to penitentiary institution experts, in their experience several stable family relationships faltered during the pandemic. Respondents whose relatives (five) are subjected to Lighter Enforcement Rules (LER=EVSZ) had difficulty dealing with the fact that due to the prohibition of contact forms involving leaving the penitentiary institution, they could not profit from the benefits belonging to LER, nor were they compensated in any way. The frustration caused by this, and the fact that they have no information about how long the current situation will last, has worn down both families and convicts. In an interview, one of the experts mentioned a prisoner serving a long sentence with close family ties who was preparing for reintegration detention⁵¹ at home

⁵¹ The purpose of reintegration detention is to facilitate the reintegration of the convicted person into society. The bottom line is that before the end of a custodial sentence, including the possibility of parole, "eligible and worthy persons" can spend the rest of their sentence at home while being checked with an "ankle monitor". Reintegration home detention may last for a maximum of 10 months, and in the case of imprisonment for criminal negligence, for a maximum of 1 year. https://bv.gov.hu/sites/default/files/Altalanos_tajekoztato_a_reintegracios_orizetrol_final.pdf

towards the end of his/her sentence, but was so isolated from his/her family during the pandemic that (s)he is no longer awaited, so he cannot return home.

For many people, it is an overall positive experience to see each other more often, even if virtually. It means a lot to prisoners to see their families in a home environment. Nonetheless, the emotional experiences associated with this question also vary greatly. Some have reported that for a first-time convict, where the fact of detention itself is difficult to process for the family, they do not want the penitentiary to "enter" their homes via Skype.

Quotes from relatives of detainees about the development of their relationships:

"My 16-month-old son doesn't see his father, only for a few minutes once a month. I feel how it is breaking him away from his father more and more, so it's getting harder for my husband and I to bear this situation."

"Unfortunately, we can't meet in person so we miss him even more."

"Because you can't visit, there's no personal contact and family members become distant from each other. Just letters and 50 minutes of phone calls a week is not enough to maintain a relationship."

"Unfortunately there are no visits and that completely busts us up. Unfortunately, when we talk on the phone, we just fight. It's hard to get through this. If it goes on for a long time, it can ruin a lot of relationships."

"In long letters we can think together about how our common family life will develop after the common grief and this last punishment has passed, and there will be no more situations bringing on serious anxiety like this. Clinging to a better common future, we have come closer together."

5. Spending free time in penitentiaries during COVID-19

Educational, leisure and reintegration programmes, possibilities for time outdoors

According to research participants, the majority of prisoners study in their cells. After receiving the curriculum from their instructors, they progress with the school materials themselves. A significant proportion of the relatives involved in the research, as well as some prison professionals, reported that leisure and reintegration programmes had essentially ceased as a result of the COVID-19 restrictions. The chapel has been closed and there is no worship, the library cannot be used, and outdoor sports programmes have been suspended at several institutions.

According to one of our interviewees, "you can't play football because it is claimed that it beats up the dust, thereby could spread the virus." Although a new lightweight prison building was handed over in Miskolc, and the use of the gym became free during the pandemic, prisoners do not consider its use safe because the sports equipment is not properly secured physically. There are other places where local rules prohibit the use of the gym. At the same time, the reports summarising the visits of the Commissioner for Fundamental Rights to the Sátoraljaújhely Medium and High Security Prison, the Szeged Medium and High Security Prison and the Kiskunhalas National Penitentiary⁵² show that the gym use was permitted in some institutions, and the problems of distribution between detainees and the disinfection of sports equipment were solved. In Szeged, religious practice continued, ecumenical services were held, the chief rabbi held a Skype session, and individual spiritual care was provided.

Based on the experience of the relatives, there were places where, for a time, even the mandatory one hour of open air a day was not ensured. Some people preferred not to take the opportunity to walk because they were afraid of getting infected.

⁵² Commissioner for Fundamental Rights reports on National Preventive Mechanism case numbers [AJB-2726/2020](#), [AJB-2419/2020](#) and [AJB-2456/2020](#).

Based on the interviews and questionnaires, it can be said that learning, culture and recreation opportunities in general are significantly more limited than before. This further narrows the everyday lives of the prisoners and there is nothing to relieve the tension. Relatives say some prisoners welcome this change because they have more time for themselves. External work has been discontinued in many places. In the report summarising his visit to Szombathely National Penitentiary, the Commissioner for Fundamental Rights wrote that significantly fewer prisoners work than before the pandemic: 695 detainees worked before the pandemic, compared with 216 at the time of the Commissioner's visit. During his visit in May, the prison governor informed the Commissioner that new ping-pong tables, cards and board games had been purchased because of the reduced work opportunities.

Those under quarantine

What is also important to emphasise in relation to the above restrictions is the narrowing of the opportunities for those in quarantine: they cannot leave their cells, nor can they go to the institution's shop. Relatives reported that in some cases those under quarantine did not have access to basic food and toiletries. According to the data provided by NPA on 29 October 2020, those in quarantine may exercise their right to open air if it does not pose a health risk.

6. Recommendations by the research participants

Below is a summary of recommendations made by relatives and experts involved in the research. Some of the proposals are general, relating to detention conditions and contact. The other part is mainly related to the management of COVID-19 security risks for prisoners, the reinstatement of personal visits, compensation for the duration of the visit ban and the transparency of epidemiological measures. We have attempted to present most of the recommendations that the research participants considered important. However, because the research participants also see the execution of the individual sentences differently depending on their situation (the experiences of the relatives differ in some places, professionals may consider other aspects important and they do not agree on everything), their proposals may be somewhat contradictory.

6.1 Recommendations related to the pandemic

The safety and well-being of detainees and staff

Recommendations by relatives:

1. In the event of a pandemic, penitentiary institutions should ensure more bathing and toilet facilities, and better medical care for detainees.
2. Regularly test personnel.

Expert recommendations:

3. It would be important to pay attention to staffing needs. Staff have been very negatively affected by the COVID-19 pandemic. As long as their situation is not settled, until they can create a balanced work/life balance, the inner lives of penitentiary staff will not be more ideal than it is now. It is difficult to run a penitentiary well with tired, frustrated, exhausted people.
4. In the case of staff working in administrative areas, it would be useful to examine whether there is room for more home office work; thus reducing the chances of the virus spreading.

Promoting quality communication

Recommendations by relatives:

1. Allow visitor reception using appropriate precautions (for example, checking their temperature, maintaining distance, negative tests, masks, Plexiglas) or even permitting meeting outdoors to mitigate risks. The criteria for allowing personal visits should be clear and known to everyone.
2. In justified cases, it should be possible to interrupt (suspend) the sentence, if for example the livelihood of the family depend on it.
3. Have lower per minute telephone charges.
4. Overall, as true compensation for the personal visit ban, more phone and Skype calls are necessary.
5. Have the opportunity to make a Skype call at least once a month where a detainee can talk to a relative without supervision.
6. In exceptional cases (for example, illness or death of a family member), the detainee should be allowed to call more often.
7. Have a specified period when the relatives of the detainees can make calls from outside the institutions to inside the institution – this could lead to significant savings for families.

8. E-mails could be sent via the reintegration officer who, after scanning it, could also forward the detainee's response. This recommendation is because of the slowness of the post during the pandemic. Inmates and their relatives should be able to send voice mail to each other.⁵³
9. Send parcels faster, easier and more cheaply.

Expert recommendations:

10. Allow unlimited calling during the pandemic.
11. Widen access to free calls for inmates in financial need (currently available in only very few cases) to alleviate wealth-based social discrimination. Under current regulations, the ability for prisoners who do not have a penitentiary mobile and their relatives do not have Skype access to stay in touch for free is unduly limited.
12. It would help poor detainees keep contact with their family members during the pandemic if they had more time to make free calls, and if they could be called back on the penitentiary mobiles.
13. Establish the ability to e-mail inmates. According to experts, this would be good for everyone. Since it would be faster than correspondence and would remove a heavy administrative burden from the shoulders of reintegration officers as most likely, the frequency of written correspondence would significantly drop. Additionally, it would benefit detainees, relatives and staff. For example, the KIOSZK administrative detention points currently in the works could be made more suitable in the long-term by replacing correspondence with e-mail.

Clear and transparent regulation

Recommendations by relatives:

1. The penitentiary institutions should provide adequate and up-to-date information on the rate the virus is spreading and when the visit ban is expected to be lifted.
2. Decision-makers should strive to ensure that prohibitions are predictable, necessary and proportionate.
3. The rules on restrictions and their compensation should be uniform and simple.

Expert recommendations:

4. Experts highlighted the shortcomings and absence of clear information for detainees. According to them, many detainees are unaware of their contact rights. Moreover, house rules, as an information interface is not adequate because it is not available to some inmates (illiterate, disabled, etc.). Detainees need to be regularly, clearly and verbally informed about the special rules applied during the pandemic.

6.2 Recommendations independent of the pandemic

Recommendations by the interviewed experts on contact, reintegration and individualisation

1. Individualise as many measures as possible. Instead of general prohibitions, consider a broader spectrum based on personal circumstances.
2. Penitentiary support should ensure that detainees enjoy their right to contact on an equal basis, regardless of their social status.

⁵³ There is an example of this in Scotland: <https://prisonvoicemail.com/about>

3. Be able to make more frequent phone and Skype calls as a detainee's release date nears. No penitentiary institution should require that a detainee return their penitentiary mobile phone 45 days before release, the most important time for intensive contact.
4. Successful reintegration requires the respect of human dignity during detention.