

## Contacts with the outside world

Date of publication: 30 March 2022

According to the Association for the Prevention of Torture ([APT](#)) if “the bonds between detainees and their families can be sustained throughout incarceration, the chances of successful reintegration into society are much greater.”

Indeed, contact with family members promotes the reintegration of prisoners and the prevention of recidivism. Currently, the reality of the Hungarian penitentiary system is that prisoner reintegration activities operate on low intensity. Very few programmes exist, the programmes usually mostly or completely ignore the individual needs and characteristics of inmates, and therefore they do not get prepared for their release. These systemic deficiencies intensify the prominent role of the family in successful reintegration. Only meaningful contact facilitates keeping family bonds. Based on the experience of experts and complaints from detainees and relatives received by the Hungarian Helsinki Committee (hereinafter: HHC), the operation of much of the penitentiary system as a whole in Hungary is increasingly mechanical, security-centred and deprived of humanity. Education and support have been largely pushed to the background, although many excellent professionals working in the penitentiary system.

In this factsheet, we briefly summarise the rules of keeping contact with the outside world for detainees, the changes caused by the COVID-19 pandemic, examine the main problems and make recommendations for solving those problems. The factsheet deals with personal visits, Skype and telephone calls because these are the most efficient and widely used forms of contact; and experience has shown that those involved can only use them with great difficulty. This summary is based on research conducted by the Support Network for Detainees and their Families (FECSKE, [www.fogvatartas.hu](http://www.fogvatartas.hu)) in 2020/2021.<sup>1</sup>

### **FECSKE – Support Network for Detainees and their Families**

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

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 punishment 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.

<sup>1</sup> Kovács-Krámer-Szegő: *Keeping in Contact with Detainees in Hungarian Penitentiary Institutions*. FECSKE, 2020-2021. [http://www.fogvatartas.hu/wp-content/uploads/2022/03/fecske\\_keeping\\_in\\_contact\\_EN\\_final.pdf](http://www.fogvatartas.hu/wp-content/uploads/2022/03/fecske_keeping_in_contact_EN_final.pdf)

# Contents

1. General questions concerning contact.....	3
2. The different forms of contact.....	4
2.1. Telephone calls .....	4
2.1.1. General rules for telephone calls .....	4
2.1.2. Changes due to the COVID-19 pandemic.....	5
2.1.3. Problems .....	5
2.1.4. Recommendations.....	6
2.2. Video calls (Skype) .....	6
2.2.1. General rules for Skype .....	6
2.2.2. Skype calls during the COVID-19 pandemic .....	7
2.2.3. Problems .....	7
2.2.4. Recommendations.....	8
2.3. Personal visits .....	8
2.3.1. General rules for receiving visitors.....	8
2.3.2. Changes to personal visit rules due to the COVID-19 pandemic.....	9
2.3.3. Problems .....	10
2.3.4. Recommendations.....	11

## **1. General questions concerning contact**

In Hungarian penitentiary institutions, contact between detainees and the outside world is limited. Detainees are not free to choose when, with whom, for how long or in what form they can contact their loved ones. Detainees are assigned to a level of prison sentence execution (low-medium-high security prison) and a regime category (mild-general-strict subcategory of security) based on their offence, behaviour and risk classification. These two security categories determine how often and how long detainees can interact with their contacts, for example how often they can receive visitors and how many phone calls they can make.

According to the law<sup>2</sup> the following forms of contact are possible, which do not involve leaving the penitentiary institution:

1. Correspondence by letter;
2. Sending and receiving a package;
3. Telephone calls;
4. Video calls (Skype); and
5. Visits;
6. Visiting home: temporary release.

### **1.1. Correspondence**

Detainees may correspond by letter with the people they choose as long as that information is registered with the penitentiary institution. The number of letters and their length is unlimited. The cost of postage must be paid by the detainee or his/her contact person. The letters are checked and photocopied by the penitentiary institution.

### **1.2. Packages**

Both the detainees and their contact people can send and receive packages. Most items allowed can only be obtained and shipped through the National Prison Administration's (hereinafter: NPA) online shop. Rules limit the size and contents of packages, as well as the frequency of sending and receiving packages.

### **1.3. Phone**

Detainees can call their contact people on a mobile phone provided by the institution, for which detainees have to pay a deposit of HUF 35,000 (circa €90-100). For those who cannot afford this deposit, a wall payphone is available on a physically limited basis. Either way, the price of a mobile call is HUF 69 (circa €0.2) per minute. Only outgoing calls are allowed. Incoming calls cannot be received on the penitentiary institution's mobile phones. Those who do not have the financial means to pay for the call or the deposit, as a general rule, cannot call their family. The penitentiary institution limits the duration and time of the phone call. Prison authorities are able to monitor telephone conversations.

### **1.4. Video calls (Skype)**

Video calls (via Skype) have been widely available since the start of the COVID-19 pandemic in the spring of 2020. Detainees have to request the call and initiate its date. The video calls' duration is limited, and prison staff supervises the conversation in person throughout. Common complaints include poor sound quality and, due to constant monitoring, there is no opportunity for intimate conversations.

---

<sup>2</sup> Act CCXL of 2013 on the Execution of Punishments, Measures, Certain Coercive Measures and Petty Offence Confinement (hereinafter: Penitentiary Code); Decree 12/2020. (IV. 24.) of the Minister of Justice on Detailed Rules for the Execution of Sentences, Detention Orders and Pre-trial Detention; and National Prison Administration Order 29/2021. (V. 19.) on the Procedural Rules for Visits, and Procedures for Electronic and Telephone Communication.

## 1.5. Visits

Prior to the pandemic, detainees' assignment to a prison sentence execution level (low-medium-high security prison) and a regime category (mild-general-strict subcategory of security) determined how often and for how long their contacts could visit.

Since the outbreak of the COVID-19 pandemic in March 2020, all visits were been banned for a total of 20 months in two years. The previously established forms of contacts outside prison facilities to promote reintegration (for example visitation outside the prison, temporary release for 24 hours) have also been suspended since the outbreak of the pandemic. The ban first lasted for a consecutive 16 months, after which it was lifted for four months but only on much more limited terms than prior to the pandemic. In November 2021, the ban was reintroduced and is still in place in March 2022. The NPA does not provide information on the conditions of lifting the ban.

## 1.6. Visiting home: temporary release

Detainees who are of good behaviour and are soon to be released may be subject to a special regime called "lighter enforcement rules" (LER=EVSZ in Hungarian)<sup>3</sup> if they formally request it and the prison judge grants it. Lighter enforcement rules regime provides significant allowances to the general rules of contact, like additional time on the phone. Detainees under this regime are allowed by law to have longer visitations, to receive visitors outside the prison and to apply for temporary release, which means that if granted, they can go home for a short period (24 or 48 hours). Those detainees can apply for the LER special regime who were first offenders and committed only minor offences, who tend to be of a higher social status than all prisoners.

The total ban on visitation was applied to receiving visitors outside the prison and to temporary release as well from March 2020, and this ban was not lifted since. This means that in practical terms, the prison sentences of detainees under this special regime got stricter, as they have completely lost the opportunity of visiting home that used to count towards the length of their sentence, and the NPA have not been compensating them for losing out on their benefits in any way.

In narrow terms, light enforcement rules including temporary release do not belong to types of contacts with the outside world, therefore we will not discuss it further in this summary.

## 2. The different forms of contact

### 2.1. Telephone calls

#### 2.1.1. General rules for telephone calls

Detainees may use a card-operated mobile phone provided by the penitentiary institution. A deposit of 35,000 HUF (circa €90-100) must be paid for the use of the device. Phones cannot receive calls, and prisoners can only call the numbers of their contacts approved by the authorities. The 69 HUF/minute (circa €0.2) tariff is extremely high compared to the tariffs for people outside, where billing is calculated on a per second basis.

A detainee in a general regime serving a prison sentence is allowed 50 minutes of phone calls per week. This costs 3.450 HUF (circa €10) per week, or about 14.000 HUF (circa €38-40) per month. If the detainee works full time, (s)he earns around 55,800 HUF (circa €150) per month in 2022, which is one third of the minimum wage. After the mandatory deduction, (s)he will have a maximum of HUF 33,800 (circa €90) left in his account, roughly half of which (s)he can spend on phone calls.

---

<sup>3</sup> Articles 53 and 104 of the Penitentiary Code define "lighter enforcement rules".

The authorities can monitor telephone conversations. Detainees in poor financial circumstances who do not have their "own" prison mobile can use the payphones available at the institution for a limited period for the same per-minute charge as the mobile. A prisoner who does not have the means to pay the price per minute fee cannot make a phone call at all. Based on his or her crime, conduct and risk classification, the detainee is allowed a different calling regime category for how often and how long they can make phone calls between 20 and 120 minutes per week. Talking to counsel is not limited, but the price of the call must be paid by the detainee.

### **2.1.2. Changes due to the COVID-19 pandemic**

Restrictions introduced at the time of the COVID-19 outbreak made maintaining contact between detainees and their loved ones by telephone particularly valuable. Besides short calls on Skype, the telephone was the only form of verbal communication available.

As a compensation for the ban on visits during the COVID-19 pandemic, permitted telephone time was generally increased by 15 minutes per week, the price of which the detainee had to pay according to the standard tariff. Prisoners in a poor financial situation who have no money to use a prison mobile phone were provided with the opportunity to make free calls three times a month for 5 minutes. However, the free 15 minutes in phone calls per month were not automatically accessible. Those in need had to submit an application, and not everyone received permission. Some detainees were unaware of the free option due to lack of information.

### **2.1.3. Problems**

1. Overall, the current regulation and practice of telephone communication does not allow for conversations of adequate depth and frequency;
2. The price per minute rate for making phone calls and the prison mobile deposit are both extraordinarily high;
3. Phones cannot receive outside calls;
4. The cost of telephoning strongly differentiates inmates according to their financial situation. High charges discriminate against the poor, making it impossible for them to keep in touch;
5. The quality of phone calls is often poor and the signal is weak, so the precious minutes often pass in "deafness" without either party able to hear each other;
6. Payphones are often too few with too many waiting to use them, or simply do not work, so they cannot be used;
7. Phone calls using a prison's mobile phone must be conducted in the cell in the presence of cellmates. As a result, there is no opportunity for quality, personal conversation. These circumstances also violate the right of the prisoner and their family member to privacy;
8. It sometimes takes a very long time to get a broken phone repaired. During this period, detainees often do not receive a replacement device, making telephone contact virtually impossible;
9. For detainees and family members in poor financial circumstances, 15 minutes of free phone calls per month is not sufficient to maintain family ties;
10. The possibility to use the payphone or take advantage of the free phone calls during the COVID-19 pandemic was often only in theory because this required understandable information, technical support and telephone sets; none of which were available on several occasions; and

11. According to complaints from detainees and relatives, prisoners were not properly informed about the changed rules of contact by telephone, such as the minutes available free of charge to those who do not have a telephone, and an increase in the amount of time allowed for calls.

#### **2.1.4. Recommendations**

1. The National Prison Administration should support contact maintained through phone calls so it does not depend on detainees' financial situation.
2. The per minute charge for making phone calls should be close to the amount of per minute charges for calls outside;
3. Telephones should be able to be called back;
4. Everyone should have the individual right to a prison mobile phone without having to pay a deposit;
5. Until all detainees have their own prison mobile phone, the number of payphones should be proportional to the number of inmates who do not have a prison mobile phone;
6. In general, free telephone calls should be given to detainees in need (not just during the COVID-19 pandemic). The extent of this should be increased, and it should be in line with the rules of what the specific regime allows for.
7. Increase the time-frame available for making telephone calls in all stages of a person's sentence and their regimes;
8. As a reward, the penitentiary institution should provide free telephone access to any prisoner (based on the reward visit model);
9. If visitations are limited, more calls should be made available to those who can pay for it;
10. Establish rooms just for conducting phone calls so that detainees can have more personal conversations outside their cells;
11. Improve the technical telephone conditions: sound quality and signal strength;
12. Inform prisoners and contact persons about the rules of telephone use and their possible changes in a differentiated way that is clear to them; and
13. It should be mandatory to have a replacement prison mobile phone available for short periods of time during phone repair.

## **2.2. Video calls (Skype)**

### **2.2.1. General rules for Skype**

Even before the outbreak of COVID-19, a narrow group of prisoners in the penitentiary system had the opportunity to communicate electronically for 10 minutes a month.<sup>4</sup> The regulations at the time made this available to prisoners belonging to the mild security regime, and only if technical conditions were available at the penitentiary institution.<sup>5</sup>

---

<sup>4</sup> 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." Article 102/A of the Decree 12/2020. (IV. 24.) of the Minister of Justice on Detailed Rules for the Execution of Sentences mentions the possibility of communication through means of telecommunication, detailed regulation on the subject was in the National Prison Administration (NPA) Order 29/2020. (VII. 24.) until 27 May 2021, which was replaced by NPA Order 29/2021 (V. 19.).

<sup>5</sup> Point 2 of the Order 53/2017. (VII. 10.) of the NPA's Director General made a monthly available, 10-minute-long video call possible for detainees under the mild security regime.

Under the rules introduced during the pandemic, detainees can Skype up to twice a week, with a maximum of four registered contacts per occasion, and for a maximum of 60 minutes.<sup>6</sup> Skype calls are constantly monitored by staff, but it is required that the sound and image of another inmate's video call cannot be perceptible to another inmate or his or her contacts.<sup>7</sup>

The obvious great advantage of Skype is that it is much cheaper than the phone. Calls are free for inmates, but family members and penitentiary institutions must provide their own internet connection and devices. Another positive element is that a Skype call "takes the prisoner home" and does not take time away from the family member for travel. Nevertheless, experience has shown that prior to the COVID-19 pandemic, Skype was used only in exceptional cases.

### **2.2.2. Skype calls during the COVID-19 pandemic**

Skype calls became commonplace, since a total visitation ban was introduced under the pandemic. The ban first lasted for a consecutive 16 months, after which it was lifted for four months but only on much more limited terms than prior to the pandemic. In November 2021, the ban was reintroduced and is still in place in March 2022. Under the total visitation ban, visits are replaced by an extension of Skype contact time. According to penitentiary data,<sup>8</sup> the frequency of Skype calls varied significantly across institutions during the virus period. On average, roughly half of all inmates made a Skype call each month, but that was only approximately 20-30 percent in some penitentiary institutions.

Whether a detainee was able to Skype at all, and the frequency and length of calls depended not only on the regulatory maximum, but also on how many Skype-capable devices were available in a penitentiary institution and how staff were able to organise the conversations.

### **2.2.3. Problems**

1. Social and financial inequalities between relatives affect their chance to opt in to Skype communication, and the impact of inequalities are even intensified. If a detainee's relative lives in difficult financial circumstances (no internet or Skype-capable device at home), or does not have sufficient knowledge to communicate electronically,<sup>9</sup> they will not be able to take advantage of the contact provided by Skype;
2. There are problems with the picture and sound quality of calls in some penitentiary institutions: calls break up, there are voice echoes, and the picture often disappears and is generally of poor quality. Detainees and their relatives regularly do not hear and see each other well during calls. A common complaint is that there is a lot of background noise and the call of a fellow prisoner is often more audible than their own. This, coupled with poor sound quality, ultimately degrades the quality of the conversation;
3. There is no way to have quality, truly personal conversations during Skype calls, which is a difficult experience for both detainees and their family members. Constant monitoring makes it harder to talk honestly. Because of this, many reported that Skype calls cannot be a reasonable, long-term substitute to personal visitation;<sup>10</sup> and

<sup>6</sup> Points 4-5 and 9 of the National Prison Administration (NPA) Order 29/2021. (V. 19.).

<sup>7</sup> Points 20-22 of the NPA Order 29/2021. (V. 19.).

<sup>8</sup> Source: Response no. 30500/4035/2021 issued by the NPA to the HHC's FOI request, 14/04/2021.

<sup>9</sup> See for example a letter (in Hungarian), in which a mother was requesting the help of a local municipality because she could not use Skype on her own, so she could not contact her detained son: [http://www.fogvatartas.hu/wp-content/uploads/2021/06/onkormanyzat\\_megkereso\\_anonim-1.doc](http://www.fogvatartas.hu/wp-content/uploads/2021/06/onkormanyzat_megkereso_anonim-1.doc)

<sup>10</sup> Kovács-Krámer-Szegő: *Keeping in Contact with Detainees in Hungarian Penitentiary Institutions*. FECSKE, 2020-2021. [http://www.fogvatartas.hu/wp-content/uploads/2022/03/fecske\\_keeping\\_in\\_contact\\_EN\\_final.pdf](http://www.fogvatartas.hu/wp-content/uploads/2022/03/fecske_keeping_in_contact_EN_final.pdf)

4. It is often difficult for relatives to know when to expect a call. Many people find it difficult to arrange an appointment in the first place. Sudden changes and delays are common, which means that relatives often unexpectedly receive calls, even when they are not in a position to talk to the detainee.

#### **2.2.4. Recommendations**

1. Once the pandemic has subsided, after the re-establishment of personal visits, prisoners and their families should be able to use Skype as a form of contact in addition to personal visits. Skype calls should not reduce the duration or frequency of personal visits, nor should a personal visit result in the loss of a Skype call. Skype should be an "extra" contact option;
2. For those whom a personal visit is not feasible (for example restricted in their mobility, do not have the financial means to visit, prefer Skype), contact by Skype should remain an option. In this event, the duration and frequency of Skype calls should be increased to more than the general rules for receiving visitors in person;
3. Design the premises in accordance with the law<sup>11</sup> to enable detainees to make Skype calls without being seen or overheard, or being able to overhear or see the conversation of the other detainees at the same time in the same room. This can also be achieved by providing suitable headsets;
4. Institutions should provide the appropriate, accessible technical background for Skype calls: fast internet connection and devices of the right quantity and quality (computer, laptop, headset);
5. If for some well-founded reason personal visits are again restricted, more Skype-capable devices should be provided compared to the 2020-2022 period in order to genuinely compensate for the lack of visitation. Skype conversation time is expected to be at least equal to or longer than conversation time;
6. Skype conversations, like telephone calls, should only be listened to by the authorities and not constantly monitored. Moreover, at least a certain proportion of Skype calls (at least once a month) should ensure that a detainee can talk to a relative without the personal presence of supervisors; and
7. The National Prison Administration should ensure that detainees and their contacts have equal rights to contact and family life, regardless of their social status. As part of this, in cooperation with municipalities or family welfare service, penitentiary institutions should ensure that detainees whose loved ones do not have the appropriate technical background or the knowledge to operate it can also use Skype.

### **2.3. Personal visits**

#### **2.3.1. General rules for receiving visitors**

In the case of personal visits, the execution of a sentence by a penitentiary institution must serve a dual purpose. On the one hand, the right of detainees to family life as enshrined in the Fundamental Law of Hungary (Constitution)<sup>12</sup> and the Penitentiary Code.<sup>13</sup> On the other hand, the visit must not endanger the safety of the prison and its detainees. Maintaining a balance between these two interests is essential. According to the prisoners directly concerned, their relatives, and some prison

---

<sup>11</sup> Point 7 of the National Prison Administration Order 29/2021. (V. 19.).

<sup>12</sup> Article VI.(1) of the Fundamental Law of Hungary.

<sup>13</sup> Articles 122(b) and 172(1) of the Penitentiary Code.



professionals, the idea of security has received more emphasis in recent years; and this has led to the detriment of the right to family life.

As a general rule, a detainee may receive visitors at least once a month, for a minimum of 60 minutes and a maximum of 120 minutes (depending on the rules of the security regime (s)he is assigned to), and for a maximum of 4 people at a time.

According to the regulations, there are four types of visits:

1. Group visits;
2. Family visits;
3. Visits through a booth separated with bars; and
4. Visits through a high security booth.<sup>14</sup>

The general form of visit is a **group visit**. Here, the detainee and their visitor sitting on the two separated sides of the wide table can talk to each other; between them is a high Plexiglas wall. They are under staff supervision. All forms of touch/physical contact are prohibited, they are not even allowed to greet each other with handshakes, hugs, or kisses. Visitors are not allowed to bring their own food, nor is there any possibility to eat together.

As an exception, well-behaved detainees classified to the mild security regime can apply for a **family visit**. Family visits may take place where relatives can meet each other in a room, upon greeting they are allowed to touch each other and take small children onto their lap. Enjoying home-cooked food is not possible under these circumstances either.

Detainees placed in the high security regime or those deemed to be dangerous can receive their visitors in a so-called **high security booth**, and speak through an intercom placed in the booth. For safety reasons, the prison can order detainees posing a security risk to conduct their visitation via a high security booth or through a booth separated with bars.<sup>15</sup>

### 2.3.2. Changes to personal visit rules due to the COVID-19 pandemic

Due to the COVID-19 pandemic, the Director General of the National Prison Administration (NPA) imposed a total ban<sup>16</sup> on visiting prisons from March 2020. The ban first lasted for a consecutive 16 months, after which restrictions were eased for four months on 1 July 2021, which made visits possible again, but under significantly stricter conditions than before the ban.<sup>17</sup> The severity of these strict conditions was not justified by the pandemic situation, nor have the limitations been explained by the NPA. Restricted visitation was possible for four months in total, but on 8 November 2021, the prison visitation ban was reintroduced<sup>18</sup> and is still in place in March 2022. At the same time, all restrictions on keeping contact outside the realm of penitentiary institutions were lifted, for example, hospitals and

<sup>14</sup> Article 177 of the Penitentiary Code prescribe the general rules of visits, detailed rules are in NPA Order 12/2020. (IV. 24.).

<sup>15</sup> Article 97(5) of the Penitentiary Code. An additional visitation form is if a detainee is under "security confinement", they can contact their visitors through secure technology (Articles 146(3c) and 147(7d) of the Penitentiary Code).

<sup>16</sup> Article 237(4) of Act LVIII of 2020 on the Transitional Provisions related to the Termination of the State of Danger and on Epidemiological Preparedness (hereinafter: Transitional Act) allows for the Director General of the National Prison Administration (NPA) to put restrictions on visitation for detainees. The law allows for the restrictions "in one or more penitentiary institutions", if necessary for the "introduction of an epidemiological protection measure, or another reason connected to the public health crisis". Since the entry into force of the Transitional Act, Article 237(4) has been applied mostly as a permanent ban – with the exception of four months in two years – without any individual assessment. According to the data provided by the NPA, this also included the low-infection period during summer 2020. Nevertheless, according to the law's text the purpose of the legislation would not be a total ban, but to allow a restriction if necessary.

<sup>17</sup> See for example, "Unnecessary restrictions have been imposed as prisoners are allowed visitors again", here:

<https://helsinki.hu/en/unnecessary-restrictions-have-been-imposed-as-prisoners-are-allowed-visitors-again/>

<sup>18</sup> See NPA: Visitation are on hold again, here: <https://bv.gov.hu/hu/intezetek/bvszervezet/hirek/4564>

elderly homes can be visited, while prisons cannot. In the past two years (24 months), 20 months went by with a total ban on visits.<sup>19</sup>

Families with children are particularly affected by the lack of visits. Relatives experienced increasing tension and alienation due to lack of visitation and unanimously reported deterioration in their relationships in FECSKE's research.<sup>20</sup>

The visitation ban disregards all forms of individual assessment and is consistently maintained even during the quieter periods of the pandemic when all other restrictions on contact outside prison walls are lifted. The Director General of the NPA can uphold the visitation ban, without proper constitutional limits, as long as the emergency regime called the state of danger is not terminated, which is entirely in the discretion of the Government.<sup>21</sup>

The Director General of the NPA can change the conditions for visits at any time. The NPA communicates the changes to these rules in announcements on its website ([www.bv.gov.hu](http://www.bv.gov.hu)). However, based on these texts, the changes are not transparent and often not understandable to prisoners' relatives.

### 2.3.3. Problems

Despite the strict rules and restrictions, relatives visited inmates for as long as it was possible. Both the relatives and the experts participating in FECSKE's research indicated a number of problems with visitations and the ability to maintain contact.

1. Although, as a general rule, a prisoner must be placed in the prison closest to their place of residence, there are a number of prisoners who are detained hundreds of kilometres away from their families, which can amount to half a day travel even. Because of this, visits, especially with children, are in many cases impossible;<sup>22</sup>
2. Although it is in the society's interest to maintain and strengthen these relationships, contact persons living in a poor financial situation or living far from the prison do not receive any support for their visits;
3. Group visits where Plexiglas is installed to separate the table is the most commonly used form of visitation, but it is unduly strict for many prisoners;
4. Although it would be justified, the rules for receiving visitors are not individualised (for example, physical contact, permission to eat together, omission of Plexiglas based on the detainee's behaviour, the nature of the crime or petty offence, the relationship of relatives and the date of release);
5. The visitation rooms are usually crowded and noisy, and as a result, people can barely hear each other most of the time;
6. At group visits, the Plexiglas separator is often scratched or filthy in many places, so people can barely see each other;
7. Staff members may be rude to visitors. The National Prison Administration institutions do not view visitors as partners in setting visitation dates, and these times are determined by them unilaterally;

<sup>19</sup> See for example "The prison visitation ban is still in place", here: <https://helsinki.hu/meg-mindiq-latoqatasi-tilalom-van-a-bortonokban/>

<sup>20</sup> Kovács-Krámer-Szegő (2021): *Keeping in Contact with Detainees in Hungarian Penitentiary Institutions*. FECSKE, 2020-2021. [http://www.fogvatartas.hu/wp-content/uploads/2022/03/fecske\\_keeping\\_in\\_contact\\_EN\\_final.pdf](http://www.fogvatartas.hu/wp-content/uploads/2022/03/fecske_keeping_in_contact_EN_final.pdf)

<sup>21</sup> See the HHC's detailed analysis on emergency regimes here: <https://helsinki.hu/en/emergency-regimes-in-hungary-under-the-pandemic/>

<sup>22</sup> See for example "The Prison Situation: 16 Hours Travel for One Prison Visit", here: <https://www.szabadeuropa.hu/a/borton-magyarorszag-tomegkozlekedes-szombathely-telefonhivas-beszelo/30926667.html>

8. Family visits are rare. In fact, the requirements for a family visit authorisation is unknown, conditional, discretionary, and the practice varies greatly from one institution to another;
9. The conditions for lifting the COVID-19 ban on visits are unknown, which violates the rule of law principle to legal certainty. As a result, it creates uncertainty among detainees, relatives and staff, and leads to tension and conflict;
10. If the visitation ban gets only partially lifted and the possibility of receiving visitors remains limited compared to the pre-pandemic situation in the future, the National Prison Administration has to provide a transparent explanation for the restriction, and has to communicate the conditions for lifting those future restrictions.

#### **2.3.4. Recommendations**

Due to the quieting down of the COVID-19 pandemic, visit frequency should be restored to at least the pre-pandemic level, but include precautionary measures. Ideally, visits should be extended and individualised so that they can really serve to maintain and strengthen family ties, thus promoting social reintegration and preventing recidivism. In order to achieve a more near-ideal state, the following recommendations should be considered:

1. The principles of the law should apply, and the detainee should indeed be held in a penitentiary institution closest to their residence – except by a specific request to the contrary or for a reason, which is genuinely well-founded and open to appeal;
2. The visit of family members should be both financially and technically supported by the state, so that those who do not have financial resources but would like to visit a detainee can do so;
3. At the request of the detainee, personal visits should be made at a time, duration and frequency that best allows for the conditions of a personal visit to his/her family;
4. Family members should be able to meet each other primarily through a family visit. The basic regulation of this should be uniform and familiar to all in the National Prison Administration;
5. In general, during the family and group visits, participants should be able to be together without being under staff supervision, greet each other with a hug, kiss, and kiss and say goodbye to each other on arrival and farewell. During the meeting, they should be able to hold each other's hands, children should be able to sit on their parent's lap, the adults should be allowed to play with the children, and they should be able to eat inspected, home-cooked food together;
6. A group visitation, which prevents physical contact and/or Plexiglas wall to separate the visitor and the inmate should only be used if the inmate's history, conduct, or other reasonable and documented circumstances warrant it;
7. If the detainee's background, behaviour or other justified circumstances give reason not to allow contact via group visitation, the detainee should have the opportunity to use a security ("booth") speaker;
8. Inmates may also choose to exercise their right to visits over Skype for at least for the same period of time permitted for personal visits; and
9. The conditions for allowing different forms of contact should be defined in advance and known to detainees and their contacts. A legal remedy should be available to appeal the decision on which form of contact was made available for the detainee.