

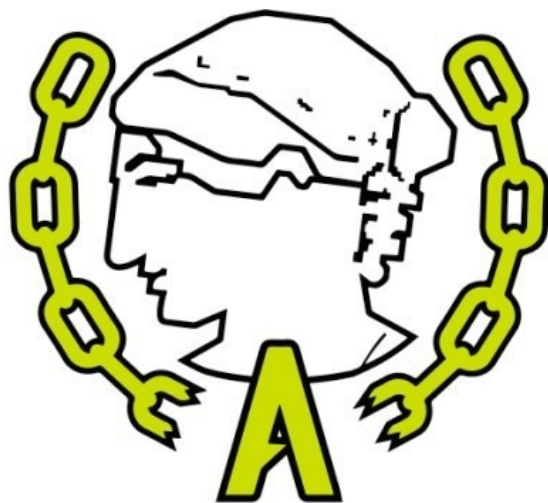
# ANTIGONE

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**Have prisons learnt from Covid-19?  
How the world has reacted to the pandemic  
behind bars**



ANTIGONE



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Per i diritti e le garanzie nel sistema penale

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## N. 1/2020 HAVE PRISONS LEARNT FROM COVID-19? HOW THE WORLD HAS REACTED TO THE PANDEMIC BEHIND BARS

edited by Susanna Marietti and Alessio Scandurra

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## HUNGARY - Much ado about nothing. Banning visitations did not prevent the virus spreading into Hungarian penitentiaries

*Zsófia Moldova<sup>1</sup>*

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Visitation in Hungarian penitentiaries has been suspended since March 2020. Based on new law adopted on 27 October 2020, visitation at Hungarian penitentiaries will be banned until July 2021. The overall ban did not prevent outbreaks of Covid-19 in Hungarian prisons. The virus still got into the institutions despite 17,000 detainees have been deprived of personal contact with their loved ones for more than 7 months.

Furthermore, the already extremely restrictive Hungarian penitentiaries became even more difficult to access and less transparent to the public than they were before the Covid-19 outbreak.

After two decades of cooperation and countless monitoring visits by the Hungarian Helsinki committee (Hhc), the Hungarian Prison service terminated its cooperation agreement with the Ngo in 2017 and denied them access to prisons. Consequently, no Ngos have any access to prisons and their detainees anymore.

Due to inadequate resources and lack of funding, Government regulatory institutions

such as the National preventive mechanism do not have the capacity to visit a sufficient number of prisons either. It has conducted only 12 monitoring visits to prisons in the past five years. Although the Prosecution service, which supervises the legality of penal institution operations, conducted regular weekly visits during the first wave of the pandemic in most institutions, the effectiveness of their oversight has always been questionable.

In March 2020, the warden of the Budapest-based Metropolitan penitentiary institution informed the Budapest Bar association about new measures taking effect regarding attorney visits. Attorneys have been allowed to enter penitentiaries for consultation after their temperature is taken by prison staff and after they answer a series of questions about potential exposure to Covid-19. Based on the results, prison staff may deny entry to attorneys. Communication between attorneys and clients is done by phone through a Plexiglas barrier. Consultation rooms are regularly disinfected. Attorneys are asked to refrain



from handing over documents to the detainees, and are encouraged to consult their clients via phone or Skype rather than in person. According to the Hhc's information, this is the general practice nationwide. Attorneys have told Hhc that Skype consultation is now ensured at all institutions; however, institutions must discuss and agree on the exact date and time of the call in advance. Worryingly, the Hhc has received complaints from detainees that calls can only be initiated by the attorney, meaning that detainees cannot consult their lawyer on urgent matters.

In March 2020 the Hungarian Prison service called upon the relatives of detainees to "minimise the number of visits". Until the end of May, visitation in general was still allowed if the family members were separated from the detainee by a Plexiglas screen. Physical separation during prison visits is nothing new. Irrespective of the epidemic, all penitentiaries had already been equipped with such barriers in April 2019 as a general rule; not allowing physical contact, kisses or hugs, without any differentiation with regard to the security concerns posed by a given detainee. This has previously been heavily criticized by Ngos. Also, the number of visitors was reduced to two per visit, and the Hungarian Prison service proposed that detainees avoid initiating visits with their elderly or very young relatives. Everyone was allowed limited phone calls and Skype calls. According to complaints received from relatives and attorneys, partially due to the lack of sufficient financial or technical resources, not all families could avail themselves of this opportunity. On March 9, the Hungarian Prison service announced the

suspension of temporary leave for prisoners at all facilities<sup>2</sup>.

Most institutions suspended visitation referring to the curfew restriction Hungary introduced on 27 March 2020. The curfew rules allowed people to leave their homes for work or for *essential* activities such as buying food. Under the new rules, visiting family members in prison was not one approved reasons for leaving home, however, going to a hairdresser was somehow considered essential.

On 5 April 2020, a Government Decree introduced tighter measures for prisons, for example:

- Until the end of the state of emergency, detainees will not be permitted to leave the institutions to meet their authorised contacts;
- Family visits in prisons can be restricted by the warden or by the Director general of the Hungarian Prison service;
- New detainees must be isolated for two weeks;
- New detainees with any Covid-19 symptoms will be transferred to hospitals; and
- Temporary leave from the institution shall not be authorised even if a close relative is dying or to attend a funeral<sup>3</sup>.

In April, the Hungarian Helsinki committee also received information that all training and educational activities have been suspended in the prisons. Hhc was also told that the daily routine, including the one-hour outdoor walk (the only



out-of-cell activity the institution shall ensure) might be changed. In order to compensate for the restrictions, free use of the gym and television by each of the cells was authorised and provided. Furthermore, the Hungarian Prison service introduced some other supportive measures, like providing regular information to detainees, and the provision of protective equipment.

The Hungarian Helsinki committee called on the Government to consider early release for some detainees such as elderly and sick offenders who are particularly vulnerable to Covid-19, and to suspend the sentence of all petty offenders.

Even though the state of emergency was lifted on 18 June 2020 and everything seemed to return to normal. However, according to our information, while detainees could restart working outside the institutions, visitation in prisons remained banned. The National Prison service did not inform the detainees or their families of any changes to the rules regarding visitation.

In September, the National Prison service stated that the measures are necessary to defend the prison staff and prison population from the virus. It claimed that visitations will be banned as long as the threat of Covid-19 persists. It is to be noted that at that time, all other institutions (including nursing homes) reopened and no major restrictions were any longer in effect in the country.

This raises numerous questions, such as:

- When, and under what circumstances can visitation be allowed?
- Is there a time in the near future

when visitation will not pose any risk?

- How will the decision be made? What data and intelligence serves as the basis of a potential reopening?
- Why is visitation behind Plexiglas considered a greater risk than the prison staff that leave the institution daily, or the detainees who work outside the penitentiary?
- How will detainees be compensated for the restrictions?
- How will the Hungarian Prison service ensure that detainees can maintain ties with their families without personal contact?

The Hhc has been urging the National Prison service to deliver a decision on banning personal visits based on clear and publicly available criteria.

To ensure that the detainees can remain in contact with their families the following measures were taken:

- Prisoners received additional phone minutes. 15 extra minutes/week phone time was permitted, but inmates must pay for the extra time themselves. It must be noted that phone call tariffs in prisons are much higher than the average tariffs outside prison;
- In March, the prison administration established an information call centre for prisoners and their relatives. The purpose of the call centre is to provide information about the

health situation inside the institutions and about the restrictive measures concerning contact between prisoners and their relatives;

- Prisoners are allowed to contact their relatives by Skype and postal mail correspondence<sup>4</sup>. The prison administration provides paper, envelopes and stamps free of charge to prisoners if necessary<sup>5</sup>; and
- Prisoners' vetted contact people are allowed to send them two packages per month. Orders must be made from the prisons' web-shop.

The Hhc interviewed 25 family members in October and gathered further information from attorneys. Family members complained about not being able to meet their loved ones since February or March. The Hhc received numerous complaints from desperate mothers of infants who could not show their child to the father for 7 months.

In April, there was still no publicly available information on how the Hungarian Prison service sought to prevent the virus spreading into or within Hungarian prisons. Based on publicly available information, temperature testing and health assessments at point of entry were ordered in all institutions. However, the key would have been the regular testing of prison staff and providing them with the necessary protective health equipment. From the data provided by the Hungarian Prison service<sup>6</sup>, all facilities were provided with a sufficient number of masks and disinfectants. Nevertheless, Hhc did not receive information about the distribution and use of these items. We

gained information from inmates' family members that inmates in some facilities regular disinfect cells and common areas, and that they wear masks in some cases when they leave their cells and might come into personal contact with others.

In September 2020, Covid-19 cases in prisons across Hungary soared parallel to the rapidly increasing overall daily infection rate in Hungary. While there is some information available in the media, there is no publicly available comprehensive data on Covid-19 in Hungarian prisons.

- On September 22, a total of 38 prisoners were recorded to have been infected with Covid-19 in the Nagyfa facility of the Szeged Strict and medium regime prison. According to the media, they became infected in their workplace outside the institution<sup>7</sup>;
- On September 28, 48 detainees were relocated to Tököl, the Prison service Central hospital. 50 staff members were reported as being infected<sup>8</sup>; and
- On October 20, 6 detainees and 5 staff members were reported infected in the Győr-Moson-Sopron Countyprison<sup>9</sup>.

The Hhc believes that the Hungarian Prison service needs to get serious about stopping the spread of Covid-19 in penitentiaries, and that includes ensuring that there is clear, comprehensive, up-to-date and publicly-available information on Covid-19 in the prison system.

## Notes

<sup>1</sup> **Zsofia Moldova:** joined the Hungarian Helsinki Committee in 2006 as a lawyer. She had been actively involved in the HHC's prison monitoring program for 12 years, and conducted numerous researches related to criminal justice. Currently she leads the Justice Program of the Hungarian Helsinki Committee.

<sup>2</sup> <https://hungarytoday.hu/coronavirus-hungarian-prisons/> (accessed 20 October 2020).

<sup>3</sup> <https://www.helsinki.hu/en/the-situation-in-hungarian-prisons-in-light-of-covid-19/> (accessed 20 October 2020).

<sup>4</sup> According to the HHC's earlier statistics, many detainees and their family members come from underprivileged groups, and are illiterate. This is the main reason why the number of letters did not significantly increase during the pandemic.

<sup>5</sup> <https://www.euopris.org/hungarian-prison-service-hu/> (accessed 20 October 2020).

<sup>6</sup> Reply to the HHC's Freedom of Information request.

<sup>7</sup> [https://rtl.hu/rtlklub/hirek/38-fogvatartott-kapta-el-a-koronavirust-a-szegedi-bortonben?utm\\_source=Facebook&utm\\_medium=Hirado&utm\\_campaign=post](https://rtl.hu/rtlklub/hirek/38-fogvatartott-kapta-el-a-koronavirust-a-szegedi-bortonben?utm_source=Facebook&utm_medium=Hirado&utm_campaign=post) (accessed 20 October 2020).

<sup>8</sup> <https://www.vg.hu/kozelet/egeszsegug-kozelet/csaknem-szaz-fertozott-van-a-bortonokban-2-3104857/> (accessed 20 October 2020).

<sup>9</sup> <https://ugytudjuk.hu/cikk/hat-rab-es-ot-dolgozo-koronavirusos-a-gyori-bortonben> (accessed 20 October 2020).

