

Women in Prison: Hungary

Analysis from the National Preventive Mechanism

| July 2024



Hungary



UNCAT Ratification

15 April 1987

OPCAT Ratification

12 January 2012

National Preventive Mechanism (NPM)

Commissioner for Fundamental Rights

NPM legal framework

Act CXI of 2011 on the Commissioner for Fundamental Rights, Chapter III/A, Sections 39/A-39/E

NPM operationalisation

Since January 2015

NPM structure

Specific department within the Office of the Commissioner for Fundamental Rights

NPM composition

11 members (5 women) + external experts

I. Facts and Figures

Prison population

Total prison population

18,630

Women in prison (total)

1,483 | 7.9%

Women serving a sentence

1,010

Women in pre-trial detention

389

Women in custody¹

84

Source: Hungarian Prison Service, 1 September 2023

Prisons for women

Total number of women's prisons

23

Correctional institutions (exclusively for women)

1

Mixed prisons with smaller units for women

22

Source: Hungarian Prison Service, 1 September 2023

¹ In the Hungarian system of sanctions, detention is a separate sanction from imprisonment, which is also a deprivation of liberty and can only be imposed by a court. It is characterised by its short duration.

II. Recommendations

Contact with the outside world

- + Ensure the fundamental rights of both women detainees and their children living outside the prison, by actively assisting women in maintaining contact with their children.²

Life in prison: regime and activities

- + The employment of women in custody in prisons that are not specifically women's prisons should be significantly improved. Programmes specifically targeting women detainees should be developed, where the work processes and work phases can be quickly mastered, and in the event of a worker's absence, the part of the work process concerned can be quickly understood and completed by another detainee and the lost labour can be compensated for.

III. Detention Issues

Body searches

Penitentiary regulations³ of the Hungarian Prison Service contain instructions on strip-searching, but they are general definitions and do not provide for differentiated execution on the basis of sex.

Searches and clothing inspections of women detainees are carried out on a random selection basis, when they go out to the exercise area, when they return, and before and after receiving their visitors.

The penitentiary organisation uses three different methods for carrying out strip searches: strip searches by touching the detainee, strip searches by undressing the detainee and control by using technical devices. No distinction regarding women is made in the search methodology but the search may only be carried out by a person of the same sex.

There is no legal obligation for the organisation to document the execution of searches, and no detailed records are kept by the penitentiary organisation.

Section 9 of Ministry of Justice and Law Enforcement decree No. 44/2007 (IX. 19.), on the detailed rules of entry to and exit from the territory of penitentiary institutions and stay on the territory of penitentiary institutions, stipulates the obligation to check the parcels and clothing of visitors. National legislation and prison regulations⁴ stipulate that only and exclusively persons of the same sex may be searched, with the exception of medical or health care personnel or screening by technical devices. They do not prohibit the presence of other male staff members during the execution of the measure, with the exception of strip searches, which may not be carried out in an indecent manner.

Body cavity searches of detainees may only be performed by a medical doctor, as defined in Article 151 (3) of the Act on the enforcement of sentences, with the exception of the oral cavity, which may and must be performed by any staff member by visual inspection during the search.

² Commissioner for Fundamental Rights, Report No. AJB-1056/2023 on the visit to Bács-Kiskun County Prison

³ Chapter VI, sub-chapter 8 of BVOP (National Headquarters of the Hungarian Prison Service) instruction No.72/2020 (XII.23.) on the Security Regulations of the Penitentiary Organisation.

⁴ Chapter VI, Subchapter 8 of BVOP (National Headquarters of the Hungarian Prison Service) instruction, as well as Article 151 (1) of Act CCXL of 2013 on the enforcement of sentences, measures, certain coercive measures, and detention.

Solitary confinement, isolation

Pursuant to Article 169 (1) of the Act on the enforcement of sentences, “the penalty of solitary confinement may be imposed on prisoners for a period of twenty-five days, twenty days in medium regime prison and ten days in jail, during which time the detainees may be allowed to work or attend school. If the detainee is working, the period of solitary confinement may be up to twenty days in strict regime prison, fifteen days in medium regime prison and five days in jail”.

A juvenile detainee may be sentenced to a maximum of 5 days of solitary confinement⁵. Solitary confinement for young offenders may be a maximum of ten days in juvenile medium regime prison, and five days in jail for young offenders.⁶ A juvenile sentenced to solitary confinement may not be prohibited from attending school classes or reintegration programmes.

In 2023, 118 female prisoners were subjected to solitary confinement under the Act on enforcement of sentences.⁷ In 2022, 237 cases of solitary confinement were applied to 163 women detainees, for an average period of 5 days. According to the Act, solitary confinement is not applied in the case of pregnant women and women with young children.

The Act also provides that the prison doctor shall examine the detainee with the involvement of a psychologist if the detainee is at high risk of suicidal or self-harming behaviour, or in the case of juveniles, or in other cases, if necessary, before the start of the enforcement of solitary confinement and at regular intervals during the enforcement of solitary confinement. If the prison doctor or the psychologist does not recommend the commencement or continuation of the solitary confinement on account of the health condition of the convict, the enforcement of the solitary confinement shall be postponed or interrupted. The medical and psychological examination carried out under the Act also covers young women and women with psychosocial disabilities so, if the doctor or psychologist does not recommend the imposition of solitary confinement, it will not be served.⁸

The Act includes a safeguarding element, according to which “the convict, and, if he has been successful in the disciplinary proceedings, his defence counsel, may lodge an application for judicial review with the enforcing judge against the decision of the prison to impose solitary confinement. The application for judicial review shall be lodged as soon as the decision is notified; it shall have dilatory effect on the enforcement of the sentence of solitary confinement”.⁹ The provision thus ensures that all persons deprived of liberty may have the punishment of solitary confinement imposed by the prison, its lawfulness and duration reviewed by a court independent of the prison organisation. Pending the decision of the court, the punishment of solitary confinement will not be enforced.

In prison establishments, detainees may also be placed in solitary confinement on request, or for their own protection. Single placement does not imply solitary confinement, since during the day the doors are open in jails and medium regime prisons, persons deprived of liberty are free to move around in the designated section or in the designated areas of the prison, to participate in work and reintegration activities, as well as leisure activities. Detainees placed in single cells in strict regime prisons may participate in work and reintegration activities, as well as leisure activities.

Under the Act, it is possible to place the detainee in a secure isolation unit in order to protect their physical integrity in the event of behaviour dangerous to self or others, until the conditions specified in the Act exist but for a maximum of ten days, which may be extended once for a further ten days by the head of the prison organ. The security measure shall be binding on the detainee.

⁵ Act CCXL of 2013 on the enforcement of sentences, measures, certain coercive measures, and detention, Section 413 (8).

⁶ *Ibid.*, Section 193 (4).

⁷ *Ibid.*, Section 168 (1).

⁸ *Ibid.*, Section 169 (6).

⁹ *Ibid.*, Section 170 (4).

The three largest penitentiary institutions with separate facilities for the detention of women installed a number of solitary confinement cells specifically for women.¹⁰

Use of means of restraint

The use of restraints is regulated by the Ministry of Justice decree No. 16/2014 (XII 19)¹¹ on the detailed rules of implementing imprisonment, confinement, pre-trial detention and confinement replacing disciplinary fine, and Section 148 of the Act on enforcement of sentences.

In the case of pregnant women, the general rules on restraint of movement apply for the duration of the escorting process, with the provision that, with regard to the medical condition, a handcuff belt and leg cuffs may not be used on the basis of a recommendation from the medical expert, and that, depending on the individual circumstances, exclusive restraint of movement with a prison escort handcuff may be used with the specific authorisation of the head of the prison organ. In the case of placement in the Hungarian Prison Health Centre or a civilian medical facility, restraints shall not be used during custody or during labour, delivery and post-natal custody.

According to the penitentiary regulations, the use of restraints must be recorded by the person imposing the restraint at their own initiative or by the person ordering the restraint, the justification for which is always assessed by the head of the prison organ. On the forms referred to, it is possible to fill in the name, registration number and the restraint used. The forms shall not contain any other information relating to the detention. The use of restraints is not recorded on an electronic monitoring device. In the event of an incident that seriously compromises or endangers the security of detention, one that requires the implementation of special measures and is considered important for the security and operation of the detention facility, the penitentiary regulations specify the obligation to take photographs of the incident and, if available, the procedure for camera recordings.

Access to mental healthcare

The initial medical screening, partly as part of the psychological examination, includes a mental health care needs assessment, as well as a suicide and self-harm risk assessment. The mental health needs of women prisoners are assessed on an ongoing basis in the same way as in the case of men. Mental health support and treatment are available for women in prison.

In order to preserve and improve the mental and physical health of the personnel, the National Headquarters of the Hungarian Prison Service, the Education, Training and Rehabilitation Centre of the Prison Service and the Hévíz Rehabilitation Institute of the Hungarian Defence Forces Healthcare Institute organise four different programmes for the personnel, two of which are aimed at safeguarding mental health:

- + Recreation: a 4-day stress management training programme to maintain and improve the mental health of staff.
- + Family recreation: a 3-day programme for the recreation of the staff and their families.

Various harm and risk reduction programmes are also available for detainees. However, these are not available as mental health programmes but as part of other programmes. Contact with the detainees' family members is limited to prison administration and does not include raising mental awareness of family members by the prison organisation.

¹⁰ Kiskunhalas National Prison (5 solitary confinement cells); Kalocsa Strict and Medium Regime Prison (4 solitary confinement cells); National Prison of Pálhalma (3 cells for solitary confinement).

¹¹ IM Decree No. 16/2014 (XII 19), Section 55 (4).

The basic training for staff members, as well as all the secondary and tertiary courses include conveying the necessary knowledge with regard to detainees requiring special treatment, so that they can identify women's challenges and provide professional help in dealing with stressful situations and other problems. Targeted training in gender mainstreaming is not known but professionals working with women detainees address gender-specific issues.

Contact with the outside world

During the visits, the NPM found that, in addition to normal contact, the prison also allowed family talk for those in the mother and baby unit, with no partition divider panels on the tables in the visiting rooms. Prisoners said that they had the opportunity to greet relatives with a kiss and to give visiting children a hug. Juveniles serving their detention were allowed to receive visitors in a secure booth. In the NPM's previous report, it had already been pointed out that, according to the European Prison Rules, visiting conditions should allow family relations to be maintained and developed as naturally as possible and a balance should be struck between the duty to protect security and respect for the privacy of visitors.

According to Article 7(4) of the Hungarian Act on the protection of children and the administration of guardianship affairs, a child has the right to contact even in the event of the termination of parental custody, unless otherwise provided by law. Under Article 9(3) of the UN Convention on the rights of the child, the State must respect the right of the child to maintain personal contact and direct contact with their parents, unless this is contrary to the best interests of the child. "Direct contact" includes the possibility of physical contact. According to the Bangkok Rules, contact between women detainees and their family members, including children, as well as their children's guardians and legal representatives, shall be facilitated and supported by all possible means.

According to the prison governor, personal contact between the mother and her child living outside the institution can be arranged by bringing the child in during visiting hours, and the prison is under no obligation to transfer the detainee for visitation. If the child is placed with a foster parent, it is possible for the parent to designate both him or her and the foster parent as contact persons.

According to Article 128 (6) of the Act on the Protection of Children and Young Persons, "the other parent having parental authority over the child or having the right of contact with the child, the brother or sister, the grandparent having parental authority over the child and the guardian must be provided with contact and appropriate information on the child's development once a week." In the case of babies placed in mother and baby units, the prison shall provide, at the request of the relatives, 'child visitation' for one hour on working days in a room set aside for the purpose, under supervision. According to the information provided by the staff, the mother of the child may also attend, unless contact with the relative concerned has been restricted by the authorities. The visiting team inspected the room for the visitations, which was furnished with two armchairs, a sofa and a coffee table, allowing the visit to take place in a cozy and family atmosphere.

As reflected in the interviews, prisoners liked the possibility of communication via Skype and were happy to use it. A first offender referred using every minute for communication via Skype and that computers could be well used for this purpose. Education officers are flexible with appointments. If someone cannot use Skype at the requested time, a new appointment is made within 12 hours. Weekend time is provided for detainees with young children to ensure that children are out of school at that time.

In the NPM's view, the right of the children of detained mothers to contact under the UN Convention on the Rights of the Child, the requirement to eliminate discrimination against women as set out in the CEDAW Convention and the prohibition of discrimination would also be promoted

in practice if women in detention were actively assisted by the prison authorities in contact with their children. In the NPM's view, the conditions and circumstances under which child visitation is provided are suitable for ensuring respect for the rights of the child and the way in which it is implemented can also be considered good practice from the point of view of the mother's reintegration.

Life in prison: regime and activities

The most common problem in the penitentiary institutions that also hold women in pre-trial detention is the minimum level of employing women and the lack of leisure time activities. Given the fact that prison cannot predict the expected length of their detention, they are not trained as skilled workers at the local companies operating at the institutions, and they can at most be involved in cleaning or maintenance as part of the inmate labour programme.

In Kalocsa Strict and Medium Regime Prison, which is a special women-only prison, women also do other types of work, e.g. sewing. However, jobs available for women prisoners - e.g. dismantling electronic waste, ironwork - are far fewer in the institutions than those available for men, due to their nature. Thus, these women can hardly spend their time in prison in a meaningful way, which does not help to prevent re-offending and reintegrate them into society.

IV. Women in special situations of vulnerability

Women with their children in prison

During its monitoring visits, the NPM found that the placement of detained mothers with their children in the mother and baby units, the conditions of placement, the health care provided to infants and the so-called "child visitation" option provided to the child and her relatives when the mother is placed with the child can be considered good practice.

Good practice: Mother and baby unit

In Hungary, there is currently one prison where there is a mother and baby unit. The mother-baby unit offers the possibility of co-housing a child under one year of age with the mother, ensuring that the mother and her child are not separated from each other during the most important first year of bonding. The unit could accommodate 20 mothers and 21 babies, and the "twin room" was not in use at the time of the NPM visit.

The mothers usually breastfeed their babies but the nurses prepare a personal feeding plan for each infant, including the addition of complementary foods. The baby-friendly "rooms" did not have a prison atmosphere, but they rather gave off the impression of a crèche. According to the records provided to the NPM, the living space available in the mother-child accommodation unit ranged from 7.7 to 11.63 m². The rooms were shared by one mother and her child each.

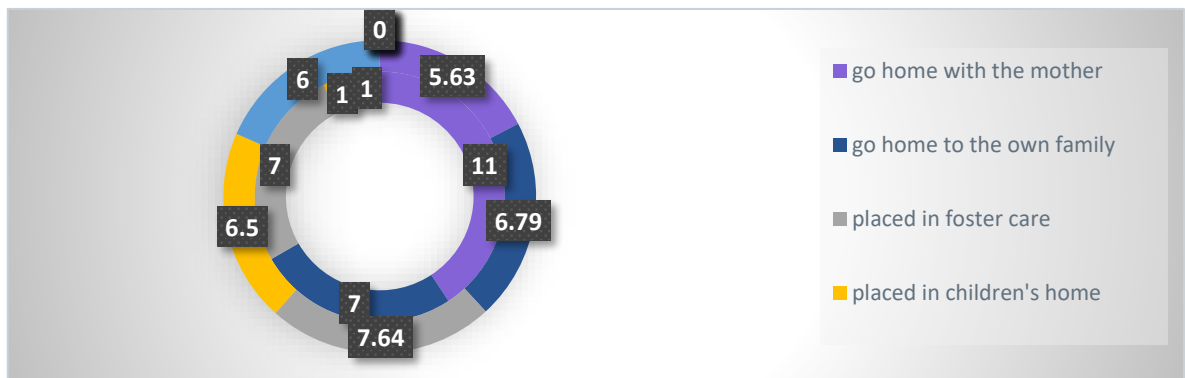
The rooms had hot and cold running water at all times and each had a toilet separated by a wall. Hot water showers were available daily in the communal shower room. Each child had his or her own cot, with a changing table on the shorter side and a shelf underneath for the essential child care supplies. The mother could sleep and sit on a bed on the other side of the room, within arm's reach. The baby bath, used exclusively by the child, was placed under the bed. There was a breathing monitor in each room, the use of which was compulsory. The Institute provided all the necessary equipment for the children, such as pushchairs, baby

formulae, medicine and nappies.

All detained mothers, including those who were in pre-trial detention, wore Institute uniforms. According to the House Rules, no other detainee or her child was allowed to stay in the living quarters. The doors of the living quarters were to be kept open when the child was left alone in the room, unlocked during the day and closed at night, during quiet time and when the child was being fed. Mothers were allowed free access to the common areas of the dormitory during the day. In the activity room of the dormitory, there were books and children's toys on the shelves and the room had a cozy atmosphere. In the communal playroom, separated by a glass partition, there was a mattress on the floor, as well as cots and playpens in a circle.

According to the detainees, it is possible to go into the room during the day and leave the children there if the mother is working or smoking but, if the child is fussy, they cannot stay there without their mother, whose job is to calm the child. Smoking was not allowed in the living quarters according to the House Rules, it was allowed in a designated place. If the mother was absent, e.g. at a medical examination, or if there was a suspicion of endangerment, the baby was supervised by the baby nurse. The entire unit was clean. The courtyard, where the area next to the building was covered, provided a possibility for staying outdoors. Baby buggies were also available for taking the children outside.

Available data shows that the majority of children leaving the Institute between 2018 and 2020 (40.74%) could go home with their mothers. A further one quarter of children were placed with their own families without their mother and the same number of children were placed in foster care. During the period under review, one child was placed in a children's home and another child changed institutions with the mother and went to a reformatory. The shortest average length of stay (average 5.63 months) of infants in the Institute in the period under review was when they could go home with the mother. Children who were accepted into their own families spent an average of 6.79 months in the Institute. Children stayed the longest when they could not go home to their own families and had to be placed in foster care (children placed in foster care spent an average of 7.64 months in the mother-baby unit of the Facility).



According to Article 7(2) of the child protection act on the placement of children under 12 years of age with a foster parent, placement may be waived only if the child is permanently ill or seriously disabled, in order to accommodate siblings together, or if the parent (legal representative) requests institutional placement and this is not contrary to the best interests of the child. In the period under review, a small number of children (only 1) was placed in a children's home, spending 6.5 months in the institution. The infant who went to a reformatory with his mother was in the institution for 6 months.

V. Other Relevant NPM Information on Women in Prison

- + [AJB-1152/2023 report](#)
- + [AJB-1056/2023 report](#)
- + [AJB-1030/2023 report](#)
- + [AJB-1298/2023 report](#)

This report is part of the Global NPM report on Women in Prison.
Access the full report here: www.apt.ch/global-report/