

Information sheet on the Hungarian penitentiary for Hungarian nationals imprisoned abroad

The purpose of this information sheet is to provide a general overview on the Hungarian penitentiary system for Hungarian nationals imprisoned abroad to help making the decision whether to ask the transfer to Hungary.

The National Headquarters of the Hungarian Prison Service controls the penitentiary institutions.

Contacts:

National Headquarters of the Hungarian Prison Service
1054 Budapest
8 Steindl Imre str.

Regimes:

The imprisonment is to be executed in semi-open regime, closed regime or maximum security regime with general and special rules, corresponding to the age (juvenile or adult), sex and health condition of the inmate.

Which prison will be designated?

The transferred persons are being placed in the Budapest Penitentiary Institute right after the handover. The subsequent placement into another prison is made after gathering all the relevant information on the sentenced person. Consequently, the place of detention cannot be determined before the transfer to Hungary and there is no option to ask the transfer into a specific prison.

In designating the place of detention (i.e. the actual prison), the aim is to further social rehabilitation of the sentenced person. The main factors to be considered are the place of residence, current capacity of the prisons, health conditions of the sentenced person, safety considerations etc.

Function and equipment of prisons:

All prison is equipped to assist and help the inmates in integration and social rehabilitation, including general services and equipment (such as providing clean clothes suiting to the actual climate) and special services.

General services and equipment:

- making contacts (phone call, correspondence, receiving packages), facilitating contacts with family;
- assistance in finding residence after the release from prison, if necessary, with the involvement of charitable organizations or the Church;
- applying of official protector system (similar to the probation officer);
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- different therapy sessions, self-improvement trainings, group therapies, elementary school, secondary school (including technical school) and collage/university studies;
- actual lectures are being held in designated prisons;
- free time and cultural programmes;
- all prisons contain designated rooms for receiving visitors. Complying with the corresponding rules of detention regimes, visitors can be received at least once in a month for 60 to 90 minutes. Four persons can be received at once.
- the openness of the prison and the scope of free movement of the inmates depend on the characteristics of the prison, its architecture, the security risks of the inmates and the tasks to be performed by the prison;
- in conformity with Hungarian law, inmates have the right to practise their religion, both individually and communally;
- every inmate has the right to stay at the courtyard minimum 1 hour per day.
- every prison has library;
- reintegration of the convicts are further facilitated by labour. On the one hand, in addition to maintenance work, prisons organize labour in different fields such as agriculture, animal husbandry, laundering etc. On the other hand, prisons providing inmates with skill work trainings for helping them to acquire professions.

Special services and equipment:

- healthcare and therapy division;
- psycho-social division;
- drug prevention division;
- law security risk division;
- division for temporary detention;
- special long-term detention division

Control and legal remedies in connection with detention conditions:

- for monitoring the compliance with legal regulations, supervisions and random checks are regularly held, either without noticing the prison in advance. Checks are usually performed by the National Headquarters of the Hungarian Prison Service, supervising prosecutors, Helsinki Committee, CPT, the General Ombudsman as its' National Preventative Mechanism under the Optional Protocol to the UN Convention against Torture (OPCAT);
- inmates can make complaints in connection with detention conditions. Decisions on the complaints can be appealed.
- inmates are entitled to make complaints directly to the supervising prosecutor and request a hearing for any incompliance with regulations;
- inmates can make complaints directly to the General Ombudsman if their human rights are concerned;

- inmates can turn to any international organizations which have jurisdiction over Hungary.

Release on parole:

The enforcement of the sentence is governed by Hungarian law, including the rules of conditional release on parole.

After the hearing of the convict, the court decides whether to order the release on parole. Consequently, the release on parole is not automatic after the statutory period of the incarceration passed and the convict is eligible for parole. The release on parole depends on the discretion of the penitentiary judge. The penitentiary judge examines the convict's behavior and discipline during the imprisonment, whether there is reason to believe that the convict would be a law abiding person and the aim of the punishment may also be achieved without further incarceration.

The following shall not be released on parole:

- a) multiple recidivists, if their term of imprisonment is to be carried out in a maximum security regime;
- b) recidivists in violent offences;
- c) convicts committed the offence in the framework of a criminal organization;
- d) convicts who have been sentenced to imprisonment for an intentional criminal offence committed after being previously sentenced for a term of imprisonment, before that term has been served in full or before the day when it ceases to be enforceable.

Convicts are eligible for release on parole after serving:

- a) two-thirds of the imprisonment;
- b) in the case of recidivist, three-quarters of the imprisonment;
in either case, at least three months have to be served;
- c) if the sentence imposed is for less than five years of imprisonment, in cases deserving special consideration, the court may include a clause of eligibility for parole after one half of the sentence has been served. This provision shall not be applied for multiple recidivists.
- d) in case of life imprisonment, the court shall specify the earliest date of eligibility for parole, or shall preclude any eligibility for parole.

In the case of fixed-term imprisonment, the duration of parole shall be the same as the remaining part of the term of imprisonment but not less than one year. (1) The court may terminate the parole, if the prisoner is sentenced for an offence committed during the parole or if the convict breaches the probation measures.

Reintegration custody:

Before a certain period of finally serving the imprisonment the convict is put from the prison to house custody, using electronic monitoring for supervising the custody. The convict is only entitled to leave the designated house for stipulated reasons and time.

Conditions:

The penitentiary judge may order the reintegration custody on the proposal of the penitentiary institute or on the application of the convict or his defence council, if

- the remaining sentence to be served until the release on parole is less than 1 year;
- the convict is not a recidivist;
- the offence for which the convict was convicted is not a violent offence against persons;
- the imposed imprisonment is no longer than 5 years and
- the convict consents to the reintegration custody.