

## **Policy Recommendations for Hungary Based on the MIP project**

### **I. Sentencing/ Criminal Justice**

#### **-Encourage intensive application of alternative measures to imprisonment.**

Currently in Hungary a number of alternative measures that are applied in EU countries remain unexplored, and even those available for the courts, are underutilized. This contributes to steady increases in the prison population in general, and particularly impacts women, who could especially benefit from an increase in alternative measures due to the generally lower level of threat they represent to public security.

The MIP research has shown, that the prison does not – can not - compensate for the multiple disadvantages experienced by many of the women who are imprisoned in Hungary, instead, imprisonment of already excluded women only contributes to their further social exclusion.

#### **-Assess sentencing practices as well as criminal justice proceedings for ethnic bias and discrimination. Introduce safeguards against ethnic discrimination throughout the crime control and criminal justice machinery.**

The high ratio of Roma women in prison (who usually suffer from a number of social, educational etc. disadvantages) alone makes it necessary to call for a systematic evaluation of discriminatory processes in the Hungarian crime control and criminal justice machinery. However, a few findings of the MIP research reinforce the necessity for such as assessment, e.g. the notion that all recidivists in our research were Roma women, while all of the non-Roma women were first offenders.

#### **-Ensure that prisoners' and ex-prisoners' needs are addressed explicitly in state policies aiming to support disadvantaged groups**

In Hungary prisoners' and ex-prisoners' needs are rarely addressed explicitly in state policies that generally aim at improving the position of society's vulnerable groups, and they are even more invisible in general development programs and policies. One of the first examples for the recognition of their needs has been documented in the recently introduced National Crime Prevention Strategy. We recommend that the aims and programs defined in the Strategy should be regularly monitored and that the public should be informed about the implementation of the strategy. Going further, the needs of ex-prisoners should be explicitly included in other, general development programs, in particular, in Hungary's National Development Plan.

## **II. Women's Imprisonment – General Issues and Principles**

### **-Review the necessity of high-security prison sentences in case of women.**

Based on the practice of various European countries (e.g. France), high-security prisons for women should be eliminated. Based on interview data with relevant agents in the MIP project, as well as interview data with the imprisoned women in the MIP research, it can be asserted that a very significant ratio of women in high-security prisons in Hungary are victims of domestic violence, imprisoned for murder of the abusive partner. These women are known to offend only once in their life, and are not dangerous for society, thus no security principle necessitates their placement in highly secured prisons.

Prison agents unanimously reinforced that women prisoners do not require the same security standards that are employed in case of men, thus the application of such sentence in case of (mostly) domestic violence related offences is particularly unjustified and it is clearly used only to punish these women. Based on the understanding of women's imprisonment and domestic violence, such practice is particularly harmful for the women and unnecessary for society.

### **-Introduce open regimes for women. Start using the possibilities offered by low-security regimes.**

Currently there are no open regimes in Hungary. There is one low-security unit for women, with less than 10% of all imprisoned women in the country – and even those women do not have access to the benefits theoretically offered by such a regime. The Mélykút prison does not actually operate as a low-security prison for various, serious disadvantages inherent in the location and structural position of the prison.

Open regimes must be introduced for women, allowing for regular contacts with the outside, family relationship, working outside the prison, intensive relationships with the community etc. If and when women must be sent to prison at all, they should be sent to an open regime / low-security regime.

### **-The principle of regional placement must be applied in case of women.**

The MIP research richly documented that many imprisoned women in Hungary suffer serious losses due their lack of access to family visits mainly caused by the distance from home. Furthermore, research evidence has reinforced the positive value of such regional placement – only practiced in the Eger institute currently.

Lack of regional placement seriously harms or destroys women's already fragile family ties and often completely destroys other social and community ties. Many of these are irrecoverable losses – leading to serious emotional drains and also, vital incapacities after the women's release, due to lack of networks and supports.

Furthermore, lack of regional placement disables the cooperation of authorities and NGO-s with the women prior to her release. Without such cooperation preparation for release cannot be overtaken from a prison located hundreds of kilometers from the ultimate place of residence. Lack of preparation for release leads to very serious financial

crisis, it can lead to homelessness, extreme poverty, misery and desperation, in which case also the risk of re-offending is likely to increase.

The actual implementation of regional placement of women inmates may rely on various strategies, e.g. the often-repeated plan for a establishing a new women's prison, or, the establishment of a women's unit in existing men's prison can also be considered as an option. However, we must note that in several countries the MIP research has shown that women's units annexed to men's prisons tend to offer more limited reintegration-related programs compared to independent women's prisons.

#### **-Recognize women prisoners' needs and apply differentiated programs**

So far women's prisoners needs in Hungary received little explicit attention. Thus, their different needs (compared to men prisoners) or their special issues were seldom discussed or debated – thus generally, there has been little recognition of women's prisoners needs as such. A certain general recognition of women prisoners' multiply disadvantaged status was tangible in the MIP agents' discourse, however, this has been hardly translated into measures or projects that would target women prisoners. Such needs and issues must be channeled into an official discourse on women prisoners, because only such recognition may lead to actual measures and changes in women's imprisonment.

The MIP research has shown that women's path to prison follows various, at least three, patterns. These patterns – although are based on differences in pre-prison social exclusion vs. social integration – proved to remain very important during imprisonment as well. Women in these three patterns manifested striking differences in many aspects (background, type of crime, etc.) thus they would require differentiated programs in prison. As the MIP research has shown, currently efforts for recognizing and identifying actual needs, as well as meeting these needs through differentiated programs, are not sufficient. A clear example for this is that despite some degree of official awareness regarding the high number of women victims of domestic violence in Hungarian prisons, there are no targeted programs (treatment, or legal aid, help in reintegration) for these women.

A small unit should be organized within the NPA in order to continuously address women's prisoners needs – this kind of awareness raising is needed to fight against the invisibility of women's prisoners resulting from their small weight etc. in the prison system.

### **III. Women's Imprisonment and Reintegration-Oriented Measures**

#### **-Introduce social security coverage for work in prison**

Currently the time spent working in prison is not registered in the social security system, which creates several and serious disadvantages for the many women who work during their imprisonment – punishing them decades after their crime through e.g. lack of pensions. The MIP research has demonstrated that women prisoners may suffer gender-specific disadvantages in this respect, as they are especially influenced by insufficient 'service time' in the social security system.

**-Diversify work opportunities, move away from traditionally unskilled women's work towards skilled work, and encourage work outside the prison.**

Currently most work in prisons does not contribute to women prisoners' skill development and does not supply them with marketable skills for the time after their release. Through moving away from traditionally unskilled women's work (packing, sawing, shoe manufacturing, household related duties etc.) the range of work available would be diversified thus it would allow for a better match between individual skills/ educational background and jobs. Especially work outside the prison should be sought, through which reintegration would be especially supported (building personal contacts, spending time outside the prison, staying in touch with outside development, remaining part of the community, etc.). This would not require investment from the prisons, but intensive networking with potential employers.

**-Check internal consistency of remuneration of prison work, and compliance with minimum regulations.**

Evidence from the MIP research suggests that many women in prison work practically for free and it must be challenged whether they get even the minimum wage set in the regulations. (1/3 of the minimum wage of the previous year). The significant difference in earning between 'maintenance work' (cooking, cleaning, laundry, etc. for prison maintenance) and 'contracted work' is not justified and must be reconsidered.

**-Remove conflict between work and education by allowing part-time work.**

Currently women are often faced with the need to choose between work and education in prison, due to clashing schedules. Understandably, many choose to work, even for the very small remuneration. A proposal for consideration from one of the agents interviewed in the MIP research, is to allow part-time work.

**-Focus on vocational education**

In addition to the existing attention to primary education, vocational education in women's prisons should become an educational priority. The MIP research has demonstrated both the very poor educational background of many of the women inmates, as well as the fact that primary education alone has no labor-market value. Vocational education should be encouraged in greater variety, in occupations other than traditional women's jobs, and in combination with working outside the prison.

**-Encourage self-organized and NGO-run reintegration related programs**

Currently the availability of meaningful and developmental-focused free-time activities is not consistent in all women's prisons and units. The MIP research has shown that the range and form of existing activities is very different across the institutes, can often be challenged, as well as the conditions for participation and its consequences. Instead of centrally organized, massive events, women's self-organization should be encouraged, as

well as externally run (NGO) activities. Among women's self-organized activities, computer-groups with limited and controlled internet access should be supported.

The MIP research has shown that contact with non-state actors during imprisonment may be a vital source of motivation, information and support – and NGO involvement is indeed encouraged by the prisons as well so that they take part in reintegration-related activities. The state should financially encourage and administratively enable the more intensive involvement of NGO-s in prison life. Especially directly reintegration-related activities (work, education, preparation for release, social skills development, etc.), rather than unspecified/ traditional charity work should be encouraged.

**-Develop a (simple) quality insurance guideline to ensure the high quality of all programs in prisons.**

The MIP research has shown that the quality of programs varies greatly – with the number of external programs this is expected to increase even further. Prisons should develop simple guidelines to ensure consistently high-quality programs. Rather than introducing an additional bureaucratic measure, this should be very simple and user-friendly.

**-Encourage LER (Lenient Executive Rules)**

Women's prisons should especially apply LER for all eligible women prisoners. Currently the number of women on LER is almost insignificant, although it is expected to increase. It is striking that a progressive measure that is highly valued by all interested parties – that is, women, as well as agents interviewed in MIP – remains so underutilized.

**-Encourage day-releases in general, and during preparation for release in particular**

Currently day-releases are only used in exceptional cases (e.g. funerals), despite their high value in maintaining family ties and other links to the community. The application of day-releases should be encouraged especially in case of women prisoners, who, according to most agents, do not represent a threat to society, are likelier to return than men, and in whose case contact with children and family is especially vital. Day-releases should be used for all prisoners in the last months prior to their final release in order to help preparation for release, familiarization with the environment, planning for housing, work etc.

**-Clearly divide responsibilities among state agents in preparation for release, based on the best interest of the prisoner-to-be-released.**

Preparation for release is currently insufficient, and one of its main reasons is lack of individual attention to inmates' actual needs. Based on the findings of the MIP research, the commitment for increased cooperation between prisons and the newly formed probation organization, is already tangible. However, a few key issues seem undecided or unclear at this stage, e.g. most inmates still leave the prison without having met their future parole officer. Also, none of the state actors handles individual issues that need to

be resolved, e.g. searching for housing solutions, writing CV-s, etc. In addition, people should leave the prison possessing all of their key personal documents. Prisons must take responsibility for coordinating the work of various state and non-state agencies active in reintegration.

**-Rethink the responsibilities of educators and guards. Introduce consistent professional standards in their work, as well as consistency in the application of rewards and punishments. Train personnel to remove personal bias and favourism and ensure consistent attention to all prisoners.**

One of the key findings of the MIP research regarding prison life has been that many women believed that educators have enormous power over key aspects of their life in prison (and reintegration related services and benefits including education, work, release conditions, etc.) and many perceived that this power was used based on subjective, personal judgements. Educators on the other hand often felt powerless and overloaded by the administrative requirements on their job. The MIP research showed that under such circumstances, those women managed to gain (positive) attention and benefits whose social status was considered to be high, while most of the other women did not manage to assert themselves and suffered often serious disadvantages. This however reinforces pre-prison patterns of social exclusion, further disadvantaging the most vulnerable women. It is believed that through the injustices and disadvantages suffered, the prison heavily contributes to these women's experiences of social exclusion.

The need to rethink educators' roles and responsibilities has been recognized by many prison agents interviewed in the MIP research. Many believed that their overload is not likely to be changed through easing administrative burden, neither through recruiting more educators – due to heavy budget constraints. It must be emphasized that with the current staff numbers however, the much needed consistency and appropriate attention to individual inmates is not an achievable requirement. The Hungarian state must invest into the recruitment and appropriate training, as well as continuous development of educators and other prison staff if the often-repeated objective of reintegration is taken seriously.

The division of work between educators and guards should be shifted so that guards, who have regular, daily contact and often strong personal relationship with the women, can potentially take over some of the educators' responsibilities after appropriate training and increased attention to ethical considerations. In order to help achieve professional standards and consistency, professional protocols should be designed for educators and other key personnel.

#### **IV. Reintegration Measures After Release**

##### **-Set up Half-way Houses**

Half-way houses are needed for women who leave prison after long sentences, for those who are homeless and for those who cannot return home due to domestic violence or other family ruptures.

Currently there are no halfway houses in Hungary. (The few transitional homes run by NGO-s are available mainly for men ex-inmates.)

Based on evidence provided by the MIP research, homeless shelters are not considered to be solutions by the women leaving prison, not even in case of homelessness and emergency. In addition to offering housing, halfway houses also provide a number of specialized services, as well as offer an opportunity for protected and secure transition.

**-Introduce start-up cash allowances or state loans**

The MIP research has demonstrated that currently released women receive no state support in overcoming the enormous financial difficulties of the first weeks and months. In this period women have no income and yet their cost of housing, subsistence, possible debts, etc. must be covered. Lack of such support leads to homelessness, extreme poverty and desperation – especially in case of women who have no family ties, and for those whose families live in great poverty themselves thus cannot support the women. The state must recognize that without such initial allowance or loan, women are forced into full marginalization or crime.

**-Strengthen probation officers' service function**

Even though women in the MIP research considered probation officers mainly in their police role and the route back to prison, many women were rather pragmatic about accepting help if the probation officers' approach was considered to be supportive and friendly. Firstly, probation officers' understanding about their role has to be shaped and made consistent through training, secondly, their networking skills, knowledge and contacts with local service providers, employers, etc. has to be significantly increased. Probation officers should develop databases containing information on all locally available agencies, organizations and companies that offer social services, aid, voluntary help, or work opportunities for the women released from prison.

**-Ease access to work through limiting the use of the “certificate of no criminal record”**

One of the key findings of the MIP research was that the largest administrative barrier to women's employment is the very commonly required “certificate of no criminal record”. This certificate is currently required in most positions both in the state and private sector, even at the lowest end of the job hierarchy. The review of this requirement is urgently needed in order to enable the employment of people released from prison.