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THE CONSEQUENCES OF THE PANDEMIC IN THE HUNGARIAN PENITENTIARY SYSTEM

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The Covid-19 epidemic put significant pressure on national penitentiary services all over the world to control the impacts of the pandemic on closed prison environments. The prison services of the member states of the Council of Europe responded with incredible speed and effectiveness with preventive and administrative measures to prevent the spread of the virus. The objective of the Council of Europe, EuroPris and other international organisations, was to support the member states' responses to the situation in prisons by facilitating the exchange of information and best practices. The present study examines and analyses the statements and recommendations of the most important bodies and committees of the Council of Europe, in parallel with measures and solutions implemented in Hungary, in the light of international recommendations.

The paper is based on a descriptive analysis of the Council of Europe expectations and recommendations and their applicability in the Hungarian prison system.

Hungary has successfully processed and incorporated almost all of the expectations of the international parties, in fact, the country took further steps to make the pandemic's outreach contacts of prisoners and relatives more colourful and active.

Prevention and control measures adopted in a timely manner were effective both in Hungary and in other Council of Europe member states. This study highlights the critical importance of rapid and appropriate actions by international control bodies and the open and cooperative response of the national prison services.

KEYWORDS:

pandemic, Council of Europe, prison, detention, epidemiological measures

INTRODUCTION

On 30 January 2020, following the recommendations of the Emergency Committee,¹ the World Health Organisation (WHO), the Director General of the WHO declared that the SARS-CoV-2 coronavirus disease constituted a Public Health Emergency of International Concern. Soon afterwards, on 11 March 2020, due to the rapid increase in the number of cases outside of China, the WHO Director General announced that the outbreak should be considered a global pandemic. This development brought about significant changes in everyday life both in the free society and in our prison facilities.²

The Covid-19 epidemic also put serious pressure on national penitentiary institutions that endeavoured to control the impacts of the outbreak within closed prison environments. In addition, the epidemic burdened the police with a number of additional tasks.³ The penal organisations in the member states of the Council of Europe (CoE) responded incredibly rapidly to block the spread of the virus by implementing both preventive and administrative measures. Various international actors, concerned with protecting the rights of people in detention and those deprived of their liberty, also issued immediate responses to the news of the pandemic. The objective declared by the Council of Europe and its cooperative organisations was to support the reactions to the pandemic that endeavoured to deal with the situations within prisons by facilitating the exchange of information and best practices. The practice, that is still in operation, was that the organisations of the CoE: *European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment* (CPT), the CoE Commissioner for Human Rights, as well as the *Working Group of European Prison Cooperation Committee* (PC-CP WG) issued declarations and statements as advocates of human rights that are also of fundamental significance during a pandemic. Furthermore, several partner organisations also addressed the pandemic situation in prisons in their communications: the directives of Innovative Prison Systems (IPS),⁴ the UN Subcommittee on Prevention of Torture and other Cruel, Inhuman or Degrading Treatment or Punishment (SPT),⁵ the information platform of the Association for the Prevention of Torture (APT),⁶ the regular publications issued by the Penal Reform International, the temporary guidelines of the European Regional Office of WHO, along with the network of European non-government organisations, and the interactive pandemic chart created by the European Prison Observatory (EPO) on its information network, as well as its reports, all contributed to the efforts of the penitentiary organisations in the member states of the CoE to meet the needs of detained communities during the

¹ International Health Regulations.

² LIPPAI–KACZVINSZKI 2021: 93–104.

³ NYITRAI 2021: 339–345.

⁴ APÓSTOLO et al. 2020.

⁵ United Nations 2020a; 2020b.

⁶ The Association for the Prevention of Torture created such an informational platform, that summarises and organises the data related to imprisonment and Covid-19.

pandemic in the most effective and humane manner. The objective of this present study is to describe – due to size limitations, in a non-exhaustive manner – the directives of the penitentiary committees of CoE and their supervisory bodies, as well as the manifestos, statements and conclusions of their international joint organisations concerning the Covid-19 pandemic.

The penitentiary committees, as well as the experts of the Council of Europe (CoE) – immediately stepped up following the announcement of pandemic situation on the 11th of March, and started to formulate their helping and supportive Statements and Recommendations.

On 7 April 2020, the Secretary General of the Council of Europe issued a statement entitled *Respecting Democracy, Rule of Law and Human Rights in the Framework of the Covid-19 Sanitary Crisis: A Toolkit for Member States*. According to the Secretary General: “The virus is destroying many lives and much else of what is very dear to us. We should not let it destroy our core values and free societies.” The toolkit it proposed was intended to guarantee that the measures which the member states implemented during the epidemic would not be disproportionate to the hazardousness of the situation and would only last as long as it is necessary. The document focused on four key areas: the interpretation of the derogations from the European Convention on Human Rights in time of emergency; respect for the rule of law and democratic principles in times of emergency, including the limitations concerning the scope and duration of the emergency measures; as well as the respect of human rights including the freedom of speech, the right to data privacy and the prohibition of discrimination against disadvantaged groups and the right to education. Finally, the last key area it dealt with was the protection from crime and the protection of victims of crime, with a special focus on sexual and gender-based violence.⁷

STATEMENTS OF THE COMMITTEE OF THE PREVENTION OF TORTURE

Meanwhile, the experts of the CoE committees dealing with the rights of people deprived of their liberty tirelessly worked on the formulation of recommendations concerning the situation of the group of people they represent. The first organisation to issue a statement of principles concerning the treatment of persons deprived of their liberty in the context of the global pandemic was the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT).⁸ In their statement, besides recognising the necessity of effective measures against Covid-19, the CPT reminded the member states about the complete prohibition of torture and inhuman or degrading treatment. According to the statement, protective measures must never result in the inhuman or degrading

⁷ FARKAS-SALLAI 2021: 273–279.

⁸ CPT 2020.

treatment of persons deprived of their liberty. In this vein, the statement contains an appeal for the WHO guidelines on fighting the pandemic as well as national health and clinical guidelines in line with international standards to be respected and implemented fully in all places of detention. At the same time, staff availability should be reinforced, and the staff should receive all the professional support, health and safety protection and training necessary for them to be able to continue to fulfil their tasks in places of detention.

Regarding the pandemic, the CPT also emphasised that any restrictive measure taken vis-à-vis persons deprived of their liberty with the aim of preventing the spread of Covid-19 should have a legal basis and be necessary, proportionate, respectful of human dignity and restricted in time. It is especially important for persons deprived of their liberty to receive comprehensive information, in a language they understand, about any such measures. The CPT statement also addressed the situation of detainees with special needs, highlighting that special attention needs to be paid to the specific needs of certain detained persons, with particular regard to vulnerable groups and/or at-risk groups, such as older persons and persons with pre-existing medical conditions. This includes, inter alia, screening for Covid-19 and pathways to intensive care as required.

The CPT statement also recommended that persons deprived of their liberty should receive additional psychological support at this time. In cases of isolation or placement in quarantine of a detained person who is infected or is suspected of being infected by the SARS-CoV-2 virus, the person concerned should be provided with meaningful human contact every day.

The statement considers that although it is legitimate and reasonable to suspend nonessential activities in prisons, the fundamental rights of detained persons during the pandemic must still be fully respected. This includes in particular the right to maintain adequate personal hygiene and the right of daily access to the open air. Furthermore, any restrictions on contact with the outside world, including visits, should be compensated for by increased access to alternative means of communication. The statement also contains recommendations regarding further areas of jurisdiction, namely that concerted efforts should be made by all relevant authorities to resort to alternatives to the deprivation of liberty. The CPT's statement stressed that such an approach is imperative, particularly in cases of overcrowding. Furthermore, the authorities should make greater use of alternatives to pre-trial detention, commutation of sentences, early release and probation. Fundamental safeguards against the ill-treatment of persons in custody must also be seamlessly provided. Similarly, monitoring by independent bodies remains an essential safeguard against ill-treatment. States should continue to guarantee access for monitoring bodies to all places of detention, including places and persons that are kept under quarantine or other kind of isolation.

After the issue of the Statement on 20 March, on 9 July a follow-up statement was issued, in which the CPT gave particular thanks for the constructive cooperation of member states in which they paid attention to each detail. The Committee noted that the member states had implemented particularly significant changes concerning the provisions that demanded deprivation of liberty, as several states used the diversionary or postponing arrangements

recommended by the CPT. At the same time, the CPT welcomed the measures introduced by the member states which eased, facilitated and supported keeping in contact for detained persons. The follow-up statement also highlighted that several countries had paid special attention to the improvement of sanitary measures and practices, not only in relation to the pandemic, but obviously inspired by it. The CPT drew the attention of the member states to the fact that the pandemic provided excellent opportunities for implementing several recommendations already suggested by the Committee. They particularly referred to their observations regarding the elimination of the causes of overcrowded conditions, while emphasising the relevance of reviewing certain legal institutions. Furthermore, they noted that every limitation connected to the pandemic could only be valid as long as it is necessary. This was especially emphasised with regard to the detainees' contact with the outside world and other activities that help their reintegration.

Besides recognising the necessity of measures to combat the epidemic, both the original and the follow-up statement of the CPT attributed special importance to the absolute prohibition of torture, inhuman or degrading treatment. Both statements emphasised that no protection measure should result in the inhuman or degrading treatment of persons deprived of their liberty.

STATEMENTS OF THE COUNCIL OF PENOLOGICAL COOPERATION OF THE COUNCIL OF EUROPE (PC-CP)

After the statements of the CPT, the Commissioner of Human Rights and the Secretary General of the Council of Europe, the Council of Penological Cooperation of the Council of Europe (PC-CP)⁵ also issued a statement on the response to the Coronavirus pandemic. It is important to note that within the Council of Europe, the European Committee on Crime Problems (CDPC)⁶ and the Council of Penological Cooperation of the Council of Europe are the bodies responsible for upholding the principles of the humane treatment of persons deprived of their liberty as well as for the representation of the role of prison staff and for promoting effective and modern methods of prison government. These two professional bodies created the opportunity for international cooperation and the necessary professional and technical background within the framework of the Statutes of the Council of Europe and under the supervision of the Committee of Ministers.⁹ On 17 April 2020, and on two later occasions, the PC-CP issued follow-up statements, in which they endeavoured to lay down guidelines concerning the physical and mental health of detained people and their keeping of contacts. They also raised awareness of the negative impacts of isolation while outlining the tools available for reducing these effects, as well as formulating practical recommendations for preventing and containing virus outbreaks.

⁹ Vókó 2010.

The first Statement was basically a joint resolution issued by the PC-CP, EuroPris (the European Organisation of Prison and Correctional Services) and the CEP (Confederation of European Probation) together. In the framework of this declaration, the three professional bodies drew attention to the statements and recommendations of the Council of Europe, issued a few days earlier, as well as to the standards and practices which could help the detention institutes and probation services deal with the coronavirus epidemic while honouring the principles of the rule of law and respecting human rights. The statement sets out the principles that should guide the detention institutes of the member states in the introduction of pandemic limitations, and in the maintenance of these restriction as long as necessary. The resolution states that detention places need to provide the same quality of medical and health services that the rest of the members of a free society receive. On the basis of this principle, specific recommendations are also formulated, for example, as a part of the admission procedure, each detainee has to undergo a medical examination – maintaining medical confidentiality – in order to detect any illness, including treatable contagious diseases that they may be suffering from. However, the isolation of a detained person with a contagious disease can only be considered justifiable if such isolation would also be applied in the free society for sanitary reasons. The isolation or quarantine of healthy detainees could only be legitimate if their own health status – especially in cases of the weakness of the immune system – is threatened to a level where isolation is unavoidable. Detainees with severe musculo-skeletal disorders, end-stage illnesses and elderly people require special treatment; in their case the options of amnesty for medical reasons as well as early release from custody have to be taken into consideration. Similarly, special attention has to be paid to detainees in disciplinary confinement; the provision of daily health checks by staff and, if necessary, the provision of immediate aid for the duration of the isolation is obligatory. The statement emphasises that although visits and other forms of contact could be limited due to the pandemic, a mandatory minimum still has to be secured; the prison staff has to make sure that the detainees have an appropriate level of contact with the outer world. Regarding contacts, if a detained person is injured, falls seriously ill, or requires hospital care – unless the detainee declares in written form that it is against his will – a contact person (spouse, partner, or closest relative) has to be notified. In cases of discharge from detainment, the detained person has to undergo a medical examination, paying special attention to any mental or physical illnesses that may require further treatment. In case of any contagious illnesses, the detainment facility must contact an outside healthcare institution, in order to continue monitoring or isolation of an inmate after release if necessary.

In the framework of their shared statement, the PC-CP, EuroPris and CEP raised the awareness of the member states to the fact that clear information has to be provided orally and, if possible, also in writing to all inmates and their families as well as to staff and that all efforts must be made to provide the necessary explanations in relation to the pandemic and the measures related to it. The publication of FAQs on prison service websites and/or establishing a helpline to answer questions from the families of inmates was recommended. It was also emphasised that on admission and before release inmates should be accommodated in single cells. Obviously, accommodation in single cells

was a general recommendation for every inmate and should be provided when possible. The transportation of inmates to other institutions can only be carried out if strictly necessary for security or other well-founded reasons.

Concerning the reintegration of the inmates, the PC-CP also formulated some specific recommendations. According to these, in prison facilities where family visits are cancelled due to the pandemic, the prison services should provide free-of-charge alternative arrangements for phone or video calls or other means of contact and correspondence. In countries where inmates can no longer work and earn money due to the pandemic, they should be paid compensation for the loss of income. Where collective recreational or sports activities are cancelled, they are to be replaced by additional TV and other electronic entertainment options and additional out-of-cell activities while respecting social distancing. Concerning the education of detainees whose final exams are scheduled, or who are approaching the end of a special training course, educational courses should be offered through online media. This is especially important for juvenile inmates.

According to the CEP, if probation offices are forced to cancel personal visits to the facility due to pandemic limitations, internal probation staff should take over their responsibilities towards vulnerable inmates. In detention facilities where specific forms of visits are allowed (visits of lawyers, probation services or family visits to juveniles), the required distance and other protective measures are to be respected. Moreover, the statement goes on to specify the CEP's recommendations concerning probation staff. The statement specifies in detail that if there is no opportunity for screening within the facility, the inmates are to be escorted to outside medical units for Covid-19 tests in case of requests or indication of contamination. Disinfectants and other sanitary equipment are to be provided and the staff have to wear masks, gloves and sometimes other protective equipment as necessary. At this point, the body temperature of inmates, visitors and staff is to be taken on a daily basis. In order to minimise the chance of outbreaks, the Statement also recommends that the staff should be divided into shifts/teams in such a manner that the different teams/shifts do not come in contact with each other, and the duration of the shifts is to be shortened. Besides these measures, it strongly recommended providing additional support by staff psychologists and offering counselling to all staff if needed. Finally, as a closing thought, it draws the attention of the stakeholders to the fact that a number of countries have introduced emergency measures aimed at decreasing prison numbers and reducing prison overcrowding, and that – in case of inmates who are deemed to be suitable for such – alternate ways of sanctioning were preferred in the course of the sentencing process.

In September 2020, in the framework of an online conference, the workgroup of the PC-CP analysed the impacts that the six months since the start of the pandemic had on the penitentiary system, as well as the observations made during the visits of the CPT and EuroPris. The conference concluded by issuing a follow-up statement on 28 September, in which – considering that the pandemic will be present in the life of the member states for a longer period of time – they formulated some key principles and recommendations for dealing with the long-term impacts of the pandemic. The follow-up statement welcomed

the efforts of the member states, recognising that in spite of the serious pandemic situation they had been able to take early and proportionate action by trying to restore previous good practices, and by offering new arrangements to meet the challenges raised by the novel situation.

The statement highlighted that the pandemic had revealed how important it is to provide high quality healthcare conditions and provision in prisons and therefore these standards should also be maintained after the pandemic. The training of sanitary staff, ensuring sufficient stocks of necessary hygienic items and following the general healthcare rules were all found to require special attention. The Council viewed the introduction of new technologies in prisons and by the probation services as a positive trend, which needs to be further evaluated and supported.

The follow-up statement lists in detail the advances and the recent examples of best practices that have been introduced in an incredibly rapid and effective manner in the prisons of several countries. Such measures include the compensation of prisoners with free-of-charge phone calls and other means of communication, which according to the PC-CP should remain in place as a complement to normal face-to-face contacts even after the pandemic. The follow-up statement also refers to the recently revised and updated (on 1 July 2020) European Prison Rules, with a special focus on points 53 and 60.6, which recommend paying extra attention to the mental and physical health of inmates who are in solitary confinement for disciplinary or other sanitary or safety reasons, while recommending that any such confinement should be coupled with counterbalancing activities, such as an increased number of free-of-charge phone calls, increased access to books and other reading material, as well as TV and other media, in-cell educational, training and recreational activities and others. The PC-CP emphasised that such periods of solitary confinement should end immediately upon the end of the reason for their imposition. As a general rule, the PC-CP wishes to underline that any such restrictions on the rights and freedoms of persons under the supervision of prison or probation services should be temporary only and should be proportionate to the severity of a crisis, as well as to its impact and time span, and should be lifted as soon as the source for their introduction has ceased to exist.

Another remarkable impact of the pandemic was the decrease in the number of detainees in the member states. This result was achieved by different early release schemes (releases on parole, custodies to help reintegration), the release of the perpetrators of minor acts of crime, change of judicial practices, applying the legal institutions of postponement and the interruption of prison sentences as well as more frequent community sanctions. Although according to the PC-CP this trend should be welcomed and maintained in the future, it should also be noted that this has led in many countries to pressure on the caseload of the probation services. The PC-CP WG therefore urged the national authorities to evaluate the impact of such measures on the work of the prison, probation and police services and to ensure sufficient staffing levels and other resources, as well as implementing other necessary measures, in order to allow these services to work effectively in the interest of public safety and reduction of crime levels.

During the pandemic, a general rise in suicide, domestic violence, sexual assaults, as well as crimes related to substance misuse and addiction could be observed. In several member states, there was a corresponding increase in the number of these acts in the prison population and among those under probation supervision. The PC-CP WG therefore urged the prison and probation services to pay specific attention to dealing with these problems, by making additional resources available, including offering services for victims, as well as providing medical and psychological treatment, cognitive behaviour therapy, addiction therapy and other interventions as appropriate, for offenders.

Finally, in the follow-up statement, the PC-CP WG urged the national prison and probation services, if they have not yet done so, to evaluate the experiences they have had so far in fighting this pandemic and to agree on and adopt crisis management plans which would help them to deal with similar crises in the future in a coherent manner while fully respecting human rights and the rule of law. These plans should provide for the specific training of staff, the appointment of a reference member of staff responsible for dealing with such situations and the establishment of decision-taking procedures. The working group also urged the development of a strategy for dealing with the media, including appointing and training staff members responsible for public relations and for providing transparent and regularly updated information to offenders and their families on the crisis situation.

Soon after the publication of the follow-up statement, on 14 October 2020, the PC-CP issued a revised version. In this issue, one recommendation – no. 14 – was modified, which dealt with the practice of quarantining new arrivals in the course of the reception process, and with soon-to-be-released detainees during the process of release emphasising that this measure is only due to the pandemic, and should not last longer than strictly necessary.

INTERNATIONAL RECOMMENDATIONS, DOMESTIC IMPLEMENTATIONS

The outbreak of the coronavirus also confronted the Hungarian penitentiary system with a situation of extreme challenges, as within a couple of weeks of the start of the pandemic crisis several decisions had to be made and implemented, which the Hungarian penitentiary system had neither theoretical nor practical experience of. The Head Office of the National Prison Services continuously introduced preventive and limitation measures, which were adjusted to correspond with the spread and the characteristics of the epidemic, while, alongside the protection of human life, they constantly focused on maintaining safe detention services and securing the rights of the detainees. Last, but not least, the organisation attributed special importance to risk-mitigating measures aiming at the direct protection of the health of prison staff and the detained population. Since more than a year has passed, we can safely declare that the recommendations and measures included in the statements above introduced were implemented satisfactorily in the Hungarian penitentiary sector during its management of the effects of the pandemic. Five action plans and their amendments were issued by the Operative Staff of the penitentiary system,

that pertained to all penitentiary organisations, complemented by several letters that imposed certain tasks for specialised areas, as well as methodological guides and protocols intended to facilitate their implementation, and information materials for the detainees and their contacts. These often predated the statements of international professional bodies and endeavoured to address the sensitive areas affected by the pandemic, adopting novel approaches and implementing temporary arrangements in accordance with international expectations.

For example, since the first appearances of Covid-19 in Hungary, the penitentiary system attributed special importance to providing information to detainees and their contacts, making use of up-to-date technical possibilities. Informal posters were created, video materials – created with the cooperation of detained participants – were aired through the closed prison video networks, and besides the national central homepage, every penal institute continuously raised awareness of the importance of preventive measures against the disease on their own homepages, while also providing information about the safety measures that had been implemented. Furthermore, the penitentiary system created a so-called call centre, which provided authentic and up-to-date information on a daily basis for those who called, about the actual measures related to the pandemic situation.

International recommendations also stress the importance of keeping track of the detainees' morale and providing counselling where appropriate. In Hungary, the pandemic situation and the measures taken to combat it had a negative impact on the inmates' morale, which required – simultaneously with dealing with the epidemic – immediate action. Not only was the inmates' morale affected, but also the criminals' morals, since new types of crimes emerged, which became known as epidemic crime. The area in which the pandemic affected the inmates' life the most was in keeping contact with the outside world. The pertinent legal regulations – subject to certain conditions – normally allow for the inmates to keep contact with their registered contacts in six different ways, which even include leaving the penitentiary institution. The protection measures that were taken due to the pandemic terminated these, so it became necessary to find a solution to address this issue during the emergency period. In order to reduce the negative impacts of the limitations arising from the health crisis, the Commander of the National Penitentiary Organisation ordered that the inmates be allowed to use every available electronic form of keeping in contact, regardless of their regime. The detainees were also allowed to initiate phone calls at a frequency and of a duration that exceeds the permitted limits under the usual regime of their prison sentence. Moreover, if they do not possess the necessary financial deposit, upon request the penitentiary institute can cover the costs of the phone call at its discretion; besides this, they can receive or send parcels on several occasions per month.¹⁰ The new measures provided compensation for the inconvenience and distress suffered by inmates under the pandemic measures by extending the permitted length and frequency of phone calls and allowing them to send and receive more parcels, and also

¹⁰ Kovács 2021.

by loosening the conditions of keeping contact through Skype – as the latter had only been available for detainees with impeccable conduct and performance as well as a low security risk classification. Regarding contacting through Skype, it is worth mentioning inmates contact with their advocates, as Skype facilitated the full compliance of procedural rights concerning the keeping of contacts with these advocates.

Another important and regularly raised point in the international statements concerned cooperation with partner organisations, and the creation of appropriate sanitary and hygienic conditions. In the course of their continuous evaluation and analytical activities, the Hungarian penitentiary organisation attributed special importance to making contact with the competent judicial, defensive and other partner organisations, which they were able to do shortly after the outbreak of the pandemic. Several sanitary measures became immediately operative, such as the 14-day isolation of new arrivals, the mandatory wearing of masks outside prison cells, the isolated joint allocation of inmates who are above 65 years of age, pregnant, or vulnerable due to their sanitary or mental conditions, regular disinfections and several other sanitary measures.

In the light of the international recommendations outlined above, the Hungarian judicial authorities also considered introducing various alternative measures to contain the spread of the virus. It is not hard to envisage that this epidemiological situation will also accelerate the development of the criminal sanctions system, so that alternative forms of punishment may take precedence over traditional penalties in future.¹¹ Thus, the *ex officio* investigation of the application of custody for reintegration in order to reduce the number of inmates and thus the chance of infection, and the delay of new arrivals all contributed to the reduction of possible sanitary and safety risks. Furthermore, in order to reduce the load on the endpoints in the case of distant trials and to minimise the risks of the transportation of inmates to judicial trials and police interviews, meeting rooms were developed in several correctional facilities, while the existing ones were put into service.

Naturally, the field of probation services was also affected by the new regulations. Electronic administration became a new, dominant form of contact, by which probation staff were able to stay in contact with competent professional bodies, organisations or institutions in order to fulfil their responsibilities.

After the declaration of a pandemic emergency in Hungary, electronic requests to the police also came to the fore.¹²

CLOSING THOUGHTS

Early on in the pandemic, the potential risk of Covid-19 outbreaks occurring inside prisons was highlighted. Indeed, owing to overcrowding and structural issues people

¹¹ VÁRI 2019: 52–61.

¹² NYITRAI–RUCSKA 2020: 1.

in detention (PiD) and prison officers (POs) were considered at higher risk of acquiring Covid-19 infection.

The impacts of the coronavirus epidemic on the operation and the legal framework of European penitentiary organisations as well as on prison population will remain in the crosshairs of researchers, analytics and legislators for a long time to come. From March 2020 onwards, the penitentiary organisations of the member states of the Council of Europe introduced several legal institutions while also making amendments to some existing ones. Although these amendments and innovations were due to the pandemic, they also led to new discoveries. The choice of tools and methods for online communication also had to take into consideration information and cybersecurity requirements.¹³ However, online methods of staying in contact became widely used with notable success, and vast e-learning possibilities became available in prisons. The sanitary support and toolkit of penitentiary facilities went through significant improvements, while the experience of the pandemic proved the viability of several alternative judicial arrangements to offer practical and permanent solutions for overcrowding in prisons.

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