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STAND OF DIFFERENT NATIONS REGARDING CONJUGAL VISITS TO PRISONERS

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NATIONS THAT DO NOT ALLOW CONJUGAL VISITS

Republic of Ireland: It does not permit conjugal visits at all.

New Zealand:

Conjoining convicts is prohibited by prison regulations in New Zealand. There are currently no mechanisms in the penitentiary system that permit prisoners to have private, intimate relationships with their spouses.

United Kingdom:

Conjugal visits are not permitted within any of the prison systems across England, Wales, Scotland, or Northern Ireland. Instead, the UK has implemented a different approach aimed at facilitating reintegration into society. Temporary home visits may be permitted to convicts under specific circumstances, with the main goals being to improve family ties and get them ready for life following release. Those nearing the conclusion of lengthy sentences—typically within a few weeks or months of release—are usually the only ones eligible for these visits. Among other things, the inmate's security classification determines eligibility. Prisoners in open facilities, where the risk of escape is lower, are more likely to be approved for such visits compared to those in more secure institutions.

United States:

Conjugal visits are not permitted in the United States federal prison system. However, state-level rules differ substantially, with each state deciding whether such visits are permitted. Inmates who are permitted to do so must meet certain eligibility requirements. These typically contain restrictions like maintaining good behaviour, attending health checkups, and confirming that their guest has passed a

background check. To prevent contraband from entering or escaping the jail, security protocols are strictly followed, and both the visitor and the inmate are searched before and after each visit.

By 2008, several states had begun to reframe conjugal visitation inside bigger programs known as "extended family visits" or "family reunion visits." These projects moved their focus to boosting familial relationships in general, allowing not only spouses but also other close relatives—such as children or parents—to join. The purpose of these programs is to promote rehabilitation by fostering strong family bonds.

In April 2011, legislation allowing married couples to visit their families was passed in New York. Conversely, at the direction of then-Corrections Commissioner Chris Epps, Mississippi formally ended its conjugal visits program in January 2014. In a similar vein, New Mexico declared in May 2014 that its program was ending. Only a few states, including California, Connecticut, New York, and Washington, still allow visits from spouses or other family members while incarcerated.

NATIONS THAT ALLOW CONJUGAL VISITS

Countries that allow conjugal visits to prisons



Australia:

States and territories in Australia have different policies regarding conjugal visits. Under some circumstances, prisoners in Victoria and the Australian Capital Territory may be allowed to have private visits with their partners. Other areas, like Western Australia and Queensland, do not now permit these kinds of visits within their prison systems.

Canada:

During what are known as private family visits, prisoners are permitted to spend up to 72 hours with their spouses, partners, or other close relatives, including parents, grandparents, siblings, or kids, in Canadian prisons. These visits, which can occur roughly every two months, aid in maintaining family relationships while incarcerated.

Denmark:

Denmark takes a proactive stance by providing specially constructed homes within jails and allows conjugal visits. Inmates serving long sentences—typically those who have been incarcerated for more than eight years—may be able to spend private time with their spouses because to these amenities.

Germany:

Inmates in Germany are allowed to ask for and receive conjugal visits, which allow them to spend time alone with their partners. These visits follow strict security protocols, including detailed

personal searches beforehand.

Israel:

Inmates who are lawfully married, in recognised common-law relationships, or who have shown a stable relationship by regular visitation over a two-year period are eligible for conjugal visits from the Israel Prison Service (IPS). Inmates must also exhibit good behavior to be eligible. However, those receiving temporary leave from prison are not entitled to conjugal visits. The IPS may also withhold visits for disciplinary or security-related reasons.

Pakistan:

Before 2009, conjugal visits in Pakistan were rare and granted only under special circumstances. That changed in August 2009 when the Federal Shariat Court decided that married inmates should either be granted short-term freedom for this purpose or be given facilities for conjugal relations within jails. Following this decision, Sindh became the first province to implement relevant legislation. According to a 2010 Human Rights report, all provinces and federal territories in Pakistan now offer conjugal visits for married male inmates. However, these rights are restricted to heterosexual couples, as same-sex relationships and marriages are not legally recognized in the country.

Russia:

Since the onset of prison reforms in 2001, Russia has allowed inmates who demonstrate good behavior to take extended leave—up to 18 days—to reconnect with loved ones. Additionally, monthly in-prison visits are granted to promote ongoing family connections.

Saudi Arabia:

Both male and female prisoners are permitted to have conjugal visits in Saudi Arabia.

Those in monogamous marriages are allowed one visit every month, but males who have many spouses are allowed two visits, one for each partner. These regulations vary slightly depending on marital circumstances.

Spain:

Three-hour conjugal visits are permitted in Spanish prisons in specific private areas. In order to encourage safety and cleanliness during these trips, authorities make sure that basic essentials like shower access and condoms are available.

Turkey:

As part of a program to reward prisoners who behave well, conjugal visits have been offered since April 2013. The General Directorate of Prisons and Detention oversees this policy throughout the nation.

7.3: Countries Recognizing Conjugal Visits for Same-Sex Couples

Brazil:

The nation supports greater inclusivity by granting conjugal visitation rights to male prisoners, including those in same-sex partnerships, even though women are rarely granted these privileges there.

Israel:

By allowing homosexual prisoners to have conjugal visits, Israel revised its prison regulations in July 2013 to reflect evolving equality standards.

Mexico:

Family-based visitation privileges have traditionally been upheld in Mexican prisons. Notably, Mexico City took a progressive approach to the rights of LGBTQ+ prisoners by permitting same-sex conjugal visits as early as 2007.

Belgium:

Same-sex conjugal visits are permitted in Belgium, giving inmates the opportunity to spend two hours each month alone with their lovers.

Connecticut (USA):

Under some circumstances, same-sex couples in civil unions may be entitled to family visitation in the state of Connecticut. Interestingly, the visit

is only allowed if both people are the legal parents of the child who is there.

: VISITOR REQUIREMENTS

In states where conjugal visits are allowed, strict eligibility criteria apply to ensure safety and appropriateness. These guidelines typically include the following conditions:

Inmates must maintain a record of good conduct within the prison system, free from disciplinary violations or violent behavior.

Individuals incarcerated for crimes involving domestic abuse or child exploitation are generally barred from receiving conjugal visits.

Access to such visits is limited to inmates housed in minimum- or medium-security facilities; those in maximum-security units or on death row are not eligible.

In addition to the rules that apply to the person who is incarcerated, the visitor, who is often a legal spouse or, in states like California, a registered domestic partner, must also follow a number of rules:

Before being granted permission to visit, all visitors must successfully complete a thorough background investigation.

If visitors arrive wearing attire that the facility deems unsuitable, they may be refused access.

For visits that involve children, access is typically restricted to specific, controlled areas within the facility.

Every visitor, regardless of the purpose of the visit, is subject to a physical search to prevent the introduction of weapons, drugs, or other contraband.

Prohibited items include all forms of narcotics, alcohol, cell phones, and unauthorized electronics. Some facilities also regulate the type of food, personal items, or gifts that may be brought in.

Following a conjugal visit, the incarcerated individual is often required to undergo a drug screening.

The majority of states implement a uniform framework that includes these needs in order to maintain the safety, order, and health of the prison system. Inmates who have been diagnosed with or are deemed to be at high risk for HIV or other sexually transmitted illnesses may not be allowed to participate in conjugal visitation programs in certain jurisdictions.

: CONJUGAL VISITING POLICIES

Even with conjugal visits programs in place, inequalities still exist, especially with regard to gender. When it comes to obtaining these visits, female prisoners frequently encounter more obstacles than their male colleagues. Men are often granted these advantages more freely and with less oversight than women, who may be totally excluded or subject to stricter eligibility restrictions.

This unequal treatment is concerning under international human rights frameworks like the International Covenant on Civil and Political Rights (ICCPR) and the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW), both of which have been ratified by countries like Brazil. The societal reluctance to acknowledge female sexuality is typically the fundamental cause of the rejection to grant women equal access to conjugal visits. Such discomfort is mirrored in institutional regulations that limit sexual expression among women prisoners, while maintaining comparably permissive oversight over male inmates' sexual conduct.

Only women in committed, monogamous partnerships may be eligible for conjugal visits in certain facilities, and even then, they must be more acceptable than their male counterparts. Men, on the other hand, are rarely subject to the same limitations due to worries about promiscuity or the spread of disease.

The possibility of pregnancy is one justification occasionally offered against allowing women to have conjugal visits. However, in and of itself, this way of thinking is discriminatory. Punishing inmates for pregnancy is sex discrimination

because it is a condition that only women suffer. International legal organisations have repeatedly determined that pregnancy-related discrimination is equivalent to sex-based discrimination, supporting the idea that such practices are in violation of basic human rights standards.