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Regulating Intimacy Behind Bars: A Cross-National Comparison†

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Abstract: Prison visits, both family and intimate, safeguard the right to private and family life and contribute to prisoners' well-being and reintegration, yet their regulation differs widely across jurisdictions. This study examines, on a comparative basis, whether family and intimate visits are treated as a right, a privilege or a reward, how frequently they occur, and the conditions under which they take place. Drawing on the RIMES international criminal-policy comparison tool, and specifically on indicator 68 (visits at intervals longer than one month), data were gathered for nine European jurisdictions and four US states by reviewing legislation, scientific literature, official reports and news sources, and validated by national experts. Findings show that family visits are generally a right in Europe but a privilege in the United States, whereas intimate visits are far more restricted everywhere. Framed within Díez-Ripollés's perspective of social exclusion, the article argues that restrictive visiting policies deepen exclusion and undermine reintegration and proposes guidelines for a more inclusive prison policy.

Keywords: *Prison visits, Intimate visits, Social exclusion, Comparative criminal policy, prisoners' rights.*

1. Introduction

Deprivation of liberty reduces, or even eliminates, social contact in everyday life, limiting the frequency and naturalness of family and social relationships. Prison visits are a breath of fresh air that make life behind bars more bearable. Prison visiting regimes generally distinguish between two types of visits: family visits and intimate visits. Family visits are those that allow inmates to have visual and/or physical contact with persons with whom they have a family relationship, whether ascending, descending, collateral or other related (e.g. in-laws). They usually take place in large rooms, with chairs and tables, under the watchful eye of a supervisor. Intimate visits, in turn, whether conjugal, sexual or private, are those that take place inside a cell or room equipped with a bed, where the prisoner can spend time with their visitor (spouse, civil partner or similar) without direct supervision by security personnel and without video surveillance cameras, thus facilitating sexual relations (Vladu et al., 2021). Both types of visits enable the fulfilment of a basic right of every person: the right to and respect for private and family life, which is protected in various international instruments[1] and, specifically in the prison environment, in the United Nations Standard Minimum Rules for the Treatment of Prisoners (the Nelson Mandela Rules)[2].

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However, Article 8 of the European Convention on Human Rights allows interference with family life for reasons such as public security, the prevention of disorder or crime, and the protection of health, morals, or the rights of others, and these grounds are often invoked to limit or prohibit prison visits. For example, in some countries sexual visits are treated as a discretionary privilege for security reasons, while in others they are recognised as a fundamental right. The more restricted access to visits is, the more exclusionary the penitentiary policy becomes and the greater its negative impact on prisoners' lives.

The aim of this study is to analyse, on a comparative basis, whether family and intimate visits are a right, a privilege or a reward, how often they take place, and the conditions under which they are carried out. It is based on the premise that the refusal to grant or facilitate this type of visit is a defining feature of the social exclusion generated by criminal policy in the prison environment, as theoretically proposed by Díez-Ripollés (2011; 2013; 2017) and Díez-Ripollés & García-España (2019) consistent with the existing literature on the subject (Nilsson, 2003; Drake, 2011; Jewkes et al., 2016; McDonald, 2018; Auty & Liebling, 2020). Díez-Ripollés argues that over the past two decades, imprisonment has increasingly shifted towards social segregation and the incapacitation of offenders, while emphasising its retributive and deterrent functions. This trend helps explain the overrepresentation of socially disadvantaged groups (such as ethnic minorities, the poor, and irregular migrants) who are managed as if they were social waste. It is also reflected in the weakening of rehabilitative measures, harsher prison conditions, stricter access to parole and appeals, the expansion of private prisons, the normalization of high-security facilities, overcrowding, and other restrictive practices. According to Díez-Ripollés (2017, 16–17), these policies intentionally worsen prisoners' material and institutional conditions, limiting their rights and deepening the punitive and exclusionary character of imprisonment. Under this theoretical umbrella of social exclusion, lack of access—or infrequent access—to family and intimate visits is considered an indicator of social exclusion in the field of prison policy.

2. Implications of prison visits

Deprivation of liberty isolates prisoners from their social environment, which inevitably affects their health and well-being. If we understand health as a holistic state that encompasses physical, mental and emotional dimensions, and not merely the absence of disease (WHO, 1948)[3], maintaining social ties is essential for personal balance. Well-being, conceived as a subjective state of satisfaction and emotional stability that includes psychological and social aspects, depends largely on meaningful relationships. In this vein, Gómez-Zapiain (2013) emphasises that communication and interpersonal bonds are essential sources of health and well-being.

Scientific evidence highlights the positive impact of visits on prisoners' well-being: improving their coping mechanisms, strengthening relationships and reducing depressive symptoms (De Claire & Dixon, 2017). These effects are explained by the emotional support they generate, fostering a sense of belonging and reducing social isolation. In the case of women prisoners, social support is directly linked to resilience, hope and planning for life after release, promoting emotional stability and reintegration (Arenas-García & Durán-Durán, 2018).

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The importance of visits is accentuated in the case of sexual or intimate visits, due to their impact on the psychological, emotional and sexual health of the prisoner, as well as on the stability of the couple. The systematic review by Vladu et al. (2021) concludes that access to intimate relationships in prison is associated with lower levels of loneliness and greater sexual satisfaction, contributing to psychological well-being. In addition, conjugal visits strengthen family cohesion and couple bonds, promoting reintegration after release. Similarly, studies in US states show that inmates who participate in conjugal visit programmes perceive greater family stability than those who do not have access to them (Hensley et al., 2000; 2002). Conversely, the lack of intimate relationships negatively affects prisoners' romantic relationships (Comfort, 2005). Laurito Paro & Medina (2022) highlighted that legal and bureaucratic barriers to accessing intimate visits in women's prisons weakened marital bonds while generating feelings of injustice and discrimination, which negatively affected inmates' behaviour and emotional well-being.

Visits also have implications for social reintegration and recidivism. Maintaining emotional ties improves family and social relationships, providing greater guarantees and opportunities for a prosocial life (Duwe & Clark, 2013). However, this evidence is not incompatible with the findings of some authors, such as an increase in certain types of offences (such as smuggling) immediately after visits (Siennick et al., 2013; Berghuis, 2022), which highlights the complexity of the subject under study. Family and intimate visits can reduce recidivism rates (Duwe & Clark, 2013), although their success rate depends on a number of variables, namely: the type of visitor, the frequency and duration of visits, and the subject's criminal history (Duwe & Clark, 2013; Dixey & Woodall, 2012; Turanovic & Tasca, 2019). Visits have a greater impact if they are frequent (Siennick et al., 2013; Berghuis, 2022), if they occur near the end of the sentence (Mears & Bales, 2008), and if they are from significant individuals or those with strong ties (Dixey & Woodall, 2012; Turanovic & Tasca, 2019), such as siblings, parents, in-laws, and clergy (Duwe & Clark, 2013). The distance between the prison and the prisoner's home also matters. Otsu (2024) estimates that one additional visit per month reduces the probability of re-incarceration during the first year after release by 8 percentage points, in addition to increasing the probability of employment, reducing the time to find the first job, and improving compliance with probation. Nemschoff (2025) shows that a greater distance between prison and home significantly reduces visits and increases recidivism. His estimates indicate that one additional monthly visit reduces recidivism—especially in the first year after release—, improves behaviour in prison, and promotes reintegration, particularly by increasing the chances of having housing at the end of the sentence.

Another relevant issue is the impact of visits on violence within prisons, an aspect that directly affects security and is often used to restrict intimate visits. Although the available evidence is limited, studies suggest that family and intimate visits tend to have positive effects on inmates' behaviour, although there is little specific data on their influence on violent behaviour (Vladu et al., 2021). Studies that have addressed this issue offer mixed results. On the one hand, Hensley et al. (2002) found no significant relationship between participation in conjugal visitation programmes and a reduction in threats or incidents of violence in prison, noting that inmates who had committed serious crimes were more prone to violence

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against other inmates. Siennick et al. (2013) found that the probability of an offence decreased in the weeks prior to the visit (anticipation effect), but increased sharply in the week after the visit (separation effect) before gradually returning to average levels. On the other hand, other studies found that family visits reduced rule violations and negative incidents (De Claire & Dixon, 2017; Reidy & Sorensen, 2020) and increased the likelihood of successfully completing parole (Otsu, 2024). In line with the above, Vladu et al. (2021) found that the availability of conjugal visits could have positive effects in reducing incidents of aggression and stabilising behaviour. In fact, some studies cited by them indicate a correlation between conjugal visits and a decrease in sexual assaults within prisons.

A study in the United States found a significant reduction in sexual assaults in prisons that allow intimate visits compared to those where they are prohibited (D'Alessio et al., 2013, cited in Vladu et al., 2021). According to these authors, access to conjugal visits channels emotional and sexual needs in a healthy way, reducing frustration and stress and promoting an environment less prone to violence. Along the same lines, Reidy and Sorensen (2020) found fewer serious and violent infractions among prisoners who received visits from family and friends. However, the effects of visitation may vary depending on inmates' characteristics and the broader context in which visits take place.

In short, although some studies suggest that visits, both family and intimate, can contribute to emotional well-being and reduce violent behaviour, scientific evidence on the subject remains limited and highly focused on the American prison context.

3. Methodology

In order to examine, on a comparative basis, whether family and intimate visits are a right, a privilege or a reward for inmates, the frequency with which they occur and the conditions under which they take place, data collected by the RIMES international political-criminal comparison tool (Díez-Ripollés & García-España, 2019) has been used. In particular, data from indicator number 68 is analysed, which reads as follows: "Family and intimate visits take place at intervals of more than one month." This is the practice-type indicator that obtained the highest exclusion coefficient in the prison system dimension (0.81 in Aiken's V) during the instrument validation process, highlighting its high level of political-criminal exclusion. The description of the item considers that, in order to confirm its existence in a country, i.e. to be marked with a yes, it is necessary that family or intimate visits to inmates, or some of them, take place at intervals of more than one month, or that both or one type of such visits do not take place at all. In other words, for the item to be fulfilled, both conditions must be met, or there must be no regulation on either of them. Furthermore, the term "inmates" must be understood in a broad sense (including remand prisoners) and must not refer to virtual encounters, but rather to physical contact. The description also states that intimate visits may be of a sexual nature and may be with persons with whom there may or may not have been a previous relationship. To determine a threshold for confirming the item, a criterion was established whereby visits occurring at intervals longer than one month were considered exclusionary if present in more than 35%[4] of cases.

The method employed consisted mainly of reviewing secondary sources of information, including legislative texts (regulations, codes, and constitutions), as well as scientific papers,

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reports, official websites, and news articles. In cases where these sources proved insufficient, an ad hoc[5] methodology was applied, which may have included consulting primary sources. The data were collected following the standardised RIMES protocol in four US states (California, Florida, New York, and Texas) and nine European countries (Germany, Spain, Finland, France, England and Wales, Italy, Poland, Portugal, and Romania). Once the protocols were completed, the responses were reviewed by international experts from each country and validated between 2020 and 2024. The results here pertain thus to that period.

4. Family and intimate visits: a comparative overview

4.1. European jurisdictions

Germany

In Germany, Article 24 of the Prison Act or *Gesetz über den Vollzug der Freiheitsstrafe und der freiheitsentziehenden Maßregeln der Besserung und Sicherung*, states that: "1) Prisoners shall be allowed to receive visits at regular intervals. The total duration shall be at least one hour per month." In practice, visiting rules differ depending on the location of the prison in Germany, and each correctional facility (*Justizvollzugsanstalt* or JVA) has different rules, i.e. there are differences between the states or *Länder*. As for intimate visits, regulations vary considerably between regions and there are no uniform regulations at the national level. However, in Hamburg they are expressly provided for in prison regulations in the form of extended unsupervised visits, subject to certain requirements, such as having served at least six months of the sentence, not having committed any disciplinary offences and not being considered dangerous. There is no clear frequency for granting such visits, which usually depends on the internal rules of each facility and the availability of suitable spaces. Furthermore, in many German prisons, the lack of adequate facilities and staff limits or prevents access to this type of visit.

Spain

To receive prison visits in Spain is a right. The General Prison Law (Organic Law 1/1979, of September 26), in Article 51.1, establishes that inmates have the right to communicate periodically, either orally or in writing, with their family members, friends, and legal representatives, except when there are restrictions justified for reasons of security, order, or good management of the facility. This right also includes the development of family and emotional life within the limits imposed by the deprivation of liberty. Article 48 of the same regulation protects the right to privacy and contact with the outside world, establishing that the intervention or suspension of communications can only be adopted by a reasoned decision of the competent judicial authority, except in exceptional cases justified by security or order reasons[6], in which the director of the center may do so with immediate notification to the prison surveillance judge.

Article 45 of these regulations requires all establishments to have adequate facilities for these visits and gives the Management Board of each prison the power to set specific schedules and organizational rules. It also prohibits visitors from bringing unauthorized objects during visits (Art. 45.3) and establishes, as a general rule, that inmates must be able

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to receive visits. Article 45.4 establishes that, upon request by the inmate, at least one intimate visit per month shall be granted, lasting no more than three hours and no less than one hour, unless reasons of order or security at the facility prevent this. Family visits take place at least once a month (between 1 and 3 hours) and family bonding visit once a quarter, up to 6 hours.

These findings indicate that Spanish regulations on visits are particularly generous and experts consulted point out that the frequency provided for in the regulations is generally respected. They emphasize that this is a priority issue for inmates and that any restriction or alteration in the usual frequency would immediately lead to a formal complaint. In this regard, the prison surveillance judge interviewed points out that he does not receive any complaints related to the denial or limitation of these visits, which is an indirect indicator that they are being granted appropriately. The director of the Alhaurín de la Torre Prison (Málaga) adds that some inmates even request two intimate visits per month, and that these are usually granted without difficulty, which demonstrates the flexibility and correct application of the visiting regime. It can be stated that the item does not occur in the Spanish prison context, a conclusion consistent with the previous assessment of this item in 2018.

Finland

There are two types of visits in prison: supervised visit (in a large room with prison officers) and unsupervised visit (also known as family visit or child-friendly visit). A prisoner may be granted permission for an unsupervised visit by a close relative or other close person or, if there is reason for it, also by some other person important to the prisoner, if this is justified for the prisoner to be able to maintain outside contacts or for another corresponding reason.

A prerequisite for granting permission for an unsupervised visit is that the visit does not pose a risk to prison order, prison safety and security, or the safety of the prisoner or some other person, and that it does not disturb the operations of the prison (Section 4. 393/2015). The prison rules of each prison contain more detailed information about the visiting hours and the conditions of visits as well as the procedures for reserving a visit. In addition, the prisons rules include the prerequisites for unsupervised visits and the control of abstinence from substances which is a condition of a visit. The decision on family visits is made by an official in charge of activities or security or a senior official with superior duties. A family visit can last from two to six hours. Prisons have separate homelike family visit rooms where it is possible to make coffee and have small snacks. The rooms are equipped with toys for children, a bed and washing facilities. Some open prisons have separate facilities for unsupervised visits. If the inmates are in a prison, where there are no facilities for family visits, they may be granted prison leave for an important reason related to their family at most once a month if they fulfil the prerequisites of prison leave (source: Prison and Probation Service of Finland). The practices related to unsupervised visits vary between prisons. Considering that each prison has specific rules for unsupervised visits (hours and frequency allowed), it has been collected information of the Prison and Probation Service of Finland which oversees eleven regional Prison and Probation Centers, which consist of 28 prisons. By reviewing the regulations of each of these prisons, we can see that most prison regulations offer extended visiting hours and have specific and adequate facilities. Considering that these are very precise rules, it seems that visits occur with some regularity.

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To assess this issue in practice, relevant empirical studies and scientific reports were reviewed (Jacobson & Fair, 2016; FRA, 2018; Hale, 2020; Villman, 2021). Although the available empirical evidence is limited, the existing literature indicates that visits do take place in practice and occur on a regular basis. This finding is consistent with the detailed regulatory framework governing prison visits.

France

French prison legislation clearly distinguishes between two types of visits: those under direct supervision and those without. The former, which are the most common, take place in *parloirs* (visiting rooms) with or without separation screens, depending on security and order needs. These visits are relatively frequent: once a week for convicted prisoners and three times a week for pretrial detainees. Ordinary visiting rooms are located either in common areas with tables and partitions or in individual closed booths often poorly soundproofed and equipped with glass doors. The duration and schedule of visits are determined by each prison's internal regulations. In *maisons d'arrêt* (pretrial detention centers), visits usually last 30–45 minutes, while in prisons for sentenced individuals the minimum duration is one hour. Authorized visitors include family members or other approved individuals (OIP, n.d.).

Unsupervised visits are divided into two types: UVF and family visiting rooms. In UVFs detainees can spend up to 72 hours with their visitors, while family visiting rooms have a maximum duration of 6 hours. The latter are small studios (12–15 m^2) with basic furnishings designed to preserve privacy, whereas UVFs are larger apartments with two to three rooms (50–60 m^2) (Ministère de la Justice, 2018).

Both types of visits are reserved for family members or close friends and require a pre-existing relationship with the inmate. The lack of supervision allows greater privacy, including sexual relations, which are permitted in these settings but prohibited in ordinary visiting rooms and may lead to disciplinary sanctions (Bastuck, 2015; OIP, 2016). Article L341-8 guarantees prisoners the right to one unsupervised visit every three months.

Ordinary supervised visits are legally permitted more frequently than once a month and may involve family members or any person chosen by the prisoner. Although official statistics do not systematically track their frequency, the study "Visiter un proche: la place centrale des femmes dans le maintien des liens familiaux en détention" (El Atifi & Le Mer, 2022), based on GENESIS administrative data on visit appointments (2016–2017) and the "Fichier National des Détenus (FND)", shows that visits are regularly maintained in practice, particularly by mothers and spouses, who average more than one visit per month. However, disparities persist, as other relatives visit less frequently due to economic, logistical and administrative barriers, including delays in obtaining permits and *parloirs fantômes*. Overall, while the legal framework allows frequent visits, their effective use remains socially differentiated.

The creation of UVFs in France was first announced in 1997 (Le Monde, 1997), and they were formally generalized by the 2009 prison law. Despite gradual expansion, they remain limited in scope. According to the Ministry of Justice, in 2017 UVFs were available in 24.3% of prisons and family visiting rooms in 14.6% of facilities; by 2019 these figures had risen modestly to 27.9% and 17.7%, respectively (Ministère de la Justice, 2020). However, the

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occupancy rate of UVFs declined between 2014 and 2017 before slightly recovering in 2018. As Catelan and Siffrein-Blanc (2015) note, access to intimate visits ultimately depends on the availability of appropriate facilities, meaning that the statutory right to a quarterly visit is contingent upon existing infrastructure. In practice, the frequency of unsupervised visits varies considerably between establishments due to the limited number of facilities. In some prisons, the minimum quarterly entitlement is not upheld, whereas in certain *maisons centrales* UVFs may be available more frequently. Overall, access to unsupervised visits remains uneven and widely regarded as insufficient (OIP, 2016).

England and Wales

In England and Wales, contact between prisoners and family or friends is restricted and mediated by the prison, and visits are limited to individuals included on the inmate's approved visitor list. Under Rule 35(2) of the Prison Rules 1999, a convicted prisoner is entitled to two visits every four weeks, or only one if so directed by the Secretary of State. Any additional visits depend on the specific institution and the prisoner's Incentives and Earned Privileges (IEP) status.

Until September 2017, additional family visits were regulated under the Incentives and Earned Privileges (IEP) system, established by Prison Service Instruction 30/2013. Introduced in 1995, the system allowed prisoners to obtain additional privileges, including family visits, based on behaviour and participation in work or constructive activities. Prisoners were classified into three levels: basic (fewer privileges), standard (for compliant behaviour), and enhanced (for those demonstrating sustained engagement in rehabilitation).

Although prison visits in England and Wales are protected under Article 8 of the European Convention on Human Rights and subject to the principle of proportionality, their practical implementation depends heavily on prisoners' behaviour and prison officials' assessments under the IEP scheme. Hutton's (2017) study of two UK prisons revealed significant disparities in the number of visits received according to IEP status and between institutions. Moreover, while the Assisted Prison Visits Scheme (APVS) provides financial support for up to two visits per month (26 per year), limited resources may still restrict access, meaning that economically disadvantaged prisoners may receive fewer visits than their formal entitlement allows.

Reliable data on the actual frequency of family visits in UK prisons remain scarce. As McCarthy and Adams (2017) note, "scarce demographic information exists about prisoner–family circumstances, with even less about the numbers of visits received over the course of a sentence." Their research indicates that most prisoners receive two visits per month of at least one hour each, although the IEP scheme allows visits to be increased or reduced depending on behaviour. While visitation reductions do not apply to women in England and Wales (Prison Service Order 4800, 2008), and in Scotland IEP is no longer linked to visit restrictions, the lack of systematic data makes it difficult to determine the actual frequency in practice.

In the United Kingdom, conjugal or intimate visits of a sexual nature are prohibited on grounds of security and the maintenance of good order. Under Prison Service Instruction 16/2011 (section 3.9), social visits must take place within sight and hearing of staff,

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permitting only limited physical contact, such as an embrace at the beginning and end of the visit, which effectively precludes intimate contact. The European Court of Human Rights has addressed related issues, finding in Dickson v. the United Kingdom (Grand Chamber, 4 December 2007) that restrictions on access to artificial insemination engaged Article 8 of the Convention concerning the right to private and family life.

Italy

For family visits, the law establishes different visiting regimes depending on the security level to which the prisoner is assigned. If the security level is medium, they can receive up to six one-hour visits per month; if it is high, up to four one-hour visits per month; and if they are prisoners subject to the "special detention regime" (Art. 41 bis), i.e. members of the mafia and terrorists, they can only receive one non-contact visit per month. The only empirical information on this subject is found in the CPT reports (2017; 2020), whose observations confirm that this legal supervision is complied with in practice. As for intimate visits, they are not permitted for reasons of security and order (Talini 2018; 2020).

Poland

Under Polish law, inmates are generally entitled to receive family visits, except those in solitary confinement for serious misconduct (subject to the prison director's consent) and pretrial detainees (subject to judicial authorization). Visits are primarily reserved for family members, while non-relatives require approval from the prison director. The number and conditions of visits depend on the penitentiary regime but always occur at intervals of less than one month: prisoners in high-security facilities are entitled to two supervised visits per month; those in semi-open prisons to three supervised visits per month; and those in open prisons to an unlimited number of visits, subject to supervision but without monitoring of conversations. Also, prisoners who are holding a permanent custody of their children can have an additional visit with them. There are special rooms or playgrounds for prisoners and their families.

To assess the practical implementation of family visit rules in Poland, institutional reports and complaints were reviewed. Concerns have been raised regarding inadequate visiting spaces that offer minimal privacy, typically consisting of large, noisy rooms shared by multiple families (Kładoczny & Wiśniewska, 2018). Additional issues include difficulties in visiting relatives held in different prison units or facilities (CPT, 2014; 2018; Prison Insider, 2019), as well as long waiting times due to the absence of an effective booking system, repeatedly criticised by the CPT (2014; 2018). The CPT has also recommended increasing visiting entitlements to ensure at least one hour of visiting time per week for all inmates. However, despite these shortcomings and complaints, there is no evidence that the legally established frequency of family visits is systematically disregarded in practice.

Under Polish law, intimate visits are not a general right but may be granted as a reward under Article 138(1–3) of the Penal Executive Code, allowing additional or unsupervised visits in private compartments, widely understood to include conjugal visits. The Code requires prior authorization from the prison director but does not establish clear eligibility criteria. In practice, access is constrained by infrastructural limitations: the CPT (2014) noted that not all prisons have facilities for unsupervised visits, preventing some prisoners from

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benefiting from this measure. Reports also indicate significant waiting times, averaging around two months according to the Deputy Director of Włocławek Prison (2009), and two to three months according to a prisoner's wife in 2015. Although the Prison Service Modernization Programme 2017–2020 appears to have improved availability, and a prison spokesperson in 2020 stated that intimate visits may occur two to three times per month, access remains discretionary, infrastructure-dependent, and restricted in practice, particularly to legally recognized spouses.

Portugal

In Portugal, personal visits (*visitas pessoais*) consist of regular non-intimate visits from family members, friends, or other close persons. Each inmate is entitled to two visits per week, lasting up to one hour each, preferably on weekends, with the possibility of combining both visits into a single two-hour session upon prior request. Up to three visitors may attend each visit, excluding children under three years of age. A specific modality within this category is the extended family visit (*visita familiar ampliada*). After six months of incarceration, inmates may request these visits for special occasions involving family members or other significant persons. Subject to prior authorization and security considerations, they may include up to six visitors and last up to two hours, taking place in designated and equipped areas intended to facilitate meaningful interaction.

Intimate visits (*visitas íntimas*) are available to inmates who have not received temporary leave in the previous six months and who meet specific legal conditions upon entry into prison (Article 120 of the General Regulation of Prison Establishments). Eligible inmates must be married or maintain a stable, marriage-equivalent relationship formally registered in their file, with at least one year of regular visits or correspondence if the relationship began during incarceration. Both parties must be at least 18 years old, unless legally married. Intimate visits require authorization by the prison director, who verifies eligibility and assesses the inmate's conduct. One visit per month is permitted, up to a maximum of 12 per year, with each visit lasting no more than three hours. The scheduling and possible adjustments—particularly when the visitor resides outside Portugal—are determined by the prison administration.

In practice, it is difficult to assess due to the lack of official statistics on the number and frequency of visits granted by type. In the list of prison facilities published by the prison administration, it is evident that all prisons have a published visiting schedule. Each facility specifies the days and times for visits, confirming that personal or standard visits (visitas pessoais) do take place[7]. Available secondary sources indicate that intimate visits are implemented in practice in Portugal, although unevenly. While infrastructure expanded from 36.7% of prisons in 2018 to around 50% in 2022 (Observador, 2018; 2022), access remains structurally limited. In 2019, inmates received an average of five intimate visits per year—well below the 12 visits legally contemplated—showing that, although the system operates in practice (Observador, 2018; Sol, 2019), the full statutory entitlement is not effectively realized.

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Romania

Romanian prison law provides for several types of visits, including contact visits, conjugal or intimate visits, non-contact visits, video visits, and special visits, with frequency depending on the detention regime (Law No. 254/2013; Government Decision No. 157/2016). Prisoners are entitled to regular contact visits, while intimate visits are granted to married inmates or those in stable relationships, ranging from once every three months in maximum-security, closed, or pretrial regimes to once every two months in semi-open and open regimes, each lasting three hours. Inmates who marry while incarcerated may receive a 48-hour private visit. All visits must be prearranged and approved by prison authorities and are subject to identification checks and security controls, reflecting a structured system that balances family contact with institutional security requirements. Pursuant to Government Decision No. 157/2016 (Article 142), the number of visits to which prisoners are entitled varies according to their detention regime and may exceed one visit per month. Inmates in more restrictive regimes, such as maximum security, are entitled to three visits per month. Those in closed or semi-open regimes may receive five visits per month, while prisoners in open regimes are entitled to six monthly visits. In certain special circumstances, such as pregnancy or when caring for infants, inmates may receive up to eight visits per month.

According to the Administrația Națională a Penitenciarelor (ANP, 2023, p. 20) and statements by its director, Dan Halchin, during the presentation of Romania's third periodic report under Article 19 of the Convention against Torture[8], family visits are considered an important element of prison policy. Family visits appear to occur regularly and at intervals of less than one month. Intimate visits, however, are more restricted and divided into two categories: short 3-hour conjugal visits and extended 48-hour conjugal visits. Since the legislation indicates that 3-hour conjugal visits occur at intervals longer than one month, our analysis focuses specifically on the 48-hour visits. If we consider the number of 48-hour visits recorded in 2022 and 2023, we find a total of 664 visits (an average of 332 per year). When compared to the total number of intimate visits (3-hour and 48-hour combined) in the same period (an average of 10,807 per year), these 48-hour visits represent only 3.07% of all intimate visits. In a separate estimation, if we focus solely on the year 2023 and compare the 325 recorded 48-hour visits with the total prison population that year (23,500 inmates), we observe that only 1.38% of the prison population accessed this type of extended visit. Although Romanian law provides relatively generous entitlements to family visits and includes a 48-hour intimate visit for newlyweds, intimate visits remain highly restricted in practice. While both family and intimate visits do take place, available data suggest that most inmates do not receive intimate visits on a regular basis.

4.2. United States (Selected States)

In the US states of California, Florida, New York, and Texas, family visits are considered a privilege. In California, visits defined as family visits by the regulations would be considered "contact and non-contact visits". Visits that are usually considered "intimate" are in practice family visits. These are regulated in Title 15 § 3170.1 of the California Code of Regulations and allow prisoners to share space with up to five visitors and have limited physical contact with them (kissing and/or hugging at the beginning and end of the visit and holding hands

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during the visit). They occur on visiting days (Saturdays, Sundays, and four public holidays each year) with a maximum of 12 hours per week (California Code of Regulations, Title 15 § 3172.2). It should be noted that only inmates assigned to a work incentive and/or qualifying training group may enjoy these visits, which are also restricted to visitors previously approved by the prison. These are generally immediate family members of the prisoner, such as parents, children, siblings, spouses or civil partners. Prisoners classified in "Privilege Group A" have no specific limit on these visits beyond the resources of the institution and security policy. However, prisoners in "Privilege Group B" may have one family visit every six months, and those classified in "Other Privilege Groups" are not entitled to family visits.

In Florida, family visits are conducted under strict supervision. They are restricted to visitors approved under Rule 33-601.718, who must complete a form and pass a criminal background check. Visits are scheduled on weekends between 9:00 a.m. and 3:00 p.m., with restrictions on physical affection, allowing only a brief hug and kiss at the beginning and end of the visit, as well as holding hands (but in full view of the guard).

In New York, family visits take place under the Family Reunion Programme (FRP), with prisoners having to meet certain conduct and prison time requirements to be eligible, as well as having maintained a recent and consistent pattern of visits, with at least three visits in the last year. In New York, as in California, family visits are in practice intimate visits, also known as 'overnight visits'. They are enshrined in Article 220, Chapter IV, Title VII of the Official compilation of codes, rules and regulations of the New York State and in Directive DIR 4500 DTD. 4/2/2011 of the Corrections and Community Supervision Department of New York State. Although its existence is anticipated and it takes place in a private environment similar to the home (flats, caravans or modular units), what is exclusionary is that in order to apply for the programme, prisoners must meet certain requirements related to the length of time spent in prison and their conduct record, which in practice means that it takes up to five weeks for the decision on whether to grant it to be communicated.

Finally, in Texas, in order for prisoners to have physical contact during family visits, they must request so-called "contact visits", which take place twice a week in designated areas inside or outside the main building with immediate family members. Physical contact is limited to brief hugs and kisses, only at the beginning and end of the visit, although holding hands is permitted under the supervision of staff.

As for intimate visits, in California they take place in private facilities or apartments, last between 30 and 40 hours, and are restricted to immediate family members of the prisoner, such as parents, children, siblings, legal spouses, or registered civil partners. Considered a privilege (California Code of Regulations, Title 15 § 3177b), they are usually reserved for prisoners who participate in prison work and vocational training programmes and, in practice, are granted approximately every three to five months. In New York, intimate visits are permitted as a privilege, but they are rare due to approval times and the availability of suitable facilities. However, in Florida and Texas, intimate visits of a sexual nature are not permitted, and physical contact is restricted to a brief hug or kiss under supervision.

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4.3. Cross-jurisdictional comparison

As can be seen in the table below, family visits are a right for prisoners in all European countries, but not in the United States. Furthermore, the frequency of granting is less than one month. The reasons for denying and ineligibility for family visits in US states are diverse: the inmate does not meet the requirements for granting visits, the family member has a criminal record; there is an emergency situation or concerns about order and security in the unit; the prisoner is under disciplinary restriction for a breach of conduct; they are in preventive detention; they have been sentenced to death or are serving a life sentence; and, due to the nature of the crime committed, those convicted of sexual offences. In the other countries analysed, the reasons for not granting visits are mainly related to security and order in the prison, prisoner behaviour and, in particular in the case of Poland, logistical and space issues.

Intimate visits are much more restricted and are only granted on a monthly basis in Spain and Finland. Maintaining order and security, as well as a lack of sufficient infrastructure, are the main reasons for not granting or carrying out these visits. For these reasons the item is met in the majority of countries.

Table 1

Family and intimate visits: legal status, frequency, and compliance with Item 68 across countries and states.

Country	Family visits		Intimate visits		Item 68
	Are they allowed?	Frequency < 1 month	Are they allowed?	Frequency < 1 month	Is the item met?
Germany	YES (R)	YES	YES (R)	NO	YES
Spain	YES (R)	YES	YES (R)	YES	NO
Finland	YES (R)	YES	YES (R)	YES	NO
France	YES (R)	YES	YES (R)	NO	YES
England and Wales	YES (R)	YES	NO	-	YES
Italy	YES (R)	YES	NO	-	YES
Poland	YES (R)	YES	YES (P)	NO	YES
Portugal	YES (R)	YES	YES (R)	NO	YES
Romania	YES (R)	YES	YES (R)	NO	YES
California	YES (P)	YES	YES (P)	NO	YES
Florida	YES (P)	YES	NO	-	YES
New York	YES (P)	YES	YES (P)	NO	YES
Texas	YES (P)	YES	NO	-	YES

Right (R); Privilege (P).

5. Conclusions

Family visits are a basic right in most of the prison systems analysed and are granted on a regular basis. However, intimate visits are subject to greater restrictions or are outright prohibited, which is why indicator 68 is met in most countries or states. Intimate visits are sometimes considered a privilege or occasional reward, with limited physical contact and very few in number. The results obtained reveal a clear criminal policy trend of exclusion that is

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particularly noticeable in North American states (see as well: García-España & Cerezo-Domínguez, 2023). Although this item is not met in Spain or Finland, the latter being one of the countries with the lowest levels of social exclusion (García-España & Cerezo-Domínguez, 2023), more complex explanations must be sought to understand why it occurs in many other countries. This restrictive policy appears to be driven by concerns about order and security in prisons. However, although the available evidence is limited, some studies suggest that conjugal visits may be associated with reductions in sexual violence and, more tentatively, with fewer negative behavioural incidents in prison (D'Alessio et al., 2013; Vladu et al., 2021). In this regard, banning them for reasons of order and safety does not seem to have sufficient scientific backing. Furthermore, it has been observed that sexual visits have more benefits than harms, as they reduce perceived stress, improve sexual satisfaction, enable motherhood or fatherhood, and strengthen emotional bonds, all of which are key aspects for well-being, resocialisation, but also for conflict prevention (Vladu et al., 2021; Subercaseaux Roa, 2019). The same is true of family visits, which benefit psychological well-being, promote resilience and reduce the likelihood of recidivism, as family and social ties provide emotional support and help prisoners cope with the conditions of imprisonment (De Claire & Dixon, 2017; Arenas-García & Durán-Durán, 2018). In this regard, a prison policy aimed at restriction will not only have negative effects on prisoners' well-being but will also contribute to their exclusion insofar as it undermines their chances of reintegration. That being the case, an inclusive prison criminal policy should be more permissive and aimed at overcoming many of the obstacles faced by visitors.

Firstly, it must be ensured that prisons can effectively fulfil their rehabilitative function; in this regard, visits should be understood as a right rather than as a reward, privilege or conditional benefit (Subercaseaux Roa, 2019). The right to family and intimate visits in prison is essential for the dignity and resocialisation of prisoners, as recognised by the Mandela Rules and Article 8 of the European Convention on Human Rights (ECHR), which protect private and family life. Treating visits as a basic right, rather than a privilege, reinforces the commitment to the individual's social reintegration. In contrast, restrictive policies that limit access not only violate these principles but also exacerbate social exclusion. Secondly, they must be carried out in a safe and well-regulated environment. A qualitative study by Toepell and Greaves (2001), as reported in subsequent reviews, suggests that some partners may experience elements of coercion or discomfort during private family visits. At the same time, Comfort (2002) shows how the institutional context of prisons reshapes intimate relationships, sometimes extending processes of institutionalisation beyond the prisoner to their partner. In this regard, it is important to provide suitable spaces that ensure privacy and dignity during the meeting. Thirdly, facilitate more frequent and accessible visits (including video calls) by extending visiting hours and removing bureaucratic barriers with excessive requirements for visitor authorisation and access (Casey et al., 2021; De Claire & Dixon, 2017). Fourthly, reduce the distance between the centre and visitors as much as possible, avoiding transfers to centres far from home, providing frequent transport, extending visiting hours for visitors who live far away, or enabling cohabitation (along these lines: Otsu (2024) and Nemschoff (2025)). Fifthly, proposing measures that help overcome economic constraints, such as transport subsidies or free transport.

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In short, developing a prison policy that ensures family and intimate visits as a right rather than a privilege contributes to the well-being and reintegration of inmates. These visits strengthen emotional bonds, reduce recidivism, and improve the prison environment, reducing violent behaviour. Furthermore, they must be regular and carried out in conditions that do not damage the mental health of prisoners, in order to make prisons more humane and inclusive places.

Notes

[1] See: Article 8 of the European Convention on Human Rights (ECHR); Article 12 of the Universal Declaration of Human Rights (UDHR); Article 17 of the International Covenant on Civil and Political Rights (ICCPR); and Article 18 of the African Charter on Human and Peoples' Rights.

[2] Rule 58 refers directly to relations with the outside world, and Rule 106 provides for measures to ensure that women are able to maintain contact with their families through regular and adequate visits, with special attention to visits from their children. These rules emphasise the importance of protecting the private and family life of individuals, even when they are deprived of their liberty. See: https://www.unodc.org/documents/justice-and-prison-reform/Nelson_Mandela_Rules-E-ebook.pdf

[3] Included in the Constitution of the World Health Organisation: https://www.who.int/es/about/governance/constitution

[4] The calculation was to be made only for inmates who had requested visits, excluding those who showed no interest in receiving them. The time interval between one visit and the next for each inmate was also taken into account.

[5] In Germany, although legislation guaranteed regular visits, it was necessary to refer to secondary documents, news reports and academic literature to ascertain their practical application, revealing regional variations without altering the monthly nature of the ordinary regime. In Spain, in the absence of public statistics, interviews were conducted with prison officials from 12 centres, selected using intentional sampling and snowball sampling techniques. In Poland, expert consultation was combined with the analysis of reports from NGOs and international institutions, as well as complaints and press reports. In Texas, after reviewing the regulations and conducting systematic searches without relevant results, expert consultation confirmed the absence of published statistical data on contact visits.

[6] The right to receive visits may be modulated by other legal regulations, such as the Civil Code or the Law on Legal Protection of Minors, in cases where there are indications of violence or serious crimes, especially when minors or victims are involved. In such cases, the judicial authority may restrict or suspend the ordinary visiting regime in the best interests of the minor or the protection of the victim.

[7] See: Direção-Geral de Reinserção e Serviços Prisionais: https://dgrsp.justica.gov.pt

[8] See: https://www.ungeneva.org/en/news-media/meeting-summary/2023/07/examen-de-la-roumanie-du-comite-contre-la-torture-des-experts

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